

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

ADRIAN AVENDANO-BAUTISTA,)
)
 Plaintiff,)
)
 v.)
)
 KIMBELL GIN MACHINERY COMPANY,)
 and LUBBOCK ELECTRIC CO., INC.,)
)
 Defendants.)

CV 116-108

ORDER

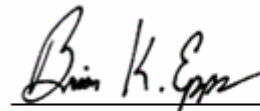
Before the Court is Defendant Lubbock Electric’s unopposed motion for a stay of discovery pending resolution of Defendant’s motion to dismiss. (Doc. no. 21.) Plaintiff does not object to the motion. (Doc. no. 27.) Upon consideration, and for the reasons set forth below, the Court **GRANTS** the request.

Under Fed. R. Civ. P. 26(c), this Court has “broad inherent power to stay discovery until preliminary issues can be settled which may be dispositive of some important aspect of the case.” Ameris Bank v. Russack, No. CV614-002, 2014 WL 2465203, at *1 (S.D. Ga. May 29, 2014) (quoting Petrus v. Bowen, 833 F.2d 581, 583 (5th Cir. 1987)). A stay should be granted where all discovery may be mooted by ruling on a legal issue. See Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982) (“Until this threshold immunity question is resolved, discovery should not be allowed.”) The court may take a “preliminary peek” at the merits of the dispositive motion to assess the likelihood that it will be granted. Russack, 2014 WL

2465203, at *1 (citing Feldman v. Flood, 176 F.R.D. 651, 652 (M.D. Fla. 1997)). Here, because a cursory review of the motion suggests that it has the *potential* to be “case-dispositive,” Feldman, 176 F.R.D. at 653, discovery should be stayed. See Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1367 (11th Cir. 1997); see also Moore v. Potter, 141 F. App’x 803, 808 (11th Cir. 2005).

Thus, the Court hereby **GRANTS** Defendant’s request to stay discovery (doc. no. 21); the parties shall confer and submit a proposed joint scheduling order within seven days of the District Court’s ruling on the dismissal motion. Such order should include date-certain deadlines through the filing of summary judgment motions.

SO ORDERED this 24th day of October, 2016, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA