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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ROBIN BREWER,

Plaintiff,

v.

SCOTT SALYER,

Defendant.

) 1:06cv1324 AWI DLB

)  
)  
) ORDER GRANTING IN PART  
) PLAINTIFFS’ MOTION TO  
) LIFT THE DISCOVERY STAY  
) (Document 182)

) ORDER SETTING STATUS CONFERENCE

)  
) Date: September 26, 2012  
) Time: 9:00 a.m.  
) Courtroom 9

On May 3, 2012, Plaintiff Robin Brewer, on behalf of himself and all others similarly situated (“Plaintiff”), filed the instant motion to lift the discovery stay imposed on April 19, 2010. The motion was heard on May 25, 2012, before the Honorable Dennis L. Beck, United States Magistrate Judge. Matthew Galin appeared on behalf of Plaintiff. James Mayo appeared on behalf of Defendant Scott Salyer.

**DISCUSSION**

On April 19, 2010, this Court issued an order staying all discovery for six months because of the pending criminal case against Defendant. The Court based its decision primarily on the implication of Defendant’s Fifth Amendment rights. The stay remained in effect beyond the initial six month period because the criminal case was ongoing.

1 On March 23, 2012, Defendant entered into a plea agreement in the criminal case.  
2 Sentencing is currently set for September 5, 2012.

3 The reasons behind the Court's decision to stay all formal discovery are no longer present  
4 in light of the plea agreement. The stay has been in place for over two years and the parties  
5 should now be ready to proceed with certain discovery. "In the absence of substantial prejudice  
6 to the rights of the parties involved, [simultaneous] parallel [civil and criminal] proceedings are  
7 unobjectionable under our jurisprudence." Keating v. Office of Thrift Supervision, 45 F.3d 322,  
8 324 (9th Cir. 1995).

9 However, the stay CONTINUES with respect to Defendant's deposition and written  
10 discovery directed at Defendant.

11 **ORDER**

12 Accordingly, the motion to lift the discovery stay is GRANTED IN PART and DENIED  
13 IN PART.

14 The Court also SETS a Status Conference for September 26, 2012, at 9:00 a.m., in  
15 Courtroom 9. Status reports shall be filed five days prior to the conference.

16  
17 IT IS SO ORDERED.

18 **Dated: May 29, 2012**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE