Passmore v. Discover Bo

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

THERESA PASSMORE, Plaintiff, vs. DISCOVER BANK, et al. Defendants.	CASE NO. 1:11-cv-1347 ORDER [Resolving Doc. No. 13.]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Discover Bank moves this Court to stay discovery pending resolution of its refiled motion to compel arbitration. [Doc. 13.] Discover's motion to compel arbitration has already been denied and there has been no subsequent ruling. [Doc. 1-7 at 23.] Halting the discovery process while the Court revisits an issue upon which Discover has already received an adverse ruling does not serve the interests of judicial efficiency, and neither party will be prejudiced by the absence of a stay of discovery should the case ultimately proceed to arbitration. *Cincinnati Bengals, Inc., v. Thompson*, 553 F.Supp.1011, 1013 (S.D.Ohio 1983). Discovery will proceed pending the Court's ruling on Discover's renewed Motion to Compel Arbitration. *See Creative Solutions Group, Inc. v. Pentzer Corporation*, 199 F.R.D. 443, 444 (D. Mass. 2001). Accordingly, the Court **DENIES** the Defendant's motion to stay discovery pending the resolution of its motion to compel arbitration.

IT IS SO ORDERED.

Dated: September 26, 2009

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

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