

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

GREGORY POWERS and LEONARD )  
 ANTHONY CARRILLO, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CSX TRANSPORTATION, INC., et al., )  
 )  
 Defendants. )

Case No. 3:13-cv-295-WDS-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

Now pending before the Court are the Motion to Stay Discovery filed by Defendants on June 11, 2013 (Doc. 50) and the Motion for Extension of Time filed by Defendants on July 26, 2013 (Doc. 58). For the reasons set forth below, the Motion to Stay is **GRANTED** and the Motion for Extension is **DENIED AS MOOT**.

Defendants argue that discovery will be unduly burdensome in light of the pending motion to dismiss in which they argue that this Court lacks personal jurisdiction over them and that this matter should be transferred to the Western District of Kentucky where the events underlying this suit occurred (Doc. 23). This Court enjoys broad discretion in directing the course of discovery. *See* FED.R.CIV.P. 26; *James v. Hyatt Regency Chicago*, 707 F.3d 775, 784 (7th Cir. 2013). Generally, the filing of motions to dismiss does not automatically stay discovery. *See SK Hand Tool Corp. v. Dresser Industries, Inc.*, 852 F.2d 936, 945 (7th Cir. 1988); *Daniel J. Hartwig Associates, Inc. v. Kanner*, 913 F.2d 1213, 1223 (7th Cir. 1990). Discovery can be stayed, however, if certain threshold or jurisdictional issues could be efficiently resolved prior to

expensive discovery. See *Todd by Todd v. Merrell Dow Pharmaceuticals, Inc.*, 942 F.2d 1173, 1178 (7th Cir. 1991) (“Limiting discovery to a threshold issue is proper in a case that may be resolved upon summary judgment”); *Landstrom v. Illinois Dept. of Children and Family Services*, 892 F.2d 670, 674 (7th Cir 1990) (approving a stay in discovery pending a ruling on qualified immunity).

In this matter, there are threshold matters that must be resolved including personal jurisdiction and venue. Such issues should be resolved prior to discovery. Merits discovery in this matter is therefore **STAYED** pending resolution of the Motion to Dismiss.<sup>1</sup> This matter will be set for a status conference, if necessary, upon ruling on the Motion to Dismiss.

**IT IS SO ORDERED.**

**DATED: July 30, 2013**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**

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<sup>1</sup> This Order does not limit the Court’s discretion to allow for discovery as requested in the Motion for Discovery filed by Plaintiff concerning threshold issues including those raised in the Motion to Dismiss (Doc. 33).