

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

AUGUSTA DIVISION

ANGELA RICE,)
)
Plaintiff,)
)
v.) CV 117-039
)
HARRY B. JAMES, III, Individually and in)
his Official Capacity as Judge of Richmond)
County Probate Court, and AUGUSTA,)
GEORGIA,)
)
Defendants.)

ORDER

This matter is before the Court on Defendants’ Unopposed Motion to Stay Discovery pending the Court’s ruling on Defendants’ Motions to Dismiss (doc. no. 30, 35). For the reasons set forth below, the Court **GRANTS** the motion to stay. (Doc. no. 36.)

The “[C]ourt has broad inherent power to stay discovery until preliminary issues can be settled which may be dispositive of some important aspect of the case.” Feldman v. Flood, 176 F.R.D. 651, 652 (M.D. Fla. 1997). Before deciding to stay discovery, the Court should:

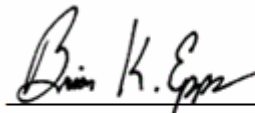
balance the harm produced by a delay in discovery against the possibility that the motion will be granted and entirely eliminate the need for such discovery. This involves weighing the likely costs and burdens of proceeding with discovery. It may be helpful to take a preliminary peek at the merits of the allegedly dispositive motion to see if on its face there appears to be an immediate and clear possibility that it will be granted.

Id. (internal citation and quotation omitted).

Based on a preliminary peek at the defense motions, the Court finds an immediate and clear possibility of a ruling “which may be dispositive of some important aspect of the case.” Indeed, Defendants have moved for complete dismissal of this case, (see doc. nos. 30, 35), and Plaintiff has not opposed the motion to stay. When balancing the costs and burdens to the parties, the Court concludes discovery should be stayed pending resolution of the motion to dismiss. See Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1367 (11th Cir. 1997); Moore v. Potter, 141 F. App’x 803, 807-08 (11th Cir. 2005).

Thus, the Court **STAYS** all discovery in this action pending resolution of Defendants’ motions to dismiss. Should any portion of the case remain after resolution of the motions, the parties shall file, within seven days of the ruling, a supplemental Rule 26(f) Report containing proposed, date-certain deadlines for the completion of all discovery and filing civil motions.

SO ORDERED this 5th day of January, 2018, at Augusta, Georgia.



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