

United States District Court
for the
Southern District of Florida

Bell Northern Research, LLC,)	
Plaintiff,)	
)	
v.)	Civil Action No. 22-22706-Civ-Scola
)	
HMD America, Inc., and others,)	
Defendants.)	

Order Granting Partial Stay

This matter is before the Court on the motion to stay proceedings as to Defendant Unisoc Technologies Co. Ltd. (“Unisoc”)¹. (Mot. to Stay, ECF No. 115.) Unisoc seeks a stay of discovery and other proceedings against it in this matter while the Court considers Unisoc’s motion to dismiss for lack of personal jurisdiction. (Mot. to Dismiss, ECF No. 91.) Plaintiff Bell Northern Research, LLC has not responded in opposition to the motion to stay, and the time to do so has passed. Accordingly, the Court **grants** Unisoc’s motion to stay. (**ECF No. 115.**)

Because the Plaintiff has not responded to the motion to stay, the Court may treat the motion as unopposed and grant the motion by default. *See* Local Rule 7.1(c) (“each party opposing a motion shall file and serve an opposing memorandum of law no later than fourteen (14) days after service of the motion. Failure to do so may be deemed sufficient cause for granting the motion by default.”); *see also, e.g., Bradshaw v. Integon Nat’l Ins. Co.*, No. 19-24806-CIV, 2019 WL 6716364, at *1 n.1 (S.D. Fla. Dec. 10, 2019) (Scola, J.) (“Bradshaw’s failure to respond to the complaint constitutes an independent basis to dismiss the complaint.”).

Additionally, the Court observes that Unisoc’s motion to dismiss meets the requirements of Federal Rule of Procedure 26(c). “To stay discovery under Rule 26(c) due to a pending dispositive motion, ‘good cause and reasonableness’ must exist.” *United States v. Med-Care Diabetic & Med. Supplies, Inc.*, No. 10-81634-CIV, 2014 WL 12284078, at *1 (S.D. Fla. June 17, 2014) (Ryskamp, J.) (citing *McCabe v. Foley*, 233 F.R.D. 683, 685 (M.D. Fla. 2006)). This determination requires “the Court to take a ‘preliminary peek’ at the merits of the motion to dismiss to see if it appears to be clearly meritorious and truly case dispositive.” *Id.* When a motion to dismiss will likely dispose of a case, courts may grant a motion to stay discovery pending resolution of the motion to dismiss. *See, e.g.,*

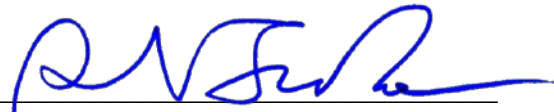
¹ The Court has already dismissed the Plaintiff’s claims against Defendants Hon Hai Precision Industry Co., Ltd. and Spreadtrum Communications USA, Inc., which had joined in the motion to stay.

Tradex Glob. Master Fund SPC Ltd. v. Palm Beach Cap. Mgmt., LLC, No. 09-21622-CIV, 2009 WL 10664410, at *1 (S.D. Fla. Nov. 24, 2009) (Moreno, J.) (“While the Court has not yet ruled on the motions to dismiss, a cursory review of those motions suggests that a short stay of discovery is appropriate. The venue issue is a threshold legal issue that is case-dispositive. It is appropriate to stay discovery pending resolution of a motion to dismiss where such an issue is raised.”).

Here, Unisoc’s motion to dismiss raises a threshold legal issue: the motion asserts that the Court lacks personal jurisdiction over Unisoc. (Mot. to Dismiss at 1.) Unisoc also supports this motion with a jurisdictional declaration. (Decl. of Z. Zhang, ECF No. 91-1.) Upon a cursory review (without resolving the motion to dismiss), the motion appears to be at least meritorious and case dispositive. A short stay of discovery is therefore appropriate here. *Tradex*, 2009 WL 10664410, at *1.

For the reasons stated above, the Court **grants** Defendant Unisoc’s motion to stay. (**ECF No. 115.**) The Court **stays** all proceedings against Defendant Unisoc until the Court resolves Unisoc’s motion to dismiss. (ECF No. 91.) This case will otherwise remain **open** because the Plaintiff continues to assert claims against the other Defendants.

Done and ordered in Miami, Florida, on February 8, 2023.



Robert N. Scola, Jr.
United States District Judge