

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 09-cv-00373-CMA-CBS

LAZY DOG PROPERTIES, LLC, a Wyoming limited liability company,  
STEPHEN PAT SIMPSON, an individual, and  
JULIA SIMPSON, an individual,

Plaintiffs,

v.

SERVICE INSURANCE AGENCY, INC., a Utah corporation, and  
PHILIP J. TIMOTHY, an individual,

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION TO DISMISS**

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The matter is before the Court on Defendants' Motion to Dismiss. (Doc. # 12.)  
Discovery in this case has been stayed since August 17, 2009, pending the outcome  
of arbitration proceedings between Plaintiffs and a third-party contractor. (Doc. # 24.)

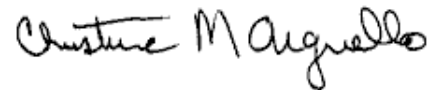
Although the arbitration proceedings do not directly involve Defendants, the  
outcome of those proceedings may resolve Plaintiffs' claims against Defendants. (See  
Doc. # 21.) As stated by Plaintiffs in their motion to stay, "[t]he damages award in the  
arbitration will determine the amount of damages, if any, that will be sought by Plaintiffs  
against Defendants." (*Id.* at 3.) Defendants did not oppose that motion nor later  
motions to continue the stay. (See Doc. ## 25, 28.)

Given the foregoing, and counseled by its inherent power to "control the  
disposition of the causes on its docket with economy of time and effort for itself, for

counsel, and for litigants[,]"<sup>1</sup> the Court DENIES WITHOUT PREJUDICE Defendants' Motion to Dismiss (Doc. # 12.) Defendants may re-file their motion, if appropriate, after Plaintiffs complete their arbitration.

DATED: March 10, 2010

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge

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<sup>1</sup> *Landis v. North American Co.*, 299 U.S. 248, 254 (1936).