

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SOFTWARE RIGHTS ARCHIVE, LLC

§

vs.

§

CASE NO. 2:07-CV-511-CE

§

GOOGLE INC., ET AL.

§

§

ORDER

Pending before the court is the defendants' motion for stay of case (Dkt. No. 286) pending resolution of defendants' motion to transfer venue. Although the defendants argue that the court should resolve the transfer motion before merits-related discovery occurs, the defendants did not file their motion to transfer until approximately five months after the parties had submitted agreed scheduling and discovery orders and began engaging in merits-related discovery. Moreover, the parties filed additional briefs on the venue issue several months after completion of the initial briefing, while engaging in discovery on the merits. No stay was sought until May 25, 2010. As a result, the court is persuaded that the requested stay is untimely. In any event, the defendants' motion is an effort to delay the disposition of the case on the merits, either in this court or any transferee court, as the merits-related discovery may be used in either forum. Because district courts have "broad discretion" in deciding motions to stay, *Clinton v. Jones*, 520 U.S. 681, 706 (1997), and the court is not persuaded that a stay is warranted in this case, the defendants' motion is DENIED.

SIGNED this 26th day of May, 2010.


 CHARLES EVERINGHAM IV
 UNITED STATES MAGISTRATE JUDGE