

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

CHARLES PATRICK COSGROVE,

Plaintiff,

CIVIL ACTION

v.

Case No. 07-2125-SAC-GLR

KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES,
et al.,

Defendants.

ORDER

This matter comes before the Court on the Motion to Stay Discovery Conference, Discovery and Mandatory Disclosures (doc. 14) filed by Defendants Kansas Department of Social and Rehabilitation Services, Donna Whitman, Michael VanLandingham, Lois Mitchell and Sydney Kraft (collectively the “State Defendants”) on July 25, 2007. In their motion, the State Defendants request an order staying discovery in this case until their Motion to Dismiss (doc. 10) is fully resolved. Plaintiff has not filed any response in opposition to either the State Defendants’ Motion to Dismiss or Motion to Stay Discovery.

The general policy in this district is not to stay discovery even though dispositive motions are pending.¹ However, a court may appropriately 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

¹*Wolf v. United States*, 157 F.R.D. 494, 495 (D. Kan. 1994).

resolution of the motion; or where discovery on all issues of the broad complaint would be wasteful and burdensome.”²

After reviewing the docket and pleadings in this case and noting that Plaintiff has failed to file any response in opposition to the instant motion to stay, the State Defendants’ Motion to Dismiss or the Brumley Defendants’ Motion to Dismiss (doc. 6) within the time permitted under D. Kan. Rule 6.1(d), the Court determines there is a substantial likelihood that the case will be finally concluded as a result of the Court’s ruling on the pending motions to dismiss. The Court, therefore, will grant the State Defendants’ Motion to Stay Discovery Conference, Discovery and Mandatory Disclosures (doc. 14).

IT IS THEREFORE ORDERED THAT the State Defendants’ Joint Motion to Stay Discovery Conference, Discovery and Mandatory Disclosures (doc. 14) is GRANTED. Discovery is hereby stayed as to all Defendants until such time as the Court rules on the State Defendants’ Motion to Dismiss (doc. 10).

IT IS FURTHER ORDERED THAT the Telephone Scheduling Conference set for **August 30, 2007 at 3:15 p.m.** is hereby cancelled.

Dated in Kansas City, Kansas on this 17th day of August, 2007.

s/ Gerald L. Rushfelt
Gerald L. Rushfelt
U.S. Magistrate Judge

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