

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00719-WDM-KLM

WESTERN STATES ENTERPRISES, INC., and
STEPHANIE DIETTE,

Plaintiffs,

v.

LLOYD LAND, and
EILEEN LAND,

Defendants.

ORDER STAYING CASE

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the parties' **Joint Motion to Approve Stipulation . . . to Stay Proceedings Pending Determination of Motion to Dismiss [Docket No. 11] and Resolution of Adams County Colorado District Court Proceedings [Docket No. 19; Filed July 1, 2011] ("Motion to Stay") and Joint Motion for Settlement Conference with Magistrate [Judge] [Docket No. 20; Filed July 1, 2011] ("Motion for Settlement Conference")**.

IT IS HEREBY **ORDERED** that the Motion to Stay [#19] is **GRANTED**. Although a stay of the case is generally disfavored, the Court has broad discretion to stay an action while a dispositive motion is pending pursuant to Fed. R. Civ. P. 26(c). *String Cheese Incident, LLC v. Stylus Shows, Inc.*, No. 1:02-cv-01934-LTB-PAC, 2006 WL 894955, at *2 (D. Colo. Mar. 30, 2006) (unpublished decision). Moreover, the parties contend that there is parallel state court litigation, the outcome of which may impact the case. The state court

case is scheduled for trial in July. Under these unique circumstances, the Court agrees that a stay of the case is appropriate. Accordingly,

IT IS FURTHER **ORDERED** that the parties' Stipulation [Docket No. 18] is approved and the matter is **STAYED** pending a determination on the Motion to Dismiss and resolution of parallel state court litigation. If the Motion to Dismiss is denied, and the decision is entered prior to resolution of the state court case, the parties shall file a joint status report within five (5) business days of the decision alerting the Court as to the status of the state court case.

IT IS FURTHER **ORDERED** that the Motion for Settlement Conference [#20] is **DENIED without prejudice**, in light of the Court's current calendar, the settlement positions expressed by the parties in their previously submitted Confidential Settlement Statements and the pending state court trial. The parties may renew their request for a settlement conference after completion of the state court trial, if they so desire.

Dated: July 6, 2011

BY THE COURT:

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