

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KANSAS STATE UNIVERSITY, and)
)
K-STATE ATHLETICS, INCORPORATED,)
formerly known as INTERCOLLEGIATE)
ATHLETIC COUNCIL OF KANSAS STATE)
UNIVERSITY, THE)
)
Plaintiffs,)
v.)
)
)
RONALD D. PRINCE, and)
)
)
IPP, L.L.C.)
)
Defendants.)

Case No. 09-4112-SAC

ORDER

Pursuant to Fed. R. Civ. P. 26, this case comes before the court on the parties' joint motion to stay all discovery (doc. 15) pending rulings on plaintiffs' motion to remand (doc. 8) and plaintiff IAC's motion to dismiss counterclaims (doc. 13).

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. The

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)).

court concurs with the parties that a stay of discovery is warranted in this case.

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

IT IS HEREBY ORDERED:

1. The joint motion to stay all proceedings under Fed. R. Civ. P. 26 is granted.
2. The parties' attorneys shall confer and submit their Rule 26(f) report to the court within 14 days of the rulings on plaintiffs' motion to remand (doc. 8) and plaintiff IAC's motion to dismiss counterclaims (doc. 13).
3. The telephone scheduling conference currently scheduled for September 25, 2009, is terminated; the parties are alleviated from submitting a report of the parties' planning meeting.

Dated this 8th day of September, 2009, at Kansas City, Kansas.

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