

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

AMBER SHELTON, as Administratrix of
the ESTATE OF BRENDA SHELTON, Deceased

PLAINTIFF

v.

No. 4:10CV01519 JLH

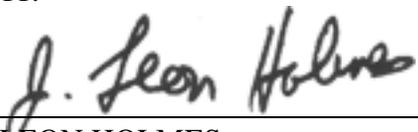
ARKANSAS DEPARTMENT OF HUMAN
SERVICES; CHERYL MILLER, individually,
and in her official capacity as an employee of the
Arkansas Dept. of Human Services; SHARON
THOMPSON, individually, and in her official
capacity as an employee of the Arkansas Dept. of
Human Services; DR. JOHN SCHAY, individually,
and in his capacity as a physician at the University of
Arkansas System; LEVITA FISHER, individually, and
in her official capacity as an employee of the Arkansas
State Hospital; ROSALIND HUNTER, individually;
ALBERT KITTRELL; LINDA PARKER; and
CHARLES SMITH, individually, and in his
official capacity as Administrator of Arkansas State Hospital

DEFENDANTS

ORDER

John Schay has filed a motion for protective order in which Linda Parker has joined, seeking to stay discovery until the Court rules on the pending motions to dismiss. Schay and Parker argue, in part, that the issue of qualified immunity should be decided before discovery commences. After careful consideration, the Court has concluded that discovery should be stayed until the Court rules on the pending motions to dismiss so as to avoid needless expense. No party will be prejudiced by the stay because the trial has not been scheduled and if the motions to dismiss are denied, the plaintiff will be given ample opportunity to conduct discovery before trial. Documents #55, #56, and #57.

IT IS SO ORDERED this 3rd day of March, 2011.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE