

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

VINCENT JONES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV420-007
	)	
THRIVE SENIOR LIVING, LLC	)	
and JOYCE CROWDER MCBRIDE,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is defendants’ motion to stay discovery pending the disposition of defendants’ pending motion to dismiss. Doc. 55. The Court has discretion to stay discovery pending resolution of a motion, Fed. R. Civ. P. 26(c), but when doing so, must take a “preliminary peek” at the merits of a dispositive motion to see if it “appears to be clearly meritorious and truly case dispositive.” *Feldman v. Flood*, 176 F.R.D. 651, 652–53 (M.D. Fla. 1997). “[A] request to stay discovery pending a resolution of a motion is rarely appropriate unless resolution of the motion will dispose of the entire case.” *CSX Transp., Inc. v. United States*, 2014 WL 11429178, at \* 1 (S.D. Ga. May 30, 2014) (citing *Feldman*, 176 F.R.D. at 652). Here, defendants concede that their motion “would not be dispositive of the

entire case” as it would resolve only claims I and II, but argue that the stay is appropriate as the granting of the motion to dismiss would obviate the need for “approximately 50% of the discovery needed to properly defend this matter.” Doc. 55-1 at 3–4. This Court has, on occasion, permitted stays when success on a dispositive motion might narrow the scope of discovery. *See United States ex rel. Jolie Johnson v. Spanish Oaks Hospice, Inc.*, No. CV415-143, doc. 47 (S.D. Ga. July 19, 2017). Based on that preliminary peek of its merits, however, the motion to dismiss is not so obviously meritorious as to warrant a stay. Therefore, the motion to stay discovery is **DENIED**. Doc. 55.

**SO ORDERED**, this 17th day of February, 2021.

  
CHRISTOPHER L. RAY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA