

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MELISSA PITTERMAN,

Plaintiff,

v.

Case No. 17-1116-JTM

GREYHOUND LINES, INC.,

Defendant.

ORDER

The parties have filed a joint motion (ECF No. 26) to stay their Rule 26(f) obligations until briefing is completed on defendant's pending motion to dismiss (ECF No. 24). By informal communication, the parties have since clarified that they are requesting to stay this litigation pending a ruling on the motion to dismiss.

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 the court. As a practical matter, this calls for a case-by-case determination.

Considering the relevant factors, information provided by the parties, and the briefing related to the pending dispositive motion, the court agrees with the parties that a

¹See *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)); *Lofland v. City of Shawnee, Kan.*, No. 16-2183, 2016 WL 5109941, at *1 (D. Kan. Sept. 20, 2016).

brief stay of all pretrial proceedings is warranted until the court rules the dispositive motion. In consideration of the foregoing, and upon good cause shown,

IT IS HEREBY ORDERED:

- 1) The parties' joint motion to stay (ECF No. 26) is granted.
- 2) The scheduling conference set for September 26, 2017, is cancelled, and all pretrial proceedings in this case, including the parties' Rule 26(f) obligations, are stayed until further order of the court.
- 3) Should the case survive the pending motion to dismiss, counsel shall confer and submit a Rule 26(f) planning meeting report to the undersigned's chambers within 14 days of the ruling on the motion.

Dated September 14, 2017, at Kansas City, Kansas.

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