

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
HANNIBAL DIVISION

JACOB BLAIR, et al.,)
)
Plaintiffs,)
)
vs.) Case No. 2:15CV00061 ERW
)
CITY OF HANNIBAL, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant City of Hannibal’s Motion for Temporary Stay of Discovery [ECF No. 43]. Defendant City of Hannibal (“Hannibal”) requests the Court temporarily stay discovery pending resolution of its Motion for Judgment on the Pleadings, currently before the Court. Plaintiffs oppose a stay of discovery asserting their second amended complaint resolves any issues raised in the Motion for Judgment on the Pleadings, discovery will not unduly burden Hannibal, and a temporary stay will unfairly prejudice Plaintiffs because any discovery will necessarily impact the Motion for Judgment on the Pleadings.

The Court will grant a temporary stay of discovery until the Court has ruled on Hannibal’s Motion for Judgment on the Pleadings, or if some other circumstance arises which requires the lifting of the stay. When determining whether to grant a stay district courts consider the merits of the pending dispositive motion, and the breadth of pending discovery, and balance the harm of delaying discovery against the possibility the entire matter will be resolved by the motion. *TE Connectivity Networks, Inc. v. All Systems Broadband, Inc.*, No. 13-1356 ADM/FLN, 2013 WL 4487505 at *2 (D. Minn. Aug. 20, 2013) (citing numerous district courts). The Court has considered the burden of discovery to Hannibal and the potential prejudice to Plaintiffs in

granting a stay. Although Plaintiffs repeatedly refer to a second amended complaint in their filings with the Court, no such complaint has been filed nor has leave to file such complaint been sought. Plaintiffs' assertion discovery will impact the Motion for Judgment on the Pleadings is erroneous as a motion for judgment on the pleadings is decided based on the allegations included in the pleadings and any documents necessarily embraced by the pleadings. *See State ex rel.*

Nixon v. Coeur D'Alene Tribe, 164 F.3d 1102, 1107 (8th Cir. 1999); *Porous Media Corp. v. Pall Corp.*, 186 F.3d 1077, 1079 (8th Cir. 1999). Further, the pending Motion for Judgment on the Pleadings raises many of the same arguments raised by Defendant Redflex Traffic Systems, Inc.'s Motion for Judgment on the Pleadings, which the Court granted. Lastly, this matter has been filed as a class action which will require more extensive discovery. These considerations all weigh in favor of granting a temporary stay.

IT IS HEREBY ORDERED that Defendant City of Hannibal's Motion for Temporary Stay of Discovery [ECF No. 43] is **GRANTED**.

So Ordered this 8th day of June, 2016.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE