

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-cv-01106-PAB-CBS

THERESA PROUTY,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC,

Defendant.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on defendant's Motion to Stay [Docket No. 30]. The Court has jurisdiction pursuant to 28 U.S.C. § 1331.

Defendant Ocwen Loan Servicing, LLC ("Ocwen") has moved to stay this case pending a ruling by the D.C. Circuit Court of Appeals in *ACA International v. Federal Communications Commission*, No. 15-1211 (D.C. Cir.) ("ACA"). Docket No. 30 at 1. Ocwen argues that a stay is appropriate because a stay would not prejudice plaintiffs and would "spare the parties from incurring unnecessary expenses and devoting valuable time to discovery that may be irrelevant and moot after the D.C. Circuit's decision." Docket No. 30 at 8. Ocwen does not argue that the ACA opinion, an out of circuit decision, will be binding on the Court or would resolve the matter pending before the Court.

The D.C. Circuit heard argument in ACA in October of last year. Docket No. 30 at 1. Ocwen states that an opinion is expected in the summer of 2017, but offers no support for this claim. *Id.* This case is at an early stage and the parties have only recently conducted a scheduling conference. See Docket No. 31. The Court finds that there is no basis for delaying these proceedings because the D.C. Circuit may issue a relevant, but non-dispositive opinion, bearing on the scope of discovery.

Accordingly, it is

**ORDERED** that defendant's Motion to Stay [Docket No. 30] is denied.

DATED: July 17, 2017.