

ORDER by Magistrate Judge Susan Prose on 11/1/2024 granting the 17 Joint Motion to Stay pending the appeal in Teva Pharmaceuticals USA, Inc. v. Weiser, Case No. 23-cv-2584-DDD-TPO (D. Colo.), No. 24-1035 (10th Cir.). For the reasons stated in the motion, the court is satisfied that the factors for a stay under *String Cheese Incident, LLC v. Stylus Shows, Inc.*, No. 1:02-cv-01934-LTB-PAC, 2006 WL 894955 at *2 (D. Colo. Mar. 30, 2006), are met. In particular, Plaintiff joins in the motion, and the issue on appeal in Teva is identical to an issue that Defendant would raise here when its response to the complaint becomes due. Under these circumstances, a stay does not unduly prejudice any party. The court therefore exercises its discretion to stay discovery (*Wang v. Hsu*, 919 F.2d 130, 130 (10th Cir. 1990)). However, the court deems administrative closure under Local Rule 41.2 to be more appropriate than a stay. "When a court administratively closes a case, the closure generally operates as the practical equivalent of a stay. Unlike a stay however, an administratively closed case is not counted as active although it remains on the docket." *Patterson v. Santini*, 631 F. App'x 531, 534 (10th Cir. 2015) (internal quotation marks and citation omitted). Accordingly, the Clerk's office is requested to administratively close this case, subject to reopening on a motion by any party. The parties shall file such a motion within 14 days after the Tenth Circuit issues its opinion in the Teva appeal. Text Only Entry (sbplc1) (Entered: 11/01/2024)