

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01858-RM-KLM

BLUE SKY CONDOMINIUMS HOMEOWNERS' ASSOCIATIONS, INC.,

Plaintiff,

v.

LEXINGTON INSURANCE COMPANY,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant's **Expedited Motion to Stay Discovery, Pretrial Proceedings, and Reschedule Date for Scheduling Conference If Necessary** [Docket No. 20; Filed September 23, 2013] (the "Motion"). On July 19, 2013, Defendant filed a Motion to Dismiss Complaint and Compel Arbitration [#10], which was fully briefed on September 9, 2013. See *Reply* [#19]. Defendant now seeks a stay of discovery and other pretrial requirements until the Motion to Dismiss Complaint and Compel Arbitration is resolved. *Motion* [#20].

The Court has not yet held a scheduling conference in this case. Accordingly, no discovery parameters or case management deadlines have been set and no discovery is permitted. Fed. R. Civ. P. (26(d)(1)). A Scheduling Conference is set for October 9, 2013 at 10:30 a.m. See *Order* [#9]. The Court finds that proceeding with discovery before this Conference is unwarranted. If Defendant's Motion to Dismiss Complaint and Compel Arbitration [#10] remains pending at the time of the Scheduling Conference, it may re-file a motion seeking a discovery stay.

IT IS HEREBY **ORDERED** that the Motion [#20] is **GRANTED in part** to the extent that it seeks to preclude discovery prior to the Scheduling Conference.

IT IS FURTHER **ORDERED** that the Motion [#20] is otherwise **DENIED without prejudice**.

IT IS FURTHER **ORDERED** that the parties shall not engage in discovery, other than providing mandatory disclosures, until after the Scheduling Conference on October 9, 2013.

DATED: September 26, 2013