

1 On February 16, 2016, Plaintiff also filed a second motion to compel, which is pending. (ECF
2 No. 39.)

3 On March 10, 2016, Defendant filed a motion for summary judgment. (ECF No. 41.) Plaintiff's
4 response to that motion is due June 15, 2016, by this Court's order. (ECF No. 46.)

5 Currently before the Court are motions to stay filed by both parties; that is, one filed on March
6 10, 2016 by Defendant, (ECF No. 44.), and one filed on April 19, 2016 by Plaintiff, (ECF No. 50.)
7 Neither party has yet responded to the other party's motion for stay, but the Court does not find any
8 responses necessary at this time, as the parties will not be prejudiced by the consideration of their
9 motions. Local Rule 230(l).

10 **II. Parties' Motions for Stay**

11 Defendant seeks a motion to stay all discovery in this action, pending a ruling on the motion for
12 summary judgment and Defendant's concurrent request that Plaintiff be required to post security as a
13 vexatious litigant. (ECF No. 44-1.) Plaintiff seeks a stay of Defendant's motion for summary
14 judgment, arguing that he requires certain discovery to be provided in order to properly oppose the
15 summary judgment motion, including discovery which is the subject of his pending second motion to
16 compel. (ECF No. 50.)

17 In the meantime, the Court has been informed by the parties that they seek a settlement
18 conference, which has been tentatively scheduled for June 21, 2016. The Court finds the case will
19 benefit from such a conference, and separate orders will issue on that matter. The upcoming settlement
20 conference also impacts the parties' current requests for a stay of these proceedings.

21 A district court "has broad discretion to stay proceedings as an incident to its power to control its
22 own docket." Clinton v. Jones, 520 U.S. 681, 706 (1997) (citing Landis v. North American Co., 299
23 U.S. 248, 254 (1936)). The party seeking the stay bears the burden of establishing the need to stay the
24 action. Clinton, 520 U.S. at 708.

25 In this case, the Court finds a short-term stay of all non-settlement proceedings until June 30,
26 2016 is necessary to allow the parties to focus on the upcoming settlement conference. The parties'
27 time and resources are better spent on the settlement negotiations, rather than causing both the parties
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1 and the Court to expend resources on discovery and motion practice, which may not ultimately be
2 necessary if the matter is resolved through settlement.

3 Following the outcome of the settlement conference in this matter, the Court will issue a
4 scheduling order, if necessary, setting deadlines for briefing on the various pending motions and
5 outstanding discovery matters, and seeking status reports from the parties, as needed.

6 **III. Conclusion and Order**

7 For the reasons stated, it is HEREBY ORDERED as follows:

- 8 1. Defendant's Motion to Stay Discovery (ECF No. 44) is GRANTED;
- 9 2. Plaintiff's Motion to Stay the pending motion for summary judgment (ECF No. 50) is
10 GRANTED; and
- 11 3. All non-settlement related proceedings in this matter are stayed until June 30, 2016.

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13 IT IS SO ORDERED.

14 Dated: April 26, 2016

/s/ Barbara A. McAuliffe
15 UNITED STATES MAGISTRATE JUDGE