

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Bernadette Baker,)
)
Plaintiff,)
)
vs.)
)
Dirk Kempthorne, Secretary, United States)
Department of the Interior, or his)
Predecessor-in-office; Bureau of Indian)
Affairs, Louis Dauphinais as Middle School)
Principal, and in his individual capacity,)
)
Defendants.)

ORDER

Case No. 4:08-cv-077

On March 5, 2010, the Government filed a Motion to Stay Discovery. It seeks to suspend discovery pending the court’s ruling on its Motion for Summary Judgment, which it filed in September 17, 2009. It maintains that further discovery would not assist Plaintiff in responding to its motion and that further discovery would be wasteful and burdensome.

On March 11, 2010, Plaintiff filed a response in opposition to the Government’s Motion to Stay Discovery. Therein she complains, inter alia, that the Government has failed to strictly adhere to deadlines set forth in the court’s scheduling order and otherwise failed to respond to her interrogatories.

The issues presented in the Government’s Motion for Summary Judgment are essentially limited to Plaintiff’s administrative record. Although Plaintiff has complained that the Government is dragging its feet on discovery, its alleged inaction does not appear to have hindered or otherwise

impeded her ability to respond to Government's motion.¹ The court concludes that the Government's request for a stay was made in good faith and therefore **GRANTS** its motion (Docket No. 54). Discovery shall be stayed pending disposition of the Motion for Summary Judgment. If during the court's consideration of the Motion for Summary Judgment Plaintiff is able to demonstrate that there are relevant matters outside the administrative record that the court can consider as a matter of law and that further discovery needs to be done with respect to these matters, the court can delay ruling on the motion and permit the discovery.

IT IS SO ORDERED.

Dated this 12th day of March, 2010.

/s/ Charles S. Miller, Jr. _____
Charles S. Miller, Jr.
United States Magistrate Judge

¹On September 24, 2009, Baker filed a response to the Government's Motion for Summary Judgment to which she attached forty-four exhibits. (Docket No. 48).