

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELIZABETH MORT and ALEX
RODRIGUEZ,

Plaintiffs,

vs.

LAWRENCE COUNTY CHILDREN
AND YOUTH SERVICES; LAWRENCE
COUNTY; CHRISSY MONTAGUE,
Lawrence County Children and Youth
Services Caseworker; and
JAMESON HEALTH SYSTEM, INC.

Defendants.

Civil Action No. 2:10-cv-01438-DSC

JUDGE DAVID S. CERCONE

Electronically Filed

JURY TRIAL DEMANDED

MOTION TO STAY

AND NOW, come these defendants, CHRISSY MONTAGUE, LAWRENCE COUNTY CHILDREN AND YOUTH SERVICES , and LAWRENCE COUNTY, by and through their undersigned counsel, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., and file the within Motion to Stay, as follows:

1. This action was initiated by the filing of the plaintiffs' Complaint on or about October 28, 2010.
2. Thereafter, on December 1, 2010, the plaintiffs filed an Amended Complaint, adding as a defendant, Lawrence County.
3. On January 17, 2011, these defendants filed their Motion to Dismiss the plaintiffs' Amended Complaint in its entirety.

4. Prior to that, on December 30, 2010, the co-defendant, Jameson Health System, Inc., filed its Motion to Dismiss.

5. On February 24, 2011, the initial Case Management Conference was conducted by this Court.

6. At that Case Management Conference, an initial Order was put in place setting various pretrial deadlines.

7. Pursuant to this Honorable Court's Order of February 25, 2011, this matter was referred to mediation before mediator Mark Hornak.

8. On April 12, 2011, the mediation required by this Honorable Court's Order was held, but the matter was not resolved.

9. The issues raised in the various Motions to Dismiss filed by the defendants could prove dispositive of some or all of the issues in this matter.

10. Significant additional and/or unnecessary costs will be incurred by moving forward with discovery while the Motions to Dismiss are pending, which Motions may eliminate all or some future discovery.

11. Because of the pending Motions to Dismiss and in order to potentially avoid unnecessary time and expense to all parties and this Honorable Court, these defendants seek to stay this action.

12. The co-defendants join in the requested relief but the plaintiffs oppose a stay.

WHEREFORE, these defendants, Chrissy Montague, Lawrence County Children and Youth Services, and Lawrence County, respectfully request that this Honorable Court issue an Order staying

this matter until the Motions to Dismiss filed by all defendants are addressed by this Honorable Court.

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.

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LAWRENCE COUNTY CHILDREN AND
YOUTH SERVICES, LAWRENCE
COUNTY and CHRISSY MONTAGUE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within MOTION TO STAY has been served upon all parties either individually or through counsel by:

- _____ Hand-Delivery
- _____ First-Class Mail, Postage Prepaid
- _____ Certified Mail-Return Receipt Requested
- _____ Facsimile
- _____ Federal Express
- X** Electronic Service

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MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.

Dated: May 5, 2011

 s/Marie Milie Jones
MARIE MILIE JONES, ESQUIRE
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LAWRENCE COUNTY CHILDREN AND YOUTH
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