

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**C. K.**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 4:18-CV-060-DMB-JMV**

**DELTA STATE UNIVERSITY;  
BOARD OF TRUSTEES OF STATE INSTITUTIONS  
OF HIGHER LEARNING;  
MISSISSIPPI INSTITUTIONS OF HIGHER LEARNING;  
and JOHN DOE DEFENDANTS 1-10**

**DEFENDANTS**

**ORDER STAYING CERTAIN PROCEEDINGS**

This matter is before the Court pursuant to Rule 16(b)(3) of the Uniform Local Rules for the Northern and Southern Districts of Mississippi and in response to Defendants' Motion to Dismiss. Doc. #5. That rule provides, in relevant part:

- (B) Filing a motion to compel arbitration, or a motion asserting an immunity defense or jurisdictional defense stays **the attorney conference and disclosure requirements and all discovery**, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief.

L.U.Civ.R.16(b)(3)(B)(emphasis added).

The Court notes that Defendants' Motion to Dismiss raises an immunity defense provided under the Mississippi Tort Claims Act.

**IT IS, THEREFORE, ORDERED** that the aforementioned proceedings are hereby **STAYED** pending a ruling on the immunity motion or entry of an earlier order lifting the stay so as to permit the right to proceed with discovery in this case and scheduling a case management conference. Should any party desire to move for such relief from the stay, they should do so by

filing a motion for such relief within 10 business days hereof. Defendants shall notify the undersigned magistrate judge within seven (7) days of a decision on the immunity defense motion.

SO ORDERED, this 13<sup>th</sup> day of March, 2018.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE