

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA, <i>ex rel.</i> ,)	
)	
Plaintiff,)	
)	
v.)	No. 3:10-CV-394-PLR-CCS
)	
GENTIVA HEALTH SERVICES, INC.,)	
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Joint Motion for a 45-Day Stay of Discovery Proceedings and Status Hearing [Doc. 95]. In the Joint Motion, the parties move the Court to stay discovery in this case for forty-five days to permit the parties to engage in settlement discussions. They also move the Court to conduct a status conference following the expiration of the stay of discovery.

The Court finds that the parties’ request is well-taken, in part. As an initial matter, the Court would note that conducting discovery and engaging in settlement discussions are not mutually exclusive. Moreover, this case has been pending for almost five years, so the Court is not inclined to permit a stay that is likely to interfere with the trial of this case. Notwithstanding, the Court is always mindful of the burden litigation imposes on parties and is willing to attempt to save resources when possible. Accordingly, the Joint Motion [Doc. 95] is **GRANTED IN PART** and **DENIED IN PART**. Discovery in this case is **STAYED** until **September 11, 2015**, and no discovery shall be exchanged between the parties until that time.

Earlier today, the Court entered a Memorandum and Order, which ruled upon a motion filed prior to the Joint Motion and ordered completion of certain discovery. However, the Court set the deadlines for completion in a manner that is consistent with the stay announced herein. Specifically, the Court ordered the Defendant to fully respond and amend its answers to written discovery on or before September 18, 2015. The Court is fully aware that this deadline is just a week after the stay expires. The brevity of the period between the stay expiring and Defendant's discovery responses being due reflects the balance struck between granting the parties a reprieve to discuss settlement and keeping this case on track for trial. If the parties are not able to reach a settlement, the deadlines set in the Court's previous Memorandum and Order will remain *in full effect* and a further extension of the deadlines will not be granted except upon a showing of *extraordinary good cause*.

The parties' request for a status conference or hearing is **DENIED WITHOUT PREJUDICE**. If there are contested discovery issues following the expiration of the stay and the revised discovery deadlines, the parties may request a conference by contacting the chambers of the undersigned. The parties are reminded that they must attempt to resolve any discovery issues amongst themselves prior to contacting the Court for a conference.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge