

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|---------------------------------|---|-------------------|
| STEVEN STANDIFER, |) | 8:12CV176 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| BROADMOOR DEVELOPMENT, Inc., |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on Defendant’s Motion for Protective Order and Stay of Discovery. (Filing No. [27](#).) Defendant argues this court should stay discovery pending the resolution of Defendant’s Motion for Summary Judgment. Plaintiff has opposed the Motion. (Filing Nos. [30](#), [31](#), and [37](#).)

A district court has the authority to stay discovery pending its resolution of any dispositive motion. *See e.g., Hess v. CitiBank, 459 F.3d 837, 846 (8th Cir. 2006)* (affirming order staying discovery pending resolution of a summary judgment motion and holding that certain legal issues are suitable for resolution without discovery); *Winslow v. Smith, No. 4:09-CV-3147, 2009 WL 2710105, at * 2 (D. Neb. 2009)* (staying discovery pending resolution of a motion to dismiss).

Defendant has filed a dispositive motion seeking summary judgment on Plaintiff’s claims because, according to Defendant, Plaintiff has signed an agreement releasing Defendant from liability in this matter. In addition, Defendant argues none of Plaintiff’s discovery requests are relevant or material to Defendant’s pending Motion for Summary Judgment. Plaintiff’s sole argument in opposition to Defendant’s Motion is that the court should deny the Motion because Defendant missed the deadline to respond or otherwise contest Plaintiff’s discovery requests. However, Plaintiff’s argument is unavailing, as Defendant timely filed its Motion for Protective Order.

Defendant seeks summary judgment on the enforceability of a release of claims, which requires only that this court look at the language of the agreement itself and the admissions made by Plaintiff in a prior legal proceeding. Plaintiff has not argued that discovery is needed to respond to Defendant's Motion for Summary Judgment. In addition, the court has reviewed Plaintiff's discovery requests and it agrees with Defendant that they are not relevant or material to Defendant's pending Motion for Summary Judgment. (*See* Filing No. [29](#).) For these reasons, the court finds the arguments raised in the Motion for Summary Judgment may be resolved without discovery.

IT IS THEREFORE ORDERED that:

1. Defendant's Motion for Protective Order and Stay of Discovery (Filing No. [27](#)) is provisionally granted. Discovery is stayed pending resolution of Defendant's Motion for Summary Judgment. The court may lift the stay if, upon more careful review of Defendant's Motion for Summary Judgment, it determines that discovery is necessary to the resolution of this matter.
2. Plaintiff's Motion to Request Deadline Extensions (Filing No. [30](#)) and Motion to Compel Disclosure (Filing No. [31](#)) are denied as moot.
3. Plaintiff's Motion in Opposition to Motion for Protective Order (Filing No. [37](#)) is denied.

DATED this 25th day of February, 2013.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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