

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02453-WJM-MEH

LISA KAY BRUMFEIL,

Plaintiff,

v.

U.S. BANK, N.A. trustee, for Merrill Lynch/ First Franklin Mortgage Loan Trust,
Mortgage Loan Asset Backed Certificates, Series 2007 FF1,
SELECTED PORTFOLIO SERVICING INC.,
BANK OF AMERICA N.A., and
JOHN DOES 1-100,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on October 20, 2014.

Before the Court is Plaintiff's Exparte [sic] Emergency Motion to Stay Proceedings in this Court and Injunction of Proceedings in the State Unlawful Detainer Proceedings [filed October 17, 2014; docket #21] is **denied** to the extent it requests a stay of the proceedings in this Court.¹

The decision to stay discovery rests within the sound discretion of the trial court. *Wang v. Hsu*, 919 F.2d 130, 130 (10th Cir. 1990). The Federal Rules of Civil Procedure do not expressly provide for a stay of proceedings, however Rule 26(c) does permit the court, upon a showing of good cause, to "protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." Fed. R. Civ. P. 26(c). A stay of all discovery is generally disfavored in this district. *Chavez v. Young Am. Ins. Co.*, No. 06-cv-02419-PSF-BNB, 2007 WL 683973, at *2 (D. Colo. Mar. 2, 2007).

Plaintiff requests a stay because she is having surgery and will be physically unable to attend the trial this week in an unlawful detainer action filed against her in Arapahoe County Court, Colorado, Civil Action 2014C47200. However, in the quiet title action in this Court, the next hearing is the Scheduling Conference currently set for December 3, 2014. In the meantime, the Defendants' Motion to Dismiss is fully briefed and the parties are awaiting this Court's recommendation on the matter. Because this case does not require any immediate action by the parties, the Court does not find good cause to stay the proceedings.

¹ Judge Martinez referred only the portion of the motion seeking a stay of the proceedings in this Court. (Docket #23.)