

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00867-MSK-KLM

MEDCORP, INC., an Ohio corporation,

Plaintiff,

v.

PINPOINT TECHNOLOGIES, INC., a Delaware corporation, and
ZOLL DATA SYSTEMS, INC., a Delaware corporation,

Defendant(s).

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff **Medcorp's [Unopposed] Motion to Stay Proceeding Pending Mediation** [Docket No. 126; Filed July 20, 2009] (the "Motion"). This is the second Motion filed by the parties to stay the case. The first motion, which was based upon a pending motion for summary judgment, was denied on January 7, 2009 [Docket No. 53]. The present Motion is based upon the parties' desire to avoid unnecessary expenditures of time and money prior to attending a settlement conference set for October 1, 2009.

IT IS HEREBY **ORDERED** that the Motion is **GRANTED in part and DENIED in part** for the reasons set forth below.

To the extent that the parties seek an indefinite stay of case deadlines, the Motion is **denied**. Stays are generally disfavored in this District. *See Wason Ranch Corp. v. Hecla Mining Co.*, No. 07-cv-00267-EWN-MEH, 2007 WL 1655362, at *1 (D. Colo. June 6, 2007) (unpublished decision). However, I agree that the case deadlines can and should be

extended to allow the parties more flexibility regarding expenditure of the parties' resources and the Motion is **granted** to this end. Accordingly, the Court extends and/or sets the following case deadlines:

- Discovery Deadline **November 30, 2009¹**
- Deadline to File Discovery Motions **December 18, 2009**
- Dispositive Motions Deadline **January 18, 2010**

The parties are warned that no further extensions of these deadlines will be permitted. As noted above, the extensions of these deadlines shall not operate as a stay of the case. To the extent that either party feels that it cannot meet the deadlines set forth above within the time allotted after the settlement conference has occurred, it shall plan accordingly. If the mediation set for October 1, 2009 is not successful, Special Master Kevin D. Allen, Esq. shall immediately establish a briefing schedule regarding pending discovery motions.

Dated: July 22, 2009

s/ Kristen L. Mix
Kristen L. Mix
United States Magistrate Judge

¹ Although the Court notes that the discovery deadline expired on July 15, 2009 prior to the filing the Motion, the parties have informed the Court that additional discovery remains to be conducted. Although Defendants expressed their intention to oppose any request by Plaintiff to formally extend the discovery deadline, in the interest of the Court's and the parties' efficiency in avoiding a future dispute on this issue, I *sua sponte* extend the discovery deadline.