

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

CINDY DAVISON, as Administrator)
of the Estate of Randall Davison,)
)
Plaintiff,)
)
v.)
)
STEPHEN NICOLOU, P.A., and)
SERGEANT DEDRICK ANTHONY,)
)
Defendants.)

Case No. CV616-039

ORDER

On behalf of Randall Davison’s estate, its Administrator, Cindy Davison (his sister) filed this 42 U.S.C. § 1983 action against defendants Stephen Nicolou, P.A., and Sergeant Dedrick Anthony, alleging that they were deliberate indifference to Randall’s serious medical needs while he was incarcerated at the prison where they worked. Doc. 14. Consequently, Randall died one month before his scheduled release. *Id.* at 3 ¶ 7. He “was one of ten men who died while in that prison’s custody, between May 2014 and February 2015.” *Id.* ¶ 8.

The Court has been citing to Cindy’s Amended Complaint. She originally sued only Nicolou and another, since-dismissed defendant.

Docs. 1, 21 & 22. Nicolou moved to dismiss that original Complaint on qualified immunity grounds. Doc. 12. He also moved to stay discovery, doc. 13, to which she consented. Doc. 17. Cindy's Amended Complaint adds defendant Anthony, and in light of these changes Nicolou moves to modify Local Rule 26.1's time constraints. Doc. 23. In pertinent part Local Rule 26.1 requires that:

(a) The parties shall confer by the earlier of 60 days after any defendant has been served with the complaint or 45 days after any defendant has appeared.

(b) Within 14 days after the required conference pursuant to Fed. R. Civ. P. 26(f), the parties shall submit to the Court a written report outlining their proposed discovery plan. This report shall conform to the language and format of the standard form included in the Appendix of Forms to these rules (and furnished by the Clerk to the plaintiff upon the filing of the complaint).

L.R. 26.1(a) & (b).

This Court's General Order reiterates those deadlines. Doc. 4. While Anthony has neither been served nor appeared in this case, Nicolou's counsel indicates that he will be representing him, too. By Court Order, both defendants have until August 1, 2016, to answer or move to dismiss. Doc. 23 at 2; *see also* docs. 18 & 19. In light of that the defendants renew their stay motion -- to which Cindy does *not* consent, doc. 23 at 3 -- and thus freeze the parties' Rule 26 deadlines until after the

district judge rules on Nicolou's dismissal motion. *Id.* at 3.

The Court **GRANTS** the stay and the modify motions. Docs. 13 & 23. It also **GRANTS** defense counsel's motion for a leave of absence. Doc. 24.

SO ORDERED this 20th day of June, 2016.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA