

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

Civil Action No. 14-cv-02437-WJM-KMT

DERRICK LYALL,

Plaintiff,

v.

NATIONSTAR MORTGAGE, LLC, a foreign limited liability company,

Defendant.

ORDER

This matter is before the court on the parties' "Unopposed Joint Motion for Abeyance of Action" [Doc. No. 30].

This is the second time the parties have requested a stay of discovery while Defendant Nationstar Mortgage, LLC contemplates whether it will accept a proposed loan modification in settlement of this case. (Compare [Doc. No. 27] filed June 26, 2015 at ¶ 5 with [Doc. No. 30] filed August 21, 2015 at ¶ 3.)

The parties did not expressly address the five factors pursuant to *String Cheese Incident, LLC v. Stylus Shows, Inc.*, Case No. 1:02-cv-01934-LTB-PAC, 2006 WL 894955, at *2 (D. Colo. Mar. 30, 2006) which a court should consider before granting a stay of proceedings: (1) the interest of the plaintiff in proceeding expeditiously with discovery and the potential prejudice to the plaintiff of a delay; (2) the burden on the defendants of proceeding with discovery; (3) the convenience to the Court of staying discovery; (4) the interests of nonparties in either staying or

proceeding with discovery; and (5) the public interest in either staying or proceeding with discovery. *Id.* at *2. Nevertheless, the court finds that one further sixty day continuance in this matter is permissible. The delay will work to the favor of Plaintiff if the loan modification is approved and the defendant's burden in discovery will be eliminated. There is obviously a benefit to the court by not proceeding through trial in a case where a settlement is contemplated which, if approved, would benefit all the parties. The court is unaware if there are any non-parties with an interest in the case and the public would not be particularly disadvantaged by a stay of proceedings for a short time, even in light of the fact that the public is usually best served by expeditious resolution of cases.

However, the time has come for Nationstar to make up its mind and either accept the settlement or move forward with discovery in the case.

Therefore, it is **ORDERED**

1. "Unopposed Joint Motion for Abeyance of Action" [Doc. No. 30] is **GRANTED**.

The Discovery Deadline is November 2, 2015.

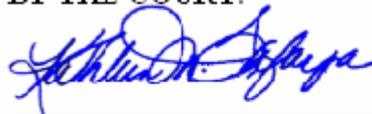
The Dispositive Motions Deadline is December 2, 2015.

The telephonic Final Pretrial Conference set for November 30, 2015 is **VACATED** and rescheduled for **February 2, 2016 at 9:30 a.m.**

2. No further extensions of discovery will be granted solely on the basis that Plaintiff's "loan modification application is currently being reviewed by Nationstar."

Dated this 1st day of September, 2015.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge