

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BRITTNEY R. HIETPAS
& MICHAEL T. WINIUS,

Plaintiffs,

v.

Case No. 17-C-1455

LISA BUHS, et al.,

Defendants.

ORDER

On March 27, 2018, Defendants filed a motion for summary judgment for failure to exhaust administrative remedies. ECF No. 22. Accompanying their motion, Defendants moved the court to stay any discovery not related to this motion and to stay all deadlines for dispositive motions related to the merits of the claims asserted by Plaintiff until a decision on the issue of exhaustion is granted. ECF No. 25. Because exhaustion of administrative remedies is a condition precedent to suit, the court must address the exhaustion issue before turning to the merits. *See Dixon v. Page*, 291 F.3d 485, 488 (7th Cir. 2002); *Pavey v. Conley*, 544 F.3d 739, 740 (7th Cir. 2008). Thus, any discovery concerning the merits of the case is premature prior to this court's determination of whether this case should be dismissed pursuant to defendants' motion. Therefore, the discovery and dispositive motion deadlines for matters outside of the issue administrative exhaustion are stayed until the court has resolved the motion for summary judgment. Once the motion for summary judgment has been resolved, the court will reschedule any remaining discovery and dispositive motion deadlines.

Parties may conduct discovery as related to defendants' motion for summary judgment for failure to exhaust administrative remedies. ECF No. 22. The court reminds parties that the schedule for responding and replying to the motion for summary judgment is set forth in Civil Local Rule 56.

IT IS THEREFORE ORDERED that Defendants' motion to stay discovery (ECF No. 25) is **GRANTED**. The pending discovery and dispositive motions deadlines of April 19, 2018, and May 21, 2018, are **STAYED** pending the resolution of defendants' motion for summary judgment for failure to exhaust administrative remedies.

Dated this 17th day of April, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court