

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

KENNETH N. LYNN, :
 :
 Plaintiff, :
 :
 v. : CASE NO. 3:05CV888 (RNC)
 :
 SOLOMON AND SOLOMON, P.C., :
 :
 Defendant. :

RULING ON DEFENDANT'S MOTION FOR STAY OF DISCOVERY

The plaintiff, Kenneth Lynn, alleges that the defendant, Solomon and Solomon, P.C., violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. On September 20, 2005, two months after the parties filed their Rule 26(f) report, the defendant filed a motion for summary judgment. (Doc. #20.) The defendant now moves for a stay of discovery¹ until the court decides the motion for summary judgment, an extension of time in which to file a motion to compel and an award of costs and attorney's fees. (Doc. #24.)

District courts have discretion to stay discovery for good cause. Fed. R. Civ. R. 26(c); Association Fe Y Allegria et al. v. Republic of Ecuador et al., No. 98 Civ. 8650, 1999 WL 147716, at *1 (S.D.N.Y. Mar. 16, 1999). The movant bears the burden to establish

¹It appears that little discovery has occurred thus far. The plaintiff has moved to compel responses to certain requests for production (doc. #27) and the defendant contends that the plaintiff has not served responses to the interrogatories it propounded on August 3, 2005. Neither the plaintiff nor the defendant have been deposed.

good cause. See id.

The defendant's motion to stay discovery is denied. The court is not persuaded that the defendant has demonstrated good cause to stay discovery. The defendant's request for costs and attorney's fees incurred in making this motion is denied.

The defendant seeks an extension of time in which to file a motion to compel with regard to discovery it served on August 3, 2005.² The request is granted. Any motion to compel as to these discovery requests shall be filed by November 21, 2005.

SO ORDERED at Hartford, Connecticut this 7th day of November, 2005.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge

²The scheduling order in this case provides that "[a]ny motion for an order compelling disclosure or discovery pursuant to Fed. R. Civ. P. 37(a) must be filed within 30 days after the due date of the response." (Doc. #18.)