

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 20-cv-24374-BLOOM/Otazo-Reyes

MARGLLI GALLEGO,

Plaintiff,

v.

IVETTE PEREZ, *et al.*,

Defendants.

ORDER STAYING CASE

THIS CAUSE is before the Court upon Defendants'¹ Renewed Motion to Stay Case and to Vacate or Suspend Scheduling Order, ECF No. [67] ("Motion"), filed on September 23, 2021. On September 20, 2021, Defendants Ivette Perez and Carlos Luffi filed a Notice of Appeal, ECF No. [65], contesting the Court's Order denying their motion to dismiss based on qualified immunity, ECF No. [61]. Defendants now request that the Court suspend all deadlines and obligations set forth in the Scheduling Order, ECF No. [62], pending the issuance of the mandate in Appeal No. 21-13212-HH (the "Appeal"). Plaintiff Marglli Gallego ("Plaintiff") had the opportunity to respond to the Motion but has failed to do so. Accordingly, the Motion is ripe for the Court's consideration.

Upon review, the Court agrees that a stay of all proceedings pending the resolution of the Appeal is appropriate under the circumstances. Specifically, because the claims against Officers Escobar and Garcia are inextricably intertwined with the claims against Officers Perez and Luffi, a stay of all proceedings pending the Appeal will not only conserve judicial resources, but will

¹ Officers Ivette Perez, Carlos Luffi, Ricky Garcia, and Flavio Escobar are collectively referred to as "Defendants."

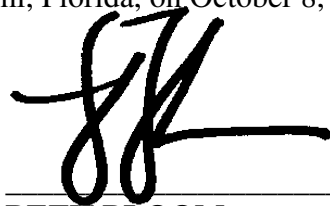
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also ensure that Officers Perez and Luffi are free from the burdens of litigation until their immunity defense is resolved. *See Blinco v. Green Tree Servicing, LLC*, 366 F.3d 1249, 1252 (11th Cir. 2004) (“[S]ubjecting officials to trial, traditional discovery, or both concerning acts for which they are likely immune undercuts the protection from government disruption which official immunity is supposed to afford.” (quoting *Elliott v. Perez*, 751 F.2d 1472, 1478 (5th Cir. 1985))); *see also Sosa v. Hames*, No. 05-23079-CIV, 2006 WL 1284927, at *1 (S.D. Fla. May 3, 2006) (staying proceedings pending interlocutory appeal on the issue of qualified immunity “in the interest of conserving the parties’ and judicial resources”).

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Motion, **ECF No. [67]**, is **GRANTED**.
2. This case is **STAYED** pending this issuance of the mandate in Appeal No. 21-13212-HH that is currently pending in the United States Court of Appeals for the Eleventh Circuit.
3. The Court will enter an amended scheduling order following disposition of the Appeal.
4. The Clerk is directed to **CLOSE** this case for administrative purposes only.

DONE AND ORDERED in Chambers at Miami, Florida, on October 8, 2021.



BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record