

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

Civil Action No. 11-cv-00546-CMA-MJW

ROBERT K. SCHADER,

Plaintiff(s),

v.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., and
AURORA LOAN SERVICES, LLC,

Defendant(s).

MINUTE ORDER

It is hereby ORDERED that Defendant's Unopposed Motion to Stay Discovery and Proceedings Pending Ruling on Motion to Dismiss (docket no. 23) is DENIED for the following reasons.

Staying discovery pending the outcome of motions determining preliminary matters raises issues "of pretrial management and judicial efficiency that fall within the court's discretion." Stone v. Gonzales, 2006 U.S. Dist. LEXIS 43885, *2 (D.Colo., June 18, 2006)(citing Greeley Pub. Co. v. Hergert, 233 F.R.D. 607, 612 (D. Colo. 2006). In String Cheese Incident, LLC v. Stylus Shows, Inc., 2006 WL 894955 (D. Colo. 2006), former Magistrate Judge Coan applied the following analysis, in which she weighed the following interests:

1. plaintiff's interests in proceeding expeditiously with the civil action and the potential prejudice of a delay;
2. the burden on defendants;
3. the convenience to the court;
4. the interests of persons not parties to the civil litigation; and,
5. the public interest.

Id. at *2 (citing FDIC v. Renda, 1987 WL 348645 *2 (D. Kan. 1978).

After taking into consideration those factors listed above, this court finds, in its discretion, that the interest of justice requires that this case go forward with discovery. Moreover, Plaintiff would be prejudice by a stay in discovery. Furthermore, there has been no evidence presented to suggest that any prejudice to any third party would be incurred if discovery goes forward. Lastly, it is in the public interest to resolve civil

disputes quickly and timely.

Date: August 3, 2011
