

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KELLI COFFMAN,

Plaintiff,

v.

Case No. 17-2381-JWB

STATE OF KANSAS,

Defendant.

ORDER

This case comes before the court on the parties' joint motion to stay discovery and refer the case to mediation (ECF No. 70). The motion is granted.

The court may stay discovery when pursuing it would be wasteful and burdensome.¹ The decision whether to stay discovery rests in the sound discretion of the court.² As a practical matter, this calls for a case-by-case determination.³

The parties state their request for a stay is driven by a desire to conserve the parties' time and resources while they pursue possible settlement. They have scheduled mediation for April 23, 2019. Upon review of the record, the court concurs with the parties that a

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

² *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”).

³ *Citizens for Objective Public Educ., Inc. v. Kan. State Bd. of Educ.*, No. 13-4119, 2013 WL 6728323, at *1 (D. Kan. Dec. 19, 2013).

stay of discovery will help avoid potentially unnecessary expense and burden. In consideration of the foregoing, and upon good cause shown,

IT IS HEREBY ORDERED:

1. The parties' joint motion to stay discovery is granted.
2. The deadlines and settings in the second amended scheduling order (ECF No. 60), including the pretrial conference set for April 16, 2019, are terminated.
3. The case is referred to mediation, the cost of which shall be shared equally by the parties. An ADR report must be filed by counsel within 14 days of the mediation, using the form located on the court's website.
4. If the case does not settle at mediation, counsel shall confer and submit a proposed third amended scheduling order to the undersigned's chambers within 14 days of the mediation.

Dated March 18, 2019, at Kansas City, Kansas.

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