

DJW/bh

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CHRISTOPHER N. QUEEN, et al.,

Plaintiffs,

v.

Case No. 04-2607-JWL-DJW

F. FEDEN, et al.,

Defendants.

ORDER

Pending before the Court is the (1) Motion to Stay filed by Defendants Frank Feden, W. Lewis, M. Burnett, and the Overland Park Police Department (doc. 80), and (2) the Motion to Stay filed by Defendant Lisa G. Nouri (doc. 81) (Collectively said Defendants referred to as “Movants”). Movants seek a stay of all discovery and all Rule 26 and other pretrial proceedings as they apply to them, pending a ruling on Movants’ motions to dismiss.

Two primary reasons support the requests for stay. First, Plaintiffs have not filed any responses to these motions. Thus, the Court presumes that Plaintiffs do not oppose the requested stay. In addition, the Court finds that a stay is appropriate here under the factors set forth in *Wolf v. United States*.¹ *Wolf* held that it is appropriate for a court to stay discovery until a pending motion is decided “where the case is likely to be finally concluded as a result of the ruling thereon; where the facts sought through uncompleted discovery would not affect the resolution of the motion; or where discovery on all issues of the broad

¹157 F.R.D. 494, 495 (D. Kan. 1994)

complaint would be wasteful and burdensome.’²

In light of the above, the Court will grant the Motions to Stay. All discovery and all pretrial and Rule 26 proceedings, including the planning conference, scheduling conference, Rule 26(a)(1) disclosures, and discovery — as they apply to Defendants Frank Feden, W. Lewis, M. Burnett, the Overland Park Police Department, and Lisa G. Nouri — are hereby stayed until the Court has ruled on the pending Motions to Dismiss (doc. 2, 20 & 21).

IT IS THEREFORE ORDERED that the Motion to Stay filed by Defendants Frank Feden, W. Lewis, M. Burnett, and the Overland Park Police Department (doc. 80) is granted.

IT IS FURTHER ORDERED that the Motion to Stay filed by Defendant Lisa G. Nouri (doc. 81) is granted.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 27th day of July, 2005.

s/ David J. Waxse _____
David J. Waxse
U.S. Magistrate Judge

cc: All counsel and pro se parties

²*Id.* (citing *Kutilek v. Gannon*, 132 F.R.D. 296, 297-98 (D. Kan. 1990)).