

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MICHELLE B. SAMPLES, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 3:14-CV-408-TAV-CCS  
 )  
 WELLS FARGO BANK, N.A., *et al.*, )  
 )  
 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 Defendant Rubin Lublin TN, PLLC’s Motion to Stay Discovery and Pretrial Deadlines [Doc. 5]. Rubin Lublin moves the Court to enter an Order staying discovery and other pretrial deadlines in this case, pending ruling upon the Motion to Dismiss filed by Rubin Lublin on September 26, 2014. In its Motion to Dismiss, Rubin Lublin maintains that this Court lacks jurisdiction over this matter, based upon a pending action in Knox County Chancery Court, and that the Plaintiff has failed to state a claim. Rubin Lublin argues that this case is likely to be dismissed and engaging in discovery would be a waste of resources.

A pending motion to dismiss is not ordinarily a basis, in and of itself, for staying discovery in a case. As the court in Guild Associates Inc. v. Bio-Energy (Washington) LLC, 2014 WL 2767605 (S.D. Ohio 2014), explained, “[O]ne argument that is usually deemed insufficient to support a stay of discovery is that a party intends to file, or has already filed, a motion to dismiss for failure to state a claim under Rule 12(b)(6) or motion for judgment on the

pleadings. Id. at \*5; see also Porter v. Five Star Quality Care-MI, LLC, 2014 WL 823418, at \*2 (E.D. Mich. Mar. 3, 2014) (“[C]ourts likewise have recognized that ‘[t]he mere filing of a dispositive motion . . . does not warrant the issuance of a stay [of discovery] under Rule 26(c).’”).

The Court finds that Rubin Lublin’s filing of a Motion to Dismiss pursuant Rule 12 of the Federal Rules of Civil Procedure does not amount to good cause supporting a stay of discovery in this case, and the Court finds that the granting of the requested stay would unnecessarily delay the adjudication of this case. Accordingly, the Motion to Stay Discovery and Pretrial Deadlines **[Doc. 5]** is **DENIED**.

**IT IS SO ORDERED.**

ENTER:

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