

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 17-cv-02561-RM-KMT

PWD, INC. d/b/a PACIFIC WEST  
DEVELOPMENT, a California Corporation,

Plaintiff,

v.

THE TRAVELERS INDEMNITY COMPANY  
OF AMERICA, a Connecticut Corporation,

Defendant.

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**ORDER**

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This matter is before the Court on the parties' Agreed Motion to Stay and to Withdraw Motion to Dismiss (the "Motion") (ECF No. 13) requesting (1) a stay of this action pending the completion of an ongoing appraisal process, which the parties anticipate will be completed within the next two to three months; and (2) that Defendant be permitted to withdraw its pending "Motion to Dismiss Amended Complaint with Prejudice or, Alternatively, Motion to Stay" (the "Motion to Dismiss") (ECF No. 12). Upon consideration of the Motion, and being otherwise fully advised, the Motion is GRANTED for the reasons stated herein.

The Court has inherent discretion to order a stay of proceedings. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) ("the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants"); *In re Kozeny*, 236 F.3d 615, 620 (10th Cir. 2000) (recognizing court's discretion). In exercising this discretion, the Court considers the five factors set forth in *String Cheese Incident, LLC v. Stylus Shows, Inc.*, 02-cv-01934-LTB-PA, 2006 WL

894955, at \*2 (D. Colo. March 30, 2006) (unpublished). Here, Plaintiff's interests in proceeding expeditiously and avoiding potential prejudice would not be adversely impacted by a short stay pending completion of the appraisal process as the parties' dispute may be resolved or issues may be streamlined. For the same reason, Defendant would suffer no undue burden from a stay. The stay is also in the interest of judicial economy, so would not inconvenience the court. Finally, the interests of third parties and the public at large do not appear to weigh either for or against a stay. Thus, the Court finds the parties' agreed upon stay is appropriate. And, as the completed appraisal will likely impact the issues, Defendant has shown sufficient cause for its request to withdraw its Motion to Dismiss. Accordingly, on this record, it is **ORDERED**

- (1) That the Agreed Motion to Stay and to Withdraw Motion to Dismiss (ECF No. 13) is **GRANTED**;
- (2) That Defendant's "Motion to Dismiss Amended Complaint with Prejudice or, Alternatively, Motion to Stay" (ECF No. 12) is hereby deemed **WITHDRAWN without prejudice**; and
- (3) That this entire action is hereby **STAYED** pending completion of the appraisal process. Within 14 days of the completion of the appraisal process, the parties shall jointly file a status report advising the Court as to how they wish to proceed.

DATED this 12th day of December, 2017.

BY THE COURT:



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RAYMOND P. MOORE  
United States District Judge