

DJW/bh

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

SAMUEL K. LIPARI,

Plaintiff,

v.

CIVIL ACTION

No. 07-2146-CM-DJW

U.S. BANCORP, et al.,

Defendants.

MEMORANDUM AND ORDER

Pending before the Court is Defendants' Motion to Stay Entry of Schedule, Stay Discovery and for Protective Order (doc. 28). Plaintiff has filed no opposition to the motion. For the reasons set forth below, the Court will grant the motion.

As a general rule, discovery and other pretrial proceedings are not stayed in this district based merely on the pendency of dispositive motions. It is well settled, however, that the Court may enter such a stay until a pending motion is decided "where the case is likely to be finally concluded as a result of the ruling thereon; where the facts sought through uncompleted discovery would not affect the resolution of the motion; or where discovery on all issues of the broad complaint would be wasteful and burdensome."¹ The decision whether to stay discovery and other pretrial proceedings rests within the sound discretion of the Court.²

Upon careful review of the record in this case, the Court concludes that a stay of discovery and all other pretrial proceedings is warranted. Accordingly, Defendants' motion is granted, and

¹*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)).

²*Kutilek*, 132 F.R.D. at 297 (citations omitted)..

all pretrial and Rule 26 proceedings, including the planning conference, scheduling conference, Rule 26(a)(1) disclosures, and discovery, are hereby stayed until the Court has ruled on the pending Motion to Dismiss (doc. 22).

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 24th day of May, 2007.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

cc: All counsel and pro se parties