

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Ifrah Yassin,

Plaintiff,

Case No. 16-cv-2580 (JNE/TNL)

v.

Heather Weyker, individually and in her official capacity as a St. Paul Police Officer; John Does 1-2, individually and in their official capacities as St. Paul Police Officers; John Does 3-4, individually and in their official capacities as supervisory members of the St. Paul Police Department; and The City of St. Paul,

Defendants,

ORDER

Joshua A. Newville, Madia Law LLC, 323 Washington Avenue North, Suite 200, Minneapolis, MN 55401 (for Plaintiff); and

Glenn S. Greene, Brant S. Levine, David G. Cutler, and Paul C. Quast, United States Department of Justice, P.O. Box 7146, Ben Franklin Station, Washington, D.C. 20044 (for Defendant Weyker).

This matter is before the Court on Plaintiff's Motion for Pretrial Scheduling Order and Rule 16 Conference. (ECF No. 67). For the reasons set forth below, the Court will deny the motion.

I. BACKGROUND

Plaintiff Ifrah Yassin filed suit on July 29, 2016. (ECF No. 1). Defendant Heather Weyker moved to dismiss on December 21, 2016. (ECF No. 22). The District Judge granted in part and denied in part the motion. (ECF No. 47). Weyker appealed. The Eighth

Circuit Court of Appeals affirmed the denial of the motion to dismiss and remanded the matter for further proceedings. *Farah v. Weyker*, 926 F.3d 492, 503-04 (8th Cir. 2019).

Following remand, Yassin asked the Court to issue a pretrial scheduling order and schedule a Rule 16 conference. (ECF No. 67). Weyker filed a memorandum of law in opposition (ECF No. 70) and a motion for summary judgment. (ECF No. 74). In response, Yassin filed a motion under Federal Rule of Civil Procedure 56(d) (ECF No. 83), seeking to defer her response to the summary judgment motion until after she conducted additional discovery. (ECF No. 85). The District Judge denied that motion on October 18, 2019. (ECF No. 93). The motion for summary judgment is now scheduled to be heard on December 12, 2019, the same day that dispositive motions will be argued in two related cases. *See Osman v. Weyker*, No. 16-cv-908 (ECF No. 120); *Farah v. Weyker*, No. 16-cv-1289 (ECF No. 76).¹

II. ANALYSIS

Yassin asks the Court to issue a pretrial scheduling order and set a conference pursuant to Federal Rule of Civil Procedure 16. This Court has “wide authority and discretion . . . to manage its caseload.” *Wisland v. Admiral Beverage Corp.*, 119 F.3d 733, 737 (8th Cir. 1997); *cf.* Fed. R. Civ. P. 16(b)(2) (permitting district court to delay issuance of a pretrial scheduling order when justified by good cause). This includes the authority to postpone or otherwise delay proceedings pending a decision on a dispositive motion. *See Gerald Chamales Corp. v. Oki Data Americas, Inc.*, 247 F.R.D. 453, 454 (D.N.J. 2007)

¹ *See Farah*, No. 16-cv-1289 (Ord., pp. 1-2, ECF No. 4) (designating *Farah* and *Osman* as related); *Yassin*, No. 16-cv-2580 (Ord., pp. 1-2, ECF No. 4) (designating *Yassin* and *Osman* as related).

(noting that Magistrate Judges have discretion to decide whether to stay discovery until decision reached on dispositive motion).

There are dispositive motions pending in this case and two other related cases. The motions are set to be heard on the same day. It will be a more efficient use of the Court and parties' time if these matters proceed on similar schedules. Furthermore, the Court will be able to manage this matter more effectively once it is clear what issues remain to be litigated following the District Judge's decision on the dispositive motions. Accordingly, the Court finds good cause to postpone the Rule 16 conference and issuance of a pretrial scheduling order until after the summary judgment motion is decided.

III. CONCLUSION

Therefore, based upon the record, memoranda, and proceedings herein, **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's Motion for Pretrial Scheduling Order and Rule 16 Conference is **DENIED**. The parties shall contact the Court within 14 days following the District Judge's ruling on Weyker's motion for summary judgment (ECF No. 74) to obtain a date for the pretrial scheduling conference.

2. All prior consistent orders remain in full force and effect.

3. Failure to comply with any provision of this Order or any other prior consistent order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys' fees and disbursements; waiver

of rights to object; exclusion or limitation of witnesses, testimony, exhibits, and other evidence; striking of pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate.

Date: October 22, 2019

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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