

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02426-REB-MEH

CHEVRON CORPORATION,

Plaintiff,

v.

MARIA AGUINDA SALAZAR,

Defendant.

DOUGLAS BELTMAN,

Movant.

ORDER ON MOTION FOR PROTECTIVE ORDER

Michael E. Hegarty, United States Magistrate Judge.

Before the Court is an Amended Motion for Protective Order filed by Non-Party Douglas Beltman [filed September 16, 2011; docket #4]. On September 20, 2011, Mr. Beltman filed a Notice of Stay informing the Court that the litigation underlying this matter had been stayed by the Second Circuit Court of Appeals. Accordingly, this Court requested supplemental briefing from the parties seeking their positions on the impact of such stay on the current matter. The parties timely filed supplemental briefs with the Court on September 28, 2011. According to the briefs, the parties agree that this matter should be held in abeyance until the Second Circuit's stay is lifted or modified, or until the discovery in the underlying action is otherwise authorized. *See* docket #14 at 3-4; docket #15 at 2.

Rather than impose an indefinite stay on this proceeding,¹ the Court will deny the motion

¹An indefinite stay of proceedings is generally disfavored in this District. *See Chavez v. Young Am. Ins. Co.*, No. 06-2419, 2007 WL 683973, *2 (D. Colo. Mar. 2, 2007).

without prejudice and grant Mr. Beltman leave to re-file consistent with any action taken concerning the underlying litigation. Any delay in re-filing the motion caused by the Second Circuit's stay of the underlying litigation will not affect the Court's consideration of timeliness pursuant to Fed. R. Civ. P. 45(c)(3).

Dated and ordered at Denver, Colorado, this 29th day of September, 2011.

BY THE COURT:

A handwritten signature in black ink, reading "Michael E. Hegarty". The signature is written in a cursive, flowing style with a large initial 'M'.

Michael E. Hegarty
United States Magistrate Judge