

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

MAURICE BAILEY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:21-cv-02550-TC-ADM

ORDER

The parties have informally advised the court that they agree to stay the proceedings in this case pending a ruling on the motion to dismiss filed in this case (ECF 14). Although the court will not stay discovery simply because a dispositive motion has been filed, a stay may be appropriate if “(1) the case is likely to be finally concluded via the dispositive motion; (2) the facts sought through discovery would not affect the resolution of the dispositive motion; (3) discovery on all issues posed by the complaint would be wasteful and burdensome; or (4) the dispositive motion raises issues as to a defendant’s immunity from suit.” *Arnold v. City of Olathe*, No. 18-2703-CM-JPO, 2019 WL 2438677, at *2 (D. Kan. Mar. 8, 2019). The decision whether to stay discovery rests in the sound discretion of the court. *Clinton v. Jones*, 520 U.S. 681, 706 (1997).

Here, the court agrees with the parties that a short stay is appropriate. Defendant’s motion to dismiss asserts that plaintiff’s claims are barred by sovereign immunity and that defendant is immune from suit. Discovery is not necessary to resolve the motion. If the court grants the motion, the case will be dismissed in its entirety. Thus, moving forward with discovery at this time could prove wasteful and burdensome for both the court and the parties.

IT IS THEREFORE ORDERED that the parties' joint request to stay proceedings is granted. All pretrial proceedings in this case, including scheduling discovery and setting deadlines, are stayed until further order of the court.

IT IS FURTHER ORDERED that, if the court denies defendant's motion to dismiss, the parties must meet and confer and submit a proposed scheduling order via email to the undersigned's chambers within 14 days of the court's ruling. A form scheduling order is available at <http://ksd.uscourts.gov/index.php/judge/angel-d-mitchell/>. After reviewing the proposed scheduling order, the court will set a scheduling conference if necessary.

IT IS SO ORDERED.

Dated April 5, 2022, at Kansas City, Kansas.

s/ Angel D. Mitchell _____
Angel D. Mitchell
U.S. Magistrate Judge