

Defendant.

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CV 121-020

ORDER

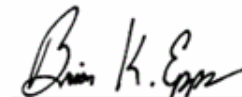
Based on a preliminary peek at the dispositive motion from Defendant, the Court finds an immediate and clear possibility of a ruling “which may be dispositive of some important aspect of the case.” Indeed, the motion seeks dismissal of all claims. Thus, the scope of

discovery may be drastically limited if any portion of the motion to dismiss is granted, particularly since the parties agree “this case involved only issues of law.” (Doc. no. 13, p. 5.)

When balancing the costs and burdens to the parties, the Court concludes discovery should be stayed pending resolution of the motion to dismiss. See Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1367 (11th Cir. 1997) (“Facial challenges to the legal sufficiency of a claim or defense, such as a motion to dismiss based on failure to state a claim for relief, should, however, be resolved before discovery begins.” (footnote omitted)); see also Moore v. Potter, 141 F. App’x 803, 807-08 (11th Cir. 2005) (*per curiam*) (“[D]elaying a ruling on the motion to dismiss ‘encourages abusive discovery and, if the court ultimately dismisses the claim, imposes unnecessary costs [A]ny legally unsupported claim that would unduly enlarge the scope of discovery should be eliminated before the discovery stage, if possible.’”).

Thus, the Court **STAYS** all aspects of discovery in this action pending resolution of Defendant’s motion to dismiss. Should any portion of the case remain after resolution of the motion, (doc. no. 7), the parties shall confer and submit a Rule 26(f) Report, with proposed case deadlines, within seven days of the presiding District Judge’s ruling. In the event the presiding District Judge, in his ruling on the pending dispositive motion, provides further instructions to the parties that justifies continuation of the stay, the parties shall inform the undersigned to that effect in a status report to be filed within seven days of the presiding District Judge’s ruling. The Court **DIRECTS** the **CLERK** to terminate the motion associated with the 26(f) Report. (Doc. no. 11.)

SO ORDERED this 3rd day of June, 2021, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA