

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02107-PAB-KLM

JANE DOE #1,
JANE DOE #2, and
JANE DOE #3,

Plaintiffs,

v.

TRAVIS JON MASSE, in his individual capacity, and
MATT SCHMIDT, in his individual capacity,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs' **Unopposed Motion to Vacate Scheduling Conference and Stay Discovery** [Docket No. 61; Filed October 24, 2012] (the "Motion").

Although the stay of proceedings in a case is generally disfavored, the Court has discretion to stay discovery while a dispositive motion is pending. See *Wason Ranch Corp. v. Hecla Mining Co.*, No. 07-cv-00267-EWN-MEH, 2007 WL 1655362, at *1 (D. Colo. June 6, 2007) (unreported decision) ("A stay of all discovery is generally disfavored in this District." (citation omitted)); *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) (unreported decision) (finding that a thirty day stay of discovery was appropriate when a motion to dismiss for lack of personal jurisdiction was pending); *Nankivil v. Lockheed Martin Corp.*, 216 F.R.D.

689, 692 (M.D. Fla. 2003) (A stay may be appropriate if “resolution of a preliminary motion may dispose of the entire action.”); 8 Charles Alan Wright, et al., *Federal Practice and Procedure* § 2040, at 521-22 (2d ed. 1994) (“[W]hen one issue may be determinative of a case, the court has discretion to stay discovery on other issues until the critical issue has been decided.”); *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 804 (Fed. Cir. 1999) (“When a particular issue may be dispositive, the court may stay discovery concerning other issues until the critical issue is resolved.”); *Gilbert v. Ferry*, 401 F.3d 411, 415-16 (6th Cir. 2005) (finding that ordering a stay of discovery is not an abuse of discretion when a defendant has filed a motion to dismiss challenging the court’s actual subject matter jurisdiction); *Chavous v. D.C. Fin. Responsibility & Mgmt. Assistance Auth.*, 201 F.R.D. 1, 2 (D.D.C. 2005) (“A stay of discovery pending the determination of a dispositive motion is an eminently logical means to prevent wasting the time and effort of all concerned, and to make the most efficient use of judicial resources.” (internal quotation omitted)).

Pending before the District Judge is Plaintiffs’ Unopposed Motion for Entry of Judgment Under Fed. R. Civ. P. 54(b) [#62; Filed October 24, 2012]. Plaintiffs seek a Rule 54(b) judgment so they may pursue an appeal of the District Judge’s Order [#58] granting in part Defendants’ Motion to Dismiss Amended Complaint [#44]. Because a ruling on the Motion for Entry of Judgment [#62] will determine whether Plaintiffs may pursue an appeal, the Court finds that vacating the Scheduling Conference and staying discovery pending a ruling are warranted.

IT IS HEREBY **ORDERED** that the Motion [#61] is **GRANTED**. Accordingly,

IT IS FURTHER **ORDERED** that all disclosure and discovery is **STAYED** pending

resolution of the Motion for Entry of Judgment Under Fed. R. Civ. P. 54(b) [#62].

IT IS FURTHER **ORDERED** that the Scheduling Conference set for October 31, 2012 at 10:30 a.m. is **vacated**. If necessary, the scheduling conference will be re-set upon resolution of the Motion for Entry of Judgment.

DATED: October 25, 2012

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix". The signature is written in a cursive, flowing style.

Kristen L. Mix
United States Magistrate Judge