

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

COTTON BAYOU MARINA, INC, etc., et al., :

Plaintiffs, :

vs. : CA 10-0243-MJ-C

BP, plc, et al., :

Defendants.

ORDER

This cause is before the Court on defendant Halliburton Energy Services, Inc.'s Motion to Stay Proceedings (Doc. 7), the joinder in motion to stay proceedings filed by defendants BP America, Inc. and BP North America, Inc. (Doc. 13), the plaintiffs' response in opposition (Doc. 37), and Halliburton's reply (Doc. 36).

Upon consideration of the foregoing pleadings, the motion to stay proceedings (Doc. 7) is **DENIED without prejudice to the defendants' ability to re-file same** after responsive pleadings have been filed. *See, e.g., Hopkins, et al. v. Transocean, Ltd., et al.*, CA 10-0221-WS-C, Doc. 12 (May 25, 2010 order denying motion to stay as premature).¹

¹ Defendant Halliburton has not explained why its motion to stay in this case is not similarly premature as found in *Hopkins* and other cases in this district (*compare* Doc. 36, at 4-6 *with id.* at 5 n.1) or why it would be prejudiced by being made to answer plaintiffs' complaint or otherwise filing a responsive pleading. Its suggestion that the denial of the motion to stay will prejudice all defendants by subjecting them to overlapping discovery requests and conflicting discovery and pretrial orders does not overcome the prematurity of the motion. The undersigned

DONE and **ORDERED** this the 2nd day of June, 2010.

s/WILLIAM E. CASSADY
UNITED STATES MAGISTRATE JUDGE

declines to place the discovery “cart” before the responsive pleading “horse” in this matter particularly since Halliburton can point to no discovery orders issued by this Court, to date, much less the inconsistency of same.