UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CONSUMER FINANCIAL PROTECTION BUREAU,	)	
Plaintiff,	)	
vs.	)	No. 1:14-cv-292-SEB-TAB
ITT EDUCATIONAL SERVICES, INC.,	)	
Defendant.	)	

ORDER ON JULY 7, 2014, TELEPHONIC INITIAL PRETRIAL CONFERENCE

Parties appeared by counsel July 7, 2014 for a telephonic initial pretrial conference. Discussion held regarding discovery, settlement, and related matters. The Court heard argument on Defendant's motion to stay discovery [Filing No. 24], which is denied. A pending motion to dismiss does not ordinarily justify staying discovery. The Court recognizes that if Defendant's motion is granted the case will be over except for any appeal, but the same is true with many motions to dismiss, and rarely do they result in discovery grinding to a halt in this district. Moreover, the motion to dismiss is not even fully ripe yet, so any stay could be in place for a relatively lengthy period.

The Court is mindful of Defendant's argument that the discovery is burdensome, and there already has been some discovery during the administrative phase of this case. However, Defendant simply has not made a sufficient showing to completely stop discovery here. This is particularly so given that all Plaintiff wants from a discovery standpoint is to serve some targeted requests for production.

Accordingly, the motion to stay discovery [Filing No. 24] is denied provided that, pending resolution of Defendant's motion to dismiss, discovery shall be limited to a single set of production requests to be served by Plaintiff. The Case Management Plan [Filing No. 33] is denied. The parties shall file a revised CMP, consistent with this order, within 14 days.

Dated: 7/10/2014

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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