

1 WO  
2  
3  
4  
5

6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 James Gagan,

10 Plaintiff,

11 v.

12 James A Monroe, et al.,

13 Defendants.  
14

No. CV-13-01113-PHX-RCB

**ORDER**

15 Currently pending before the court is a motion for an extension of time in which to  
16 file an answer filed by defendant James Monroe *pro se* on October 9, 2013, prior to his  
17 retention of counsel. See Mot. (Doc. 18). Also pending is defendant Monroe's motion  
18 for a stay of discovery filed by his attorney on November 11, 2013 (Doc. 29), in which  
19 six of the other defendants expressly join (Doc. 30).

20 Plaintiff Gagan has not responded to either motion, and the time to do so has  
21 passed.<sup>1</sup> More significantly for present purposes, however, is this court's recent granting  
22 of defendant Monroe's "Motion to Transfer; Motion to Suspend Deadlines and Motion  
23 for a Protective Order[.]" See Ord. (Doc. 33).<sup>2</sup> The effect of granting that motion was,  
24

25 <sup>1</sup> LRCiv 7.2(c) gives the opposing party 14 days after service in which to serve and file  
26 any responsive memorandum. Moreover, a party's failure to file and serve the required answering  
memoranda "may be deemed a consent to the . . . granting of the motion[.]" See LRCiv 7.2(i).

27 <sup>2</sup> Defendant Monroe's pending motion for a stay includes a request for judicial notice,  
28 which his prior motion did not. That request does not pertain to the present action, however, but rather to  
the motion to dismiss for lack of subject matter jurisdiction filed in the closely related action, Gagan v.  
Monroe, No. CV-99-01427-PHX-RCB ("Gagan I"). That request does not alter the fact that defendant

1 as defendant Monroe sought, to “suspend[] all deadlines, including the Answer  
2 deadline[];” and to preclude “any and all discovery, including depositions, until such time  
3 as the Motion to Dismiss [in Gagan I] is fully litigated.” See Mot. (Doc. 20) at 1:21-24.  
4 Because defendant Monroe has already received the relief which he is seeking in his  
5 motion for an extension of time to file an answer (Doc. 18) and in his motion for a stay  
6 (Doc. 29), those two motions are moot. Accordingly, the court hereby **ORDERS** that  
7 defendant Monroe’s Motion for Extension of Time to File Answer (Doc. 18) and his  
8 Motion for a Stay (Doc. 29) are **DENIED**.<sup>3</sup>

9 Dated this 9th day of December, 2013.

10  
11 

12 \_\_\_\_\_  
13 Robert C. Broomfield  
14 Senior United States District Judge

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 \_\_\_\_\_  
28 Monroe’s current motion for a stay is moot.

<sup>3</sup> To the extent necessary, the court will address defendant Monroe’s nearly identical motion for a stay filed in Gagan I, in conjunction with his motion to dismiss also filed therein.