

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

THE BALMER FUND, INC., a Kansas  
not-for-profit corporation, and  
ROSALEA HOSTETLER,

Plaintiffs,

v.

Case No. 17-1046-EFM

CITY OF HARPER, KANSAS,

Defendant.

**ORDER**

By informal communication with the court, the parties in this case have jointly requested a temporary stay of discovery and scheduling-order deadlines pending a ruling on defendant's motion for summary judgment (ECF No. 20).

The court may stay discovery if: (1) the case is likely to be finally concluded via a dispositive motion; (2) the facts sought through discovery would not affect the resolution of the dispositive motion; or (3) discovery on all issues posed by the complaint would be wasteful and burdensome.<sup>1</sup> The decision whether to stay discovery rests in the sound discretion of court. As a practical matter, this calls for a case-by-case determination.

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<sup>1</sup>See *Wolf v. United States*, 157 F.R.D. 494, 495 (D. Kan. 1994) (citing *Kutilek v. Gannon*, 132 F.R.D. 296, 297-98 (D. Kan. 1990)); *Lofland v. City of Shawnee, Kan.*, No. 16-2183, 2016 WL 5109941, at \*1 (D. Kan. Sept. 20, 2016).

Considering the relevant factors, information provided by the parties, and the briefing related to the pending dispositive motion, the court agrees with the parties that a brief stay of all pretrial proceedings is warranted until the court rules the dispositive motion. In consideration of the foregoing, and upon good cause shown,

IT IS HEREBY ORDERED:

1. All deadlines set in the June 2, 2017 scheduling order (ECF No. 16), including all scheduled hearings, are terminated and will be re-set following the court's ruling on the motion for summary judgment.

2. If this case remains pending in any part after a decision on the motion for summary judgment, then **within 14 days** of the decision the parties shall confer and submit via email to the undersigned's chambers a status report suggesting new pre-trial deadlines.

Dated September 5, 2017, at Kansas City, Kansas.

s/James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge