

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NELSON BOON,
SUSAN BOON,

Plaintiffs,

v.

Case No. 12-C-909

GRAY & ASSOCIATES, LLP,
CHRISTOPHER C. DROUT,
DAVID M. SAMSON,
MARK A. CLAUSS,
AMY KIEFFER,
QUARLES & BRADY, LLP,
DAVID P. MUTH,
JOHN REMINGTON,
BLANK ROME, LLP
MICHAEL J. MEEHAN,
CHARLES H. CONSTANTINE, JUDGE,
GERALD P. PTACEK, JUDGE,
BANK OF AMERICA, N.A.,
BRIAN T. MOYNIHAN, CEO,
BRUCE R. THOMPSON, CFO,
BAC HOME LOANS SERVICING, LP
a/k/a Countrywide Home Loans Servicing LP,
RACINE COUNTY,
TYSON FETTES,
CHRISTOPHER SCHMALING,
JOHN DOE (1-30),
JANE DOE (1-30),

Defendant.

ORDER GRANTING MOTIONS TO FOR PROTECTIVE ORDER AND TO STAY
DISCOVERY (DOCS. 60, 68) AND MOTION TO JOIN MOTION FOR STAY (DOC. 63),
AND DENYING MOTION TO COMPEL AND FOR DISCOVERY ORDER (DOC. 66)

Defendants Bank of America, N.A., Brian Moynihan, Bruce Thompson, Quarles & Brady LLP, David P. Muth, John Remington, Michael Meehan, and Blank Rome LLP have moved to stay all discovery in this case pending the court's decision on their motions to dismiss. (Doc. 60) Defendants Gray & Associates, LLP, Christopher C. Drout, David M.

Samson, Mark A. Clauss and Amy Kieffer joined in the motion to stay. (Doc. 62). Defendants Racine County, Tyson Fettes, and Christopher Schmaling concur and have filed a motion for joinder. (Doc. 63.) Separately, defendants Charles Constantine and Gerald Ptacek have moved to stay discovery pending a decision on their motion to dismiss. (Doc. 68.)

Meanwhile, plaintiffs Nelson and Susan Boon moved to compel discovery and for entry of an order regarding a discovery plan. (Doc. 66.) They ask that the defendants be compelled to respond to interrogatories that they served on November 9, 2012, and a request for the production of documents that they served on November 21, 2012. Also, plaintiffs seek a scheduling order. With their motion to compel, the Boons filed a second request for discovery. (Doc. 67.)

Pursuant to Fed. R. Civ. P. 26(d)(1), a party may not seek discovery from any source before the adversaries have conferred as required by Fed. R. Civ. P. 26(f). Generally, under Rule 26(f)(1), the parties should confer at least twenty-one days before a scheduling conference. To date, because of the pending motions to dismiss, this court has not set a scheduling conference, and the parties have not been required to confer. Moreover, the court has reviewed the file, including the motions to dismiss, and is persuaded that a stay of discovery is appropriate at this time. Therefore,

IT IS ORDERED that the Racine County defendants' motion for joinder (Doc. 63) is granted.

IT IS FURTHER ORDERED that the motions to stay (Doc. 60, 68) are granted and all discovery regarding all parties is stayed until further court order.

IT IS FURTHER ORDERED that the Boons' motion to compel and for scheduling order (Doc. 66) is denied.

Dated at Milwaukee, Wisconsin, this 16th day of May, 2013.

BY THE COURT

/s/ C.N. Clevert, Jr.

C. N. CLEVERT, JR.

U. S. DISTRICT JUDGE