

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

IT ASSET PARTNERS, INC.,

Plaintiff,

v.

**SPRINT/UNITED MANAGEMENT
COMPANY,**

Defendant.

Case No. 17-2700-JWL

MEMORANDUM AND ORDER

Before the Court is the parties' Joint Motion to Stay Discovery and All Case Deadlines Pending Mediation (ECF 22). For the reasons discussed below, the Court denies the motion. On its own motion and for good cause, the Court will continue the scheduling conference to July 19, 2018 at 3:15 p.m. and direct counsel on or before July 12, 2018, to submit to the Court the report of their planning meeting, as required by Fed. R. Civ. P. 26(f).

Although the motion is jointly submitted, it cites no rule or authority for the Court to grant it. Instead, the motion simply says the parties want additional time to engage in formal mediation. Fed. R. Civ. P. 16(b)(2) provides that, "unless the judge finds good cause for delay," he or she must issue the scheduling order "within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared." Here the Court might infer that good cause has been shown by the parties' stated intent to conduct mediation, their disclosure of records and information, and their engagement in preliminary settlement discussion. But they present no facts or suggestion as to why their now proposed exchange of information and mediation could not have been accomplished during the period of five to six

months since the Defendant was served with the complaint on December 18, 2017, or entered its appearance on January 5, 2018.¹

The record shows, moreover, that the initial order for planning and scheduling was entered April 12, 2018, six weeks before the filing of the parties' joint motion to stay.² The Court welcomes, and indeed encourages, the intent of the parties to pursue mediation, but with the suggestion, given their proposals, that they expedite it. This case involves two parties, neither more nor less, and the Court will assume they have the ability to expedite their procedures to timely address this lawsuit.

IT IS THEREFORE ORDERED BY THE COURT that the parties' Joint Motion to Stay Discovery and All Case Deadlines Pending Mediation (ECF 22) is **denied** for lack of adequate factual and legal support. Upon its own motion and for good cause, the Court will continue the scheduling conference to July 19, 2018, at 3:15 p.m. and direct counsel on or before July 12, 2018, to submit the report of their planning meeting, as required by Fed. R. Civ. P. 26(f). Counsel and any pro se parties should call 1-888-363-4749, access number 8533057, for the conference.

IT IS SO ORDERED.

Dated June 13, 2018, at Kansas City, Kansas.

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

¹ See ECF 9 and ECF 13.

² ECF 21.