

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01466-MSK-MJW

RUNNING FOXES PETROLEUM, INC.,

Plaintiff(s),

v.

NIGHTHAWK PRODUCTION LLC,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendant Nighthawk Production LLC's Motion to Stay Discovery (docket no. 44) is DENIED for a second time for the following reasons. At the Rule 16 Scheduling Conference held on July 17, 2014, Defendant Nighthawk Production LLC, in essence, sought a stay of discovery. See paragraph 11a in the Proposed Scheduling Order (docket no. 28). This court denied any stay of discovery by the fact that this court signed and entered the Scheduling Order as amended on the record on July 17, 2014. See docket no. 31. Accordingly, the subject motion (docket no. 44) is really a motion for reconsideration. The are three major grounds that can justify reconsideration: "(1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice." Servants of the Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000). A motion to reconsider is appropriate where the court has misapprehended the facts, a party's position, or the controlling law. Id.

Here, Defendant Nighthawk Production LLC has failed to demonstrate any of the three factors as outlined above in Servants of the Paraclete. Moreover, this court has broad discretion to control the discovery process, including staying discovery pending the resolution of dispositive motions. See Nolan v. U.S. Dep't of Justice, 973 F.2d 843, 849 (10th Cir. 1992). Further, stays are generally disfavored in this District absent compelling reasons such as lack of subject matter jurisdiction or qualified immunity. See Wyer Prods. Group v. Cequent Performance Prods, Inc., 2013 WL 2466917, at *1 (D. Colo. June 17, 2013); Chavez v. Young Am. Ins. Co., 2007 WL 683973, at *2 (D. Colo. Mar. 2, 2007). For these reasons, the subject motion (docket no. 44) should again be denied.

Date: November 4, 2014