

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe

Civil Action No. 09-cv-00918-ZLW-MJW

CHRISTINE GRANT,

Plaintiff(s),

v.

JOHN E. POTTER,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that Defendant's Motion to Stay Discovery (docket no. 14) is **GRANTED** for the following reasons. "Just as the trial court's determinations on allowing or denying discovery are discretionary . . . so is the imposition of reasonable conditions on the granting of a stay of discovery." See Cole v. Ruidoso Mun. Schs., 43 F.3d 1373, 1387 (10th Cir. 1994). Moreover, this court has considered the five factors as outlined in String Cheese Incident, LLC v. Stylus Shows, Inc., 2006 WL 894955, *2 (D. Colo. Mar. 30, 2006), and I find that a stay of discovery is warranted in this case because the burden on the Defendants and the inconvenience to the court in proceeding with discovery before a ruling on Defendant's Motion to Dismiss and Motion for Summary Judgment (docket nos. 12 and 13, respectively) outweigh Plaintiff's interest in proceeding expeditiously with this litigation. The court notes that the Defendant's Motion for Summary Judgment (docket no. 13) is based on Plaintiff's failure to exhaust administrative remedies, which is a threshold issue in this case, and such threshold issue should be resolved before engaging in costly discovery. Accordingly, **discovery is STAYED** pending decision by Judge Weinshienk Defendant's Motion to Dismiss and Motion for Summary Judgment (docket nos. 12 and 13, respectively) or until further Order of Court.

Date: August 12, 2009
