

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

JOHN GARECHT, *individually, and on behalf*
of all similarly situated persons who were
employed by defendants at terminals in the
State of Illinois,

Plaintiff,

v.

PROFESSIONAL TRANSPORTATION,
INC.,

Defendant.

Case No. 3:14-cv378-SMY-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Agreed Motion to Stay Discovery filed by Defendant, Professional Transportation, Inc., on May 27, 2015 (Doc. 38). The Motion is **GRANTED**.

The parties argue that, in light of the pending motions to dismiss, a stay of discovery would be a cost effective measure for both parties. 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 a motion 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, a stay of discovery will be cost effective. However, the parties are informed that, after a ruling on the motion to dismiss, discovery in this matter may be expedited in order to conform to the December 7, 2015 trial date. The parties shall file a motion to amend the schedule in this matter, after conferring, within seven (7) days of the District Court's ruling, if necessary. Discovery in this matter is accordingly **STAYED**.

IT IS SO ORDERED.

DATED: June 19, 2015



DONALD G. WILKERSON
United States Magistrate Judge