

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**CHRISTOPHER INNIS**  
**et al,**

**Plaintiffs,**

**v.**

**DEBORAH ADERHOLD, et al,**

**Defendants.**

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**CIVIL ACTION NO.**  
**1:14-CV-01180-WSD**

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**DEFENDANT DEBORAH ADERHOLD’S UNOPPOSED MOTION TO  
STAY PROCEEDINGS UNTIL SUCH A TIME THAT THE COURT  
RULES ON THE PENDING  
MOTION TO DISMISS and BRIEF IN SUPPORT**

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COMES NOW, Defendant Deborah Aderhold<sup>1</sup>, State Registrar and Director of Vital Records for the Georgia Department of Public Health (“Registrar Aderhold”), by and through counsel, the Attorney General of the State of Georgia unopposed by Plaintiffs and hereby moves to stay proceedings until such a time that the Court rules on her pending motion to dismiss Plaintiffs’ complaint.

**I. ARGUMENT AND CITATION TO AUTHORITIES**

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<sup>1</sup> Defendant Aderhold recognizes that the Plaintiffs have amended their complaint adding additional parties and that the new Defendant will need to file a response to the complaint.

Rule 26(d) of the Federal Rules of Civil Procedure provides the Court with broad discretion to alter the sequence of discovery “for the convenience of the parties . . . and in the interests of justice.” Fed. R. Civ. P. 26(d). See also Panola Land Buyers Ass’n v. Shuman, 762 F.2d 1550, 1558-59 (11th Cir. 1985) (court has “broad discretion to stay discovery until the district court rules on a pending dispositive motion”); Transunion Corp. v. PepsiCo, Inc., 811 F.2d 127, 130 (2nd Cir. 1987) (staying discovery pending determination of motion to dismiss).

In the interests of efficiency and justice, this Court should exercise its discretion under Rule 26 to stay proceedings and relieve the parties from having to exert additional resources pending a final ruling on the pending motion. See Patterson v. United States Postal Serv., 901 F.2d 927, 929 (11th Cir. 1990) (trial court properly stayed discovery pending resolution of motion to dismiss); Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1367 (11th Cir. 1997) (holding that “facial challenges to the legal sufficiency of the claim or defense, such as a motion to dismiss based on failure to state a claim for relief, should be resolved before discovery begins”).

An order staying proceedings will protect the parties from the burden of conducting unnecessary and expensive discovery should a motion to dismiss be granted. Further, as Plaintiffs have brought a facial challenge to a state statute, there is little to no benefit to an early conference (L.R. 16.1). Even if only partially

granted, a motion to dismiss would substantially narrow the claims that survive and establish the proper scope of discovery for what remains of Plaintiffs' claims. The parties will have been relieved of expending additional time, effort, and resources on any and all claims that the Court may dismiss or that Plaintiffs may choose not to pursue.

## II. CONCLUSION

For these reasons, the Defendant respectfully requests that the Court stay proceedings in this matter until the motion to dismiss is fully adjudicated. If the Court ultimately does not dismiss the Complaint in its entirety, it is requested that a scheduling/discovery order be entered at that time.

Respectfully submitted, this 5th day of August, 2014.

SAMUEL S. OLENS                      551540  
Attorney General

/s/NELS PETERSON                      101074  
Solicitor General

KATHLEEN M. PACIOUS                558555  
Deputy Attorney General

/s/Devon Orland                        554301  
Senior Assistant Attorney General

**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing has been prepared in compliance with Local Rule 5.1(B) in 14-point New Times Roman type face.

This 5th day of August, 2014.

/s/Devon Orland  
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **UNOPPOSED MOTION TO STAY PROCEEDINGS AND DRAFT ORDER** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all CM/ECF participants of record, including the following:

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This 5th day of August, 2014.

/s/Devon Orland  
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