

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SCOTT O. BARROWS and
JUDY L. BARROWS,

Plaintiffs,

v.

Case No. 8:14-cv-2121-T-33TGW

BANK OF AMERICA, N.A.,

Defendant.

_____ /

ORDER

This matter is before the Court pursuant to Defendant Bank of America, N.A.'s (BANA) Unopposed Motion for a Stay of Discovery filed on November 6, 2014. (Doc. # 33). To the extent the Motion moves this Court to stay discovery in this case until such time as the Court enters an Order denying BANA's Motion to Dismiss and directing BANA to answer an amended pleading, that request is denied for the reasons that follow.

Discussion

The Court "must take an active role in managing cases on [its] docket." Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1366 (11th Cir. 1997). The requested stay of discovery pending a future responsive pleading from BANA would not advance this case toward its final resolution. Furthermore, the Court


notes that BANA there is no pending Motion to Dismiss at this time and the parties have not submitted a Case Management Report to this Court. Therefore, pursuant to Federal Rules of Civil Procedure 16 and 26, discovery should not occur until such time as this Court has entered a Case Management and Scheduling Order. As stated in Chudasama, this Court enjoys broad discretion "in deciding how best to manage the cases before [it]" and, under the circumstances of this case, the Court determines that it is appropriate to deny the requested relief. 123 F.3d at 1366.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

The relief requested in Defendant's Unopposed Motion to Stay Discovery (Doc. # 18) is **DENIED**.

DONE and ORDERED in Chambers, in Tampa, Florida, this 7th day of November, 2014.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to: All Counsel and Parties of Record