

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02497-CMA-MJW

BRITTANY MOORE, a/k/a Brittany Landis,
KAITLIN ROSE LANDIS,
KIRSTIN RAY LANDIS, and
KAYMEN RENEE LANDIS, minors by and through her [sic] next friend, Brittany Moore,

Plaintiffs,

v.

TOWN OF ERIE, COLORADO, and
ERIE POLICE OFFICER JAMIE CHESTER, (badge #E-23) in his official and individual
capacity,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendants' Motion to Stay Discovery (Docket No. 15) is GRANTED for the following reasons. All Discovery is STAYED until Judge Arguello rules on the Defendants' Motion to Dismiss (Docket No. 8) or as otherwise ordered by the court. The court notes that Defendants' Motion to Dismiss (Docket No. 8) became ripe for ruling by Judge Arguello on November 1, 2012.

The Federal Rules of Civil Procedure do not expressly provide for a stay of discovery, however, the court has the inherent power to control its docket. See Landis v. N. Am. Co., 299 U.S. 248, 254-55 (1936). Stays of all discovery are generally disfavored in the District of Colorado. Chavez v. Young Am. Ins. Co., No. 06-cv-02419-PSF-BNB, 2007 WL 683973, at *2 (D. Colo. Mar. 2, 2007). Nevertheless, a stay may be appropriate if "resolution of a preliminary motion may dispose of the entire action." Nankivil v. Lockheed Martin Corp., 216 F.R.D. 689, 692 (M.D. Fla. 2003) (citations omitted). Five factors guide the court's determination: "(1) plaintiff's interests in proceeding expeditiously with the civil action and potential prejudice to plaintiff of a delay; (2) the burden on the defendants; (3) the convenience to the court; (4) the interests of persons not parties to the civil litigation; and (5) the public interest." String Cheese Incident, LLC v. Stylus Shows, Inc., No. 02-cv-01934-LTB-PAC, 2006 WL 894955, at *2 (D. Colo. Mar. 30, 2006).

Having reviewed the court's file, the court finds that the above factors favor a

stay in discovery. Defendants' Motion to Dismiss (Docket No. 8) seeks to dispose of the entire case. Further, the court finds that plaintiffs' interest in proceeding expeditiously and the possible prejudice against plaintiff is minor, especially in view of the relatively short amount of time discovery will be stayed. The remaining factors favor defendants, or are inapplicable. Accordingly, the court finds good cause to stay discovery.

Date: February 15, 2013
