

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

MARK E. WALKER (#550507)

CIVIL ACTION

VERSUS

JAMES LeBLANC, ET AL.

NO. 13-0553-JJB-RLB

ORDER

This matter comes before the Court on the defendants' Motion to Stay Discovery (Rec. Doc. 13), pursuant to which they seek a stay of discovery in this proceeding until the Court issues a Ruling on their pending Motion to Dismiss which asserts the defense of qualified immunity. This Motion is opposed.

Whereas the defendants are correct that the assertion of the defense of qualified immunity may support the imposition of certain limitations upon discovery in a civil action, *see Schulte v. Wood*, 47 F.3d 1427, 1434 (5th Cir. 1995), it is nonetheless appropriate to allow discovery in certain instances, *i.e.*, when the discovery is targeted toward the issue of qualified immunity, *id.*, or when the discovery seeks the identification of unidentified defendants. *See Cowart v. Dallas County Jail*, 439 Fed. App. 332, 333 (5th Cir. 2011) ("Cowart was likely entitled to conduct discovery to determine the identities of the unnamed defendants, as ... readily available documentation would reveal the identities of some of the John Doe defendants"); *Murphy v. Kellar*, 950 F.2d 290, 292-93 (5th Cir. 1992). In the instant case, the plaintiff has propounded discovery to the defendants wherein he requests, *inter alia*, information regarding the identities and last known addresses of certain persons identified as "John Doe" and "Jane Doe" defendants in his Complaint. *See* Rec. Doc. 9. The Court concludes that it is appropriate for the defendants to respond to this discovery. Accordingly,

IT IS ORDERED that the defendants' Motion to Stay (Rec. Doc. 13) be and it is hereby **DENIED IN PART**, such that the defendants are directed to respond, within fourteen (14) days of the date of this Order, to the plaintiff's discovery which seeks "identification information" relative to certain designated individuals, together with "their last known address[es]," if appropriate. *See* Rec. Doc. 9 at Request No. 3. The defendants are advised that they should file any pertinent last known addresses under seal with the Court.

IT IS FURTHER ORDERED that the defendants' Motion to Stay (Rec. Doc. 13) be and it is hereby **GRANTED IN ALL OTHER RESPECTS**, and discovery shall be stayed in this proceeding pending a Ruling on the defendants' Motion to Dismiss which asserts the defense of qualified immunity.

Signed in Baton Rouge, Louisiana, on December 17, 2013.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE