

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00301-MSK-MEH

BELL COLORADO, LIMITED, a corporation organized under the laws of the Isle of Man,

Plaintiff,

v.

RELATED WESTPAC, LLC, a Delaware limited liability company,
BRUSH CREEK ESTATES, LLC, a Colorado limited liability company,
BRUSH CREEK MEZZANINE, LLC, a Delaware limited liability company,
YORKSHIRE 216 HOLDINGS, L.P., an Arizona limited partnership,
BASE VILLAGE SNOWMASS CENTER ASSOCIATES, LLC, a Colorado limited liability
company,
PATRICK N. SMITH, a resident of the State of Colorado in his individual and representative
capacities,
TOWN OF SNOWMASS VILLAGE, a Colorado municipality,
BRUSH CREEK CAPITAL HOLDINGS, LLC (COLORADO), a Colorado limited liability
company,
BRUSH CREEK CAPITAL HOLDINGS, LLC (DELAWARE), a Delaware limited liability
company, and
PS CALIFORNIA INVESTMENTS, LLC, a California limited liability company,

Defendants.

PATRICK N. SMITH,

Third Party Plaintiff,

v.

GARY GREENBERG,
JEFFREY SCOTT KLEIN, and
GARY PINKSTON,

Third Party Defendants.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Pending before the Court is Plaintiff's Unopposed Joint Motion for Stay of Proceedings
Pending Completion of Settlement and Motion to Amend Scheduling Order [[filed April 30, 2010](#);
[docket #132](#)]. The motion is referred to this Court for disposition. (Docket #135.) For the

following reasons, the Court **GRANTS IN PART** and **DENIES IN PART** the Joint Motion.

First, the parties request “a stay of proceedings while all documents and transactions necessary to accomplish the global settlement of this matter are completed.” (Docket #132 at 2.) A stay of all discovery is generally disfavored in this District. *Chavez v. Young Am. Ins. Co.*, No. 06-2419, 2007 WL 683973, *2 (D. Colo. Mar. 2, 2007). Staying discovery in this matter could substantially delay the ultimate resolution of the case, with adverse consequences such as a decrease in evidentiary quality and witness availability. Lawsuits can be costly and burdensome to all parties involved, whether the case ultimately is dismissed, summary judgment is granted, the case is settled, or a trial occurs. *See Chavez*, 2007 WL 683973. Here, there is no evidence of a special burden on the parties. Furthermore, Judge Krieger instructs the parties in her Practice Standards that motions having the effect of delaying proceedings may “adversely affect the scheduling of the case or other cases.” MSK Practice Stds., II.G. Consequently, the general interests of controlling the court's docket and the fair and speedy administration of justice require that the portion of the Joint Motion requesting a stay be denied.

However, the Court recognizes that the parties have represented their good faith pursuit of a global settlement in this matter. Thus, although the Court denies the request for a stay, the Court reminds the parties that they may file a motion for an extension of time to file a response or reply regarding any pending dispositive or non-dispositive motions in this matter.

Second, the parties request extensions of the discovery cut-off, expert deadlines, and the deadline for filing any dispositive motions, as well as rescheduling of the settlement conference set for May 6, 2010. (Docket #132 at 2.) The parties state that they expect the settlement, if successful, to be completed by June 30, 2010. (Docket #132 at 3.) Judge Krieger set a Rule 16 Hearing for July 1, 2010, in the stead of the Final Pretrial Conference previously set. (Docket #136). The Court grants this portion of the Joint Motion as follows: all deadlines in this matter are extended up to and

including **July 1, 2010**. The Settlement Conference set for May 6, 2010, is hereby **vacated**. The parties shall submit a proposed supplemental Scheduling Order by the close of business on **July 1, 2010**, after receiving direction from the District Court. At that time, the Court will determine when to reset the Settlement Conference.

Accordingly, the Court **GRANTS IN PART** and **DENIES IN PART** Plaintiff's Unopposed Joint Motion for Stay of Proceedings Pending Completion of Settlement and Motion to Amend Scheduling Order [filed April 30, 2010; docket #132] as stated herein.

Dated at Denver, Colorado, this 4th day of May, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge