

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BERNARD JONES, ALCOHOL AND,)
DRUG COUNSELING SERVICES, LLC,)
HEALING CIRCLE RECOVERY)
COMMUNITY, INC.)

Plaintiff,)

vs.)

DR. RICK MCNEESE, NEBRASKA,)
DEPARTMENT OF CORRECTIONAL)
SERVICES, ASSISTANT)
ADMINISTRATOR OF BEHAVIORAL)
HEALTH AND SUBSTANCE)
ABUSE, Individually,)

Defendant.)

8:09CV3264

ORDER

This matter is before the court on the defendant’s, Dr. Rick McNeese, in his individual capacity, Motion to Stay Discovery ([Filing No. 15](#)) and Motion For Enlargement of Time ([Filing No. 18](#)). The defendant seeks a stay of discovery until after this court rules on the pending motion to dismiss ([Filing No. 13](#)). In support of the motion, the defendant states he has raised the issued of qualified immunity and should be shielded from all disclosures until determination of that issue. Generally, “qualified immunity operates to protect governmental officials from both the burdens of trial and discovery.” [Lovelace v. Delo](#), 47 F.3d 286, (8th Cir. 1995) (citing [Harlow v. Fitzgerald](#), 457 U.S. 800, 814, 817-18 (1982)). Plaintiffs have not responded to the motion for a stay. The court finds the defendant has shown good cause for a stay until the merits of the dispositive motion are resolved. Upon consideration,

IT IS ORDERED:

1. The defendant’s Motion to Stay Discovery ([Filing No. 15](#)) is granted.
2. The parties shall meet, confer and file a joint planning report in accordance with the requirement of [Fed. R. Civ. P. 26\(f\)](#) **no later than 10 business days** from the date an order is filed resolving the pending motion to dismiss ([Filing No. 13](#)).

3. The defendant's Motion For Enlargement of Time ([Filing No. 18](#)) is denied as moot.

ADMONITION

Pursuant to NECivR 72.2 any appeal of this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Failure to timely appeal may constitute a waiver of any objection to the Order. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal.

DATED this 5th day of March, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge