

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01647-WJM-MEH

HOLLY MACINTYRE,

Plaintiff,

v.

JP MORGAN CHASE, NATIONAL ASSOCIATION, and
MARGARET T. CHAPMAN, Public Trustee of Jefferson County in her official capacity,

Defendants.

ORDER OF UNITED STATES MAGISTRATE JUDGE

Michael E. Hegarty, United States Magistrate Judge.

This matter comes before the Court *sua sponte*. Plaintiff seeks a declaratory judgment that Defendant will not file a Colorado Rule of Civil Procedure 120 non-judicial foreclosure proceeding against her. On September 30, 2014, Defendant drafted a joint motion to administratively close the case and stipulated in that motion that it would not commence a non-judicial foreclosure proceeding against Plaintiff's property. Defendant restated that stipulation on the record at a status conference on October 9, 2014. However, Plaintiff has informed the Court that she does not intend to sign the joint motion to administratively close the case, and does not otherwise agree to dismiss or administratively close the case. A judicial foreclosure proceeding against Plaintiff's property is scheduled in state court on November 18, 2014. In the meantime, there are no pending matters for the Court to address in this case.

The Court has broad discretion to stay proceedings as incidental to its power to control its own docket. *See Clinton v. Jones*, 520 U.S. 681, 706–07 (1997) (citing *Landis v. North American*

Co., 299 U.S. 248, 254 (1936)). In determining whether to impose a stay, the following five factors guide the Court's analysis: (1) plaintiff's interest in proceeding expeditiously with the civil action and the potential prejudice to plaintiff of a delay; (2) the burden on the defendant; (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). The Court finds that all of these factors favor staying this case until after the judicial foreclosure proceeding is resolved.

Accordingly, the Court ORDERS that his case is stayed until November 25, 2014, one week after the judicial foreclosure proceedings are scheduled to occur for the property at issue in this case. Defendant shall file a status report informing the Court of the outcome of that proceeding on or before November 25, 2014.

Respectfully submitted this 9th day of October, 2014, at Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge