

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No. 07-cv-00644-WDM-CBS

EDWARD J. KERBER,
NELSON B. PHELPS,
JOANNE WEST,
NANCY A. MEISTER,
THOMAS J. INGEMANN, JR.,
Individually, and as Representative of plan participants and
plan beneficiaries of the QWEST GROUP LIFE INSURANCE PLAN,

Plaintiffs,

v.

QWEST GROUP LIFE INSURANCE PLAN,
QWEST EMPLOYEES BENEFIT COMMITTEE,
QWEST PLAN DESIGN COMMITTEE,
QWEST COMMUNICATIONS INTERNATIONAL, INC.,

Defendants.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE CRAIG B. SHAFFER

IT IS HEREBY ORDERED that the Joint and Stipulated Motion to Stay Discovery (*doc. no. 37*) is **GRANTED**. Within 72 hours of receipt of a decision by District Judge Miller on Defendants' Motion to Dismiss Under Rule 12(b)(6) (*doc. no. 16*), counsel shall contact Magistrate Judge Shaffer's chambers (303.844.2117) to make arrangements for the setting of a telephonic status conference.

DATED: August 22, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. **07-cv-00644-WDM-CBS**

EDWARD J. KERBER, *et al*, Individually,
and as Representatives of plan participants
and plan beneficiaries of the QWEST GROUP LIFE INSURANCE PLAN,

Plaintiffs,

vs.

QWEST GROUP LIFE INSURANCE PLAN, *et al.*,

Defendants.

JOINT AND STIPULATED MOTION TO STAY DISCOVERY

Plaintiffs and Defendants (jointly, the “Parties”), through their respective counsel, respectfully submit this Motion To Stay Discovery (“Motion To Stay”) pending the Court’s determination of Defendants’ Motion To Dismiss Under Rule 12(b)(6) (“Motion To Dismiss”). In support of this Motion To Stay, the Parties state:

1. At the August 13, 2007 Scheduling Conference, the Court directed the parties to confer and then file on or before August 20, 2007, either a motion to stay discovery or an amended scheduling order setting forth a limited discovery schedule.

2. In accordance with the Court’s order, the Parties have conferred about the amount of discovery, if any, they will need to undertake following the Court’s ruling on the Motion To Dismiss. In particular, the Parties discussed ways in which discovery can be

streamlined or eliminated following the Court's ruling on that motion. As a result of those discussions, the Parties believe that following the Court's ruling on the Motion To Dismiss, they will be able to reach agreements—for example, concerning possible amendments to the existing complaint and/or the authenticity of any additional relevant documents—that would likely eliminate the need for formal discovery. The Parties cannot reach those agreements now because their terms will depend on whether the Court grants, or instead denies, the Motion To Dismiss, and may also depend on the Court's rationale for granting or denying that motion.

3. Because the Parties believe they can reach agreements following the Court's ruling on the Motion To Dismiss that will likely eliminate the need for formal discovery, they believe there is no need at this time to file an amended scheduling order setting forth a limited discovery schedule. They accordingly hereby jointly move the Court for entry of an order staying discovery pending the Court's ruling on the Motion To Dismiss. A proposed form of Order is attached.

4. The Parties thank the Court for providing them with ideas regarding how to streamline or eliminate discovery, and for affording them an opportunity to discuss possible stipulations that could eliminate the need for such discovery.

WHEREFORE, the Parties respectfully request entry of the Order Staying Discovery that accompanies this Motion.

DATED: August 17, 2007.

s/ Curtis L. Kennedy

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2007, I electronically filed the foregoing **Joint and Stipulated Motion To Stay Discovery** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Curtis L. Kennedy, Esq. at CurtisLKennedy@aol.com

I also hereby certify that on August 17, 2007, I served by regular U.S. Mail the foregoing **Joint and Stipulated Motion To Stay Discovery** on the following person at the following address:

Cynthia Delaney, Esq.
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1801 California Street, Suite 900
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Also, copy of the same will be delivered via email to Named Plaintiffs as follows:

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