

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**E & M PROPERTIES, INC.,
EUGENE PALLISCO,**

Plaintiffs,

CIVIL ACTION NO. 09-CV-10932-DT

vs.

DISTRICT JUDGE GEORGE CARAM STEEH

**BLOOMFIELD, TOWNSHIP
OF, et al.,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO QUASH
SUBPOENAS AND DEFER DISCOVERY**

This matter comes before the Court on Defendants' Amended Motion to Quash Subpoenas and Defer Discovery filed on June 15, 2009.¹ (Docket no. 18). This is a civil rights action filed pursuant to 42 U.S.C. § 1983 and state law. (Docket no. 1). Defendants have filed a Motion for Judgment on the Pleadings which is set for hearing on August 19, 2009 before the district court. (Docket nos. 14, 22). Plaintiffs have filed a Response to Defendants' Motion to Quash Subpoenas and Defer Discovery. (Docket no. 25). The parties have also filed a Joint Statement of Resolved and Unresolved Issues. (Docket no. 26). Defendants' Motion to Quash Subpoenas is ready for ruling. All pretrial matters in this action have been referred to the undersigned for decision. (Docket no. 19). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e).

¹ Plaintiffs have served subpoenas on non-parties and served Requests for the Production of Documents. (Docket no. 26).

Defendants raise the defenses of qualified immunity and governmental immunity in their Motion for Judgment on the Pleadings. (Docket no. 14). Defendants are either governmental entities or an employee of such an entity. The Sixth Circuit has made clear that when such a motion is filed discovery should not be allowed until after the immunity question is resolved. *Skousen v. Brighton High School*, 305 F.3d 520, 526-27 (6th Cir. 2002). In accordance with this authority, discovery will be stayed pending consideration of Defendants' motion.

IT IS THEREFORE ORDERED that Defendants' Amended Motion to Quash Subpoenas and Defer Discovery (docket no. 18) is **GRANTED** and discovery is stayed until further order of the Court. The parties are directed to petition the Court for a modified scheduling order if this case is not dismissed upon Defendants' Motion for Judgment on the Pleadings.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: 8/17/09

s/Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE