IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DALE D. ANDERSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 06-2471-KHV
	)	
PFIZER, INC. AND MERCK & CO., INC.,	)	
	)	
Defendants.	)	

ORDER

This case comes before the court on the unopposed motion (**doc. 5**) of defendant, Merck & Co., Inc., for a stay of all proceedings pending transfer decision by the judicial panel on multidistrict litigation.

The undersigned magistrate judge could grant the motion to stay solely on the basis that it is unopposed. However, the court will address the merits of the motion.

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.[1] 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.

[1] *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)).

Upon careful review of the record, the court concludes that a stay of all pretrial proceedings, including discovery, initial disclosures, and the scheduling of deadlines, is warranted until the judicial panel makes the transfer decision.

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

IT IS HEREBY ORDERED:

1. Defendant's motion to stay (**doc. 5**) is granted.

2. All pretrial proceedings in this case, including discovery and initial disclosures, are stayed until further order of the court.

Dated this 8th day of November, 2006, at Kansas City, Kansas.

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