

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LORI J. LYNN and JAVIER LYNN,)
individually and on behalf of all others)
similarly situated,)
)
Plaintiffs,)
)
vs.)
)
PEABODY ENERGY CORPORATION,)
et al.,)
Defendants.)

Case No. 4:15CV00916 AGF

MEMORANDUM AND ORDER

This matter is before the Court on the parties’ joint proposed scheduling plan (Doc. No. 86) filed on July 21, 2016, as well as Defendants’ motion (Doc. No. 87) to stay discovery pending the Court’s ruling on Defendants’ motion to dismiss the amended complaint for failure to state a claim.

“In deciding whether to grant a motion to stay discovery, courts may consider prejudice to the nonmoving party, hardship and inequity to the moving party, and judicial resources that would be saved by the stay.” *In re: PRE-Filled Propane Tank Antitrust Litig.*, 2015 WL 11111212, at *5 (W.D. Mo. Oct. 2, 2015). Upon review of the record, Court finds that Defendants have presented valid reasons to stay discovery for a relatively brief period of time, and do not rely on the mere fact that they filed a motion to dismiss complaint. The Court accepts Defendants’ representation that proceeding with discovery now in the present case will work a hardship on three of the individual Defendants who currently involved in the Chapter 11 reorganization bankruptcy case of three former

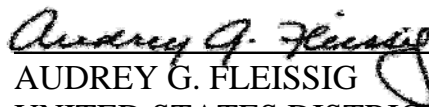
Defendants herein (Peabody Energy Corporation, Peabody Holding Company, LLC, and Peabody Investment Corp.). Further, a ruling on the motion to dismiss could impact the scope of discovery. Conversely, Plaintiffs have not made a showing that a relatively brief stay of discovery would result in any significant prejudice to them.

Defendants have up to and including September 6, 2016, to file a reply to Plaintiffs' response to Defendants' motion to dismiss. The Court notes that Defendants requested oral argument on the motion to dismiss. The Court will grant that request by separate Order and set a hearing for a date after the deadline for filing a reply.

Accordingly,

IT IS HEREBY ORDERED that Defendants' motion to stay discovery pending the Court's ruling on Defendants' motion to dismiss is **GRANTED**. (Doc. No. 87)

IT IS FURTHER ORDERED that if Defendants' motion to dismiss is denied in whole or in part, the parties shall submit within 14 days thereafter a joint proposed scheduling plan, as described in the Court's Order dated December 17, 2015 (Doc. No. 59), for the continued litigation of this case.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 26th day of August, 2016.