

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MENDY BARNETT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:17-cv-155-HSM-CCS
)	
TENNESSEE DEPARTMENT OF CHILDREN’S)	
SERVICES, <i>et al.</i> ,)	
)	
Defendants.)	

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 the Defendants’ Motion to Stay Plaintiffs’ Deadline to Respond to Defendants’ Motion to Dismiss [Doc. 7]. The Motion states that the Defendants have filed a Motion to Dismiss the Complaint and a Motion to Disqualify Plaintiff Mendy Barnett’s counsel, Agnes Trujillo. The Defendants assert that their Motion to Disqualify is based on a conflict of interest resulting from Attorney Trujillo’s prior representation of Defendant Tennessee Department of Children’s Services (“TDCS”) in proceedings against Plaintiff Barnett. The Defendants argue that permitting Attorney Trujillo to act as counsel and respond to the Defendants’ Motion to Dismiss would violate the attorney-client privilege with respect to TDCS. Further, the Defendants acknowledge that it would be unfair to the Plaintiffs to respond to the Motion to Dismiss without counsel. Thus, the Defendants request that the Court stay the Plaintiffs’ deadline to respond to the Motion to Dismiss until after the Motion to Disqualify has been ruled upon.

The Court notes that the Plaintiffs have not responded in opposition to the Motion, and the deadline for doing so has expired. *See* E.D. Tenn. L.R. 7.2 (“Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought.”). Further, the Court finds good cause to grant the Defendants’ request. *See Bowers v. Ophthalmology Grp.*, 733 F.3d 647, 654 (6th Cir. 2013) (“A district court must rule on a motion for disqualification of counsel prior to ruling on a dispositive motion because the success of a disqualification motion has the potential to change the proceedings entirely.”). Accordingly, the Defendants’ Motion to Stay Plaintiffs’ Deadline to Respond to Defendants’ Motion to Dismiss [**Doc. 7**] is hereby **GRANTED**. The Court will issue a briefing schedule after the Motion to Disqualify is adjudicated.

IT IS SO ORDERED.

ENTER:

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