

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 12-cv-00126-REB-KMT

REBECCA SHINE, a Colorado resident,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

ORDER

This matter is before the court on the parties' "Joint Motion to Modify Scheduling Order and Stay Litigation." (Doc. No. 15, filed Aug. 15, 2012.) For the following reasons, the Motion is GRANTED in part and DENIED.

The court finds that the circumstances outlined in the Motion—including both the ongoing treatment that Plaintiff is receiving for the shoulder injury at issue in this case and Plaintiff's additional unrelated medical issues—warrant a two-month extension of the relevant Scheduling Order deadlines.

However, the court declines to stay this case for six months. At the outset, the court notes that the parties have not addressed the factors typically considered in this district when evaluating the propriety of a stay. *String Cheese Incident, LLC v. Stylus Shows, Inc.*, 02-cv-01934-LTB-PA, 2006 WL 894955, at *2 (D. Colo. Mar. 30, 2006). Among other factors, the

court must consider the court's convenience. *Id.* The court declines to impose a disruptive stay—which, among other things, will necessarily require that District Judge Robert E. Blackburn vacate the April 15, 2013 trial date—based on several potential diagnoses that Plaintiff may face. While the court certainly empathizes with Plaintiff's ongoing medical issues, there is simply too much uncertainty at this juncture as to whether and how these conditions will impact Plaintiff's ability to prosecute this case. Specifically, the parties have not elaborated on why, and how pervasively, Plaintiff's medical conditions are impacting her ability to devote time to this matter, or how this impacts Defendant's ability to assess her overall condition and alleged losses.

Nevertheless, the court will considered a renewed motion to stay if and when Plaintiff's medical issues and their impact on her health become more certain. As such, the parties may file a renewed motion to stay that more fully addresses Plaintiff's ongoing issues, the impact they may have upon her ability to prosecute this case, and the relevant factors governing the propriety of a stay no sooner than 60 days from the date of this Order.

Therefore, it is

ORDERED that the “Joint Motion to Modify Scheduling Order and Stay Litigation” (Doc. No. 15) is GRANTED in part and DENIED in part without prejudice. The deadline for rebuttal experts is extended to October 20, 2012; the discovery deadline is extended to December 27, 2012; and the dispositive motions deadline is extended to January 22, 2013.

It is further

ORDERED that the parties may file a renewed motion to stay this litigation consistent with this Order no sooner than November 4, 2012.

Dated this 5th day of September, 2012.

BY THE COURT:



Kathleen M Tafoya
United States Magistrate Judge