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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Richard Barrett Eiselman,
Plaintiff,
vs.
GEICO General Insurance Company, a
Maryland Corporation,
Defendant.

No. 09-1801-PHX-GMS

ORDER

Pending before the Court is Defendant’s Motion To Bifurcate Plaintiff’s Breach of Contract Claim From All Remaining Claims (Dkt. # 15). For the reasons briefly set forth below, the Court denies the motion without prejudice to either party reasserting a request at the final pretrial conference to bifurcate the trial of these claims.

Federal Rules of Civil Procedure 42(b) authorizes the Court, in its discretion, to order a separate trial on one or more of the Plaintiff’s claims if it determines that such separate trials would be convenient, expeditious, economical or avoid prejudice. Defendant seeks to use this rule to obtain a stay of discovery on Plaintiff’s bad faith claims pending resolution of Plaintiff’s breach of contract claims. Defendant asserts that such a stay is merited because none of Plaintiff’s claims can survive the resolution of his breach of contract claim, and, further, such an order would avoid any prejudice from allowing Plaintiff access to his claim file.

