

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ROLLIN D. SCHOLZ, JR.

PLAINTIFF

v.

CASE NO. 4:09cv484 BSM

**CAROLYN SUE MCLARRY,
In Her Official and Individual
Capacity; and ARKANSAS STATE
UNIVERSITY**

DEFENDANTS

ORDER

Defendants Sue McLarry and Arkansas State University move to stay all proceedings, including discovery. [Doc. No. 11]. The plaintiff has not responded. The motion is granted.

Rule 26(c)(1) states “The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense” Prior to the filing of this motion, the defendants filed a motion to dismiss. [Doc. No. 9]. Defendants now move for all proceedings to be stayed, including discovery, pending a decision on their motion to dismiss. In the motion to dismiss defendants argue that they are entitled to sovereign and qualified immunity, or alternatively, that the plaintiff has failed to state a claim or state a claim upon which relief may be granted. In the motion currently before the court, defendants maintain that until the court decides the threshold jurisdictional issue of immunity, the case should be stayed.

Defendants’ motion is well taken and there is good cause to stay all proceedings, including discovery. Therefore, the defendants’ motion is granted.

IT IS SO ORDERED this 23rd day of November, 2009.

Brian S. Miller
UNITED STATES DISTRICT JUDGE