

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SYNERGY REAL ESTATE OF SW
FLORIDA, INC., GULF COAST
MANAGEMENT GROUP, LLC and LOUIS
PFAFF, a dissolved Florida corporation

Plaintiffs,

v.

Case No: 2:11-cv-707-Ftm-29SPC

PREMIER PROPERTY MANAGEMENT
OF SW FLORIDA, LLC, NAPLES NEW
VENTURES, LLC, MICHAEL DEPAOLA,
KRISTIN DEPAOLA, CYNTHIA JONES
and JAMES JONES,

Defendants.

_____ /

ORDER

This matter comes before the Court on the Joint Motion to Abate Pending Resolution of Defendants' Motion to Dismiss (Doc. #46) filed on March 1, 2013. The Parties move for a stay of discovery and deadlines contained in the Courts' Amended Case Management and Scheduling Order (Doc. #16) pending Defendants' Joint Motion to Dismiss Plaintiffs' Amended Complaint (Doc. #38) filed on October 16, 2012.

In deciding whether to stay discovery pending resolution of a motion to dismiss, the court must balance the harm produced by a delay in discovery against the possibility that the motion will be granted and entirely eliminate the need for such discovery. McCabe v. Foley, 233 F.R.D. 683, 685 (M.D. Fla. 2006) (citation omitted). As grounds, the Parties state that it is in the best interest of judicial economy to abate this matter and extend all deadlines pending the Defendants' Joint Motion to Dismiss. Additionally, the Parties state that they would have an

insufficient amount of time to conduct discovery, prepare for trial, and otherwise comply with the Courts' Amended Case Management and Scheduling Order (Doc. #16).

Given the possibility of the Parties incurring unnecessary costs and time associated with proceeding with discovery and other obligations and pending the Defendants' Joint Motion to Dismiss, the Court finds good cause to grant the stay. Should the case survive the Motion to Dismiss, the Parties shall file a revised joint Case Management Report within fourteen (14) days of the Court's ruling.

Accordingly, it is now

ORDERED:

- (1) Joint Motion to Abate Pending Resolution of Defendants' Motion to Dismiss (Doc. #46) is **GRANTED**.
- (2) After the disposition of Defendants' Joint Motion to Dismiss Plaintiffs' Amended Complaint, the Parties shall file a joint revised Case Management Report within **fourteen (14) days** of the Court's ruling, if necessary.

DONE and **ORDERED** in Fort Myers, Florida this 6th day of March, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record