

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

EDMOND D. SPENCER (#253212)

CIVIL ACTION

VERSUS

WILLIAM ROSSO, ET AL.

NO. 15-0078-JWD-RLB

ORDER

Before the Court is the defendants' Motion to Stay Discovery (R. Doc. 14). This motion is opposed.

Inasmuch as the defendants have raised the defense of qualified immunity in their pending Motion to Dismiss (R. Doc. 9), and inasmuch as the assertion of this defense normally warrants a discontinuation of discovery until the Court has addressed the viability of the defense, it appears that the defendants are entitled to the relief requested. *See Schulte v. Wood*, 47 F.3d 1427, 1434 (5th Cir. 1995) (finding that, because qualified immunity is an immunity not just from liability but also from the burdens of discovery, “[t]he district court may ban discovery at [the] threshold pleading stage and may limit any necessary discovery to the defense of qualified immunity [and] need not allow any discovery unless it finds that plaintiff has supported his claim with sufficient precision and factual specificity to raise a genuine issue as to the illegality of defendant’s conduct at the time of the alleged acts”). Accordingly,

IT IS ORDERED that the defendants' Motion to Stay Discovery (R. Doc. 14) be and it is hereby **GRANTED**, and discovery in the above-captioned proceeding is hereby **STAYED** until the issuance of a Ruling in connection with the defendants' pending Motion to Dismiss (R. Doc. 9).

IT IS FURTHER ORDERED that, upon the issuance of a Ruling in connection with the defendants' pending Motion to Dismiss (R. Doc. 9), the parties may recommence discovery without further order from the Court.

IT IS FURTHER ORDERED that, upon the issuance of a Ruling in connection with the defendants' pending Motion to Dismiss (R. Doc. 9), the parties shall complete discovery within ninety (90) days of the Court's Ruling and shall file cross-motions for summary judgment within one hundred twenty (120) days of the Court's Ruling.

Signed in Baton Rouge, Louisiana, on September 14, 2015.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE