

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

DOUGHERTY FUNDING, LLC,

Plaintiff,

v.

GATEWAY ETHANOL, L.L.C.,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No.: 08-CV-2213-JWL

ORDER

This matter comes before the court upon the parties' Joint Agreed Motion for Limited Stay of Case and Memorandum in Support of Agreed Motion (Doc. 12). Plaintiff initiated the instant action on May 6, 2008. On May 16, 2008, defendant filed a Motion for Limited Jurisdictional Discovery (Doc. 4) to conduct limited written discovery regarding the membership of Dougherty Funding LLC to ascertain the existence diversity jurisdiction, the only basis of subject matter jurisdiction claimed by plaintiff. Plaintiff did not file a response in opposition, and the court granted defendant's unopposed Motion for Limited Jurisdictional Discovery, setting August 13, 2008 as the deadline for defendant to answer or otherwise respond to plaintiff's complaint.

Now, in order to explore settlement opportunities fully, the parties have filed a Joint Agreed Motion for Limited Stay of Case (Doc. 12), seeking to stay the limited discovery up to and including August 31, 2008, unless leave from the court is sought.

Having considered the parties' positions as outlined in the instant motion and for good cause shown, the Court finds that the request should be granted. All discovery and pretrial deadlines, including the time for Defendant Gateway Ethanol, LLC to respond to the Complaint, are stayed as set forth herein.

Accordingly,

IT IS THEREFORE ORDERED that the parties' Joint Agreed Motion for Limited Stay of Case and Memorandum in Support of Agreed Motion (Doc. 12) is granted as detailed herein.

IT IS FURTHER ORDERED that all discovery is stayed until August 31, 2008. As requested by the parties, should either party wish to engage in discovery during this time, such party shall provide notice of the same to the other, and to the Court, and: (1) unless otherwise ordered by the Court, Dougherty shall issue its responses (the "Discovery Responses") to Gateway's outstanding discovery requests with respect to jurisdiction within 15 days after such notice; and (2) unless otherwise ordered by the Court, Gateway shall answer or otherwise respond to the Complaint within 30 days after Dougherty issues its Discovery Requests.

Should the parties not resolve the dispute on or before August 31, 2008: (1) unless otherwise ordered by the Court, Dougherty shall issue its Discovery Responses within 15 days thereafter; and (2) unless ordered by the court, Gateway shall then answer or otherwise respond to the Complaint within 30 days after Dougherty issues its Discovery Responses.

IT IS SO ORDERED

Dated this 9th day of July, 2008 at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
UNITED STATES MAGISTRATE JUDGE