

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

AUGUSTA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	CV 118-049
)	
DOLLAR TREE STORES, INC.,)	
)	
Defendant.)	

ORDER

Following a teleconference with the parties on September 10, 2018, the Court **GRANTS** the joint motion to stay. (Doc. no. 18.)

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.

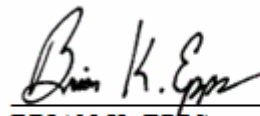
Id. (internal citation and quotation omitted).

Based on a teleconference held by the Court, there is an immediate and clear possibility of a ruling “which may be dispositive of some important aspect of the case.” Id. Defendant will file a motion for judgment on the pleadings or, in the alternative, motion for summary

judgment by September 11, 2018. (Doc. no. 20.) Defendant will argue in its motion there was not a timely charge of discrimination. If granted, this motion will dispose of the case. The parties do not anticipate any more discovery is necessary concerning this defense or the motion. When balancing the costs and burdens to the parties, the Court concludes discovery should be stayed pending resolution of Defendant's motion. 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 Defendant's motion for judgment on the pleadings or, in the alternative, motion for summary judgment. Should Defendant's motion be denied, the parties shall submit a proposed joint revised scheduling order within seven days of the order denying the motion.

SO ORDERED this 10th day of September, 2018, at Augusta, Georgia.



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