

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

ROBERT SALLEY and BONITA CUNNINGHAM

PLAINTIFFS

V.

CAUSE NO. 4:18CV00066-MPM-JMV

WEBSTER COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

ORDER STAYING CERTAIN PROCEEDINGS

Before the court is Defendants' motion [13] for "immunity protection" wherein they essentially request that the court stay all discovery not related to their claims of immunity and "consideration of abstention pending disposition of claims in state court."

Pursuant to L.U.CIV.R. 16(b)(3)(B),

[f]iling 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.

Defendants filed a motion [9] to dismiss based upon immunity defenses on April 16, 2018. Accordingly, the instant motion is GRANTED in part pursuant to L.U.Civ.R. 16(b)(3)(B), and those proceedings specifically enumerated in the local rule are hereby STAYED. The motion is denied, however, to the extent it seeks permission to conduct discovery related to the immunity and abstention issues because no bases for entitlement to the same have been established. Defendants may renew the request by a motion that provides sufficient facts and legal authority that establish a need for such discovery.

THIS, the 20th day of April, 2018.

/s/ Jane M. Virden

U. S. Magistrate Judge