

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DOROTHY LEWIS,)
)
 Plaintiff,)
)
 vs.) Case No. 05-2072-JWL
)
 STATE OF KANSAS, et al.,)
)
 Defendants.)

ORDER

Pursuant to Fed. R. Civ. P. 26, this case comes before the court on the motions of the defendants (**docs. 36 & 43**) to delay the planning and scheduling of this case and stay discovery pending the ruling on defendants’ dispositive motions (docs. 11 & 13). In addition, defendant Kansas Department of Labor has requested a stay of the response to plaintiff’s motion for consent to trial by magistrate judge¹ until the court rules the defendants’ motions to dismiss and plaintiff’s motions for summary judgment²; and defendants “Kansas Department of Revenue” and “Tax Examiner” have requested a stay of all proceedings on plaintiff’s motions for summary judgment pending ruling on their dispositive motion. Plaintiff has responded (doc. 132). No replies by defendants are deemed necessary to the resolution of the instant motions.

¹ Doc. 33.

² Docs. 19 & 21.

The court may stay discovery if: (1) the case is likely to be finally concluded via a dispositive motion; (2) the facts sought through discovery would not affect the resolution of the dispositive motion; or (3) discovery on all issues posed by the complaint would be wasteful and burdensome.³ The decision whether to stay discovery rests in the sound discretion of court. As a practical matter, this calls for a case-by-case determination.

Upon careful review of the record, the instant motions, and the pending dispositive motions in this case, the court concludes that a stay of all pretrial proceedings, including discovery, the planning meeting conference, initial disclosures, and the scheduling of deadlines, is warranted until the court resolves defendants' pending dispositive motions.

In consideration of the foregoing, and upon good cause shown,

IT IS HEREBY ORDERED:

1. Defendants' motions to delay planning and scheduling of this case and to stay discovery (**docs. 36 & 43**) are granted.
2. All pretrial proceedings in this case, as well as all deadlines set forth in the June 17, 2005 Initial Order Regarding Planning and Scheduling (doc. 26), are stayed until further order of the court.
3. The scheduling conference set for July 21, 2005 at 10:00 a.m. is canceled.

³ See *Wolf v. United States*, 157 F.R.D. 494, 495 (D. Kan. 1994) (citing *Kutilek v. Gannon*, 132 F.R.D. 296, 297-98 (D. Kan. 1990)).

4. The deadline for the Kansas Department of Labor to file its response to plaintiff's motion for consent to trial by magistrate judge⁴ is stayed until further order of the court.

5. All proceedings on the plaintiff's motions for summary judgment (docs. 19 & 21) are stayed until further order of the court.

4. The clerk shall copies of this order on all counsel of record and mail copies of to *pro se* plaintiff by regular mail.

Dated this 13th day of July, 2005, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

⁴ Doc. 33.