

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

JOHN DOE AND MARTHA ROE, Individually  
and as Next Friends of JANE DOE,  
a minor

PLAINTIFFS

VS.

CASE NO. 08-6076

DELIGHT PUBLIC SCHOOL DISTRICT,  
et al.

DEFENDANTS

**O R D E R**

Currently before the Court is the defendants' **Notice of Interlocutory Appeal and Motion to Stay (Docs. 44, 45)**. Defendants seek to stay this action to permit them to pursue an interlocutory appeal of this Court's ruling (Doc. 29) denying Defendant Tanya Wilcher qualified immunity.

It is well settled that a denial of summary judgment on the grounds of qualified immunity may be reviewed on interlocutory appeal. See Mitchell v. Forsyth, 472 U.S. 511, 528 n. 9; Vaughn v. Gray, 557 F.3d 904, 908 (8<sup>th</sup> Cir. 2009). Accordingly, defendants' **Motion to Stay (Doc. 45)** is hereby **GRANTED** and this action is hereby administratively terminated pending adjudication of defendants' interlocutory appeal by the Court of Appeals for the Eighth Circuit.

IT IS SO ORDERED this 29<sup>th</sup> day of June, 2009.

/S/JIMM LARRY HENDREN  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE