



DP Creations et al v. Ortiz et al

2019 | Cited 0 times | D. Utah | December 23, 2019

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH, CENTRAL
DIVISION

DP Creations et al.,

Plaintiffs, v. Ortiz et al.,

Defendants.

MEMORANDUM DECISION AND

MOTION TO STAY Case No. 2:19-cv-00948-CMR Magistrate Judge Cecilia M. Romero

Motion to Disqualify Counsel (ECF 9). Plaintiffs filed a Memorandum in Opposition

y is an unnecessary delay tactic. The court is not persuaded by Defendants Motion and finds a stay pending determination of the Motion to Disqualify Counsel is unnecessary.

The court has inherent power to stay proceedings in matters pending before it. *Pet Milk Co. v. Ritter*, 323 F.2d 586, 588 (10th Cir. 1963). This includes discretion to stay discovery pending resolution of a motion to dismiss. See *Matrix Grp., LLC v. Innerlight Holdings, Inc.*, 2012 WL 5397118, at *4 5 (D. Utah Nov. 5, 2012). Reaching such a determination as to *Landis v. North American Co.*, 299 U.S. 248, 254

(1936). In exercising this judgment courts in this circuit have applied a variety of factors. See e.g., *Gale v. Brinker International Payroll Co.*, 2010 WL 3835215, *1 (D. Utah Sept. 29, 2010); *Sykes v. LivaNova Deutschland GMBH*, 2018 WL 286791, at *1 (D. Colo. Jan. 4, 2018). These include: (1) whether a stay would promote judicial economy; (2) whether a stay would avoid

confusion and inconsistent results; (3) the interests and burdens on the parties; (4) the interests of others, such as nonparties or the public, in staying or proceeding with the case and (5) the impact to the court of staying a matter.

Id. Having considered these factors, the court finds that Defendants have failed to meet their burden. As to the first factor, the court has no information that a stay does not promote judicial economy.



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Further, there is no suggestion that a stay would avoid confusion or inconsistent results. Third, the burden on the Defendants . In fact, Plaintiffs themselves would be burdened

should the court disqualify their counsel of record, yet, they oppose a stay. As to the fourth factor, nothing in the record demonstrates any effect on nonparties or the public in staying or c

file a proposed scheduling order.

ORDER Defendants must file an answer or other responsive pleading by January 3, 2020.

DATED this 20 December 2019.

Magistrate Judge Cecilia M. Romero United States District Court for the District of Utah

