

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

DAVID ROBERTSON *et al.*

v.

RYAN UPCHURCH

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**Case No. 3:23-cv-00770
Judge Campbell
Magistrate Judge Holmes**

ORDER

Pending before the Court is the parties' joint motion to continue the initial case management conference and stay discovery (Docket No. 19), which is GRANTED IN PART AND DENIED IN PART as provided for below.

In the motion, Defendant asserts that he intends to file a motion to dismiss. However, 16.01(g) expressly provides that "[d]iscovery is not stayed during the pendency of dispositive motions, unless specifically authorized by Fed. R. Civ. P. 26(d) or by order of the Court." Although there may be certain limited circumstances in which a stay of discovery is arguably appropriate, the Court is disinclined to impose an indefinite stay based on a promised motion to dismiss on some undisclosed grounds. Additionally, contrary to the statement that the requested relief will not unnecessarily delay the litigation, that is precisely the outcome from staying this case pending resolution of a motion to dismiss, particularly given the voluminous workloads and limited judicial resources of the entire court. Further, there are any number of other options besides an indefinite stay, such as structuring or staging discovery and other case management events or deadlines to manage the parties' expenditure of resources.

For all these reasons, the request for a stay is denied. However, the Court will reschedule the initial case management conference to allow for the filing of the motion to dismiss, after which

all parties and the Court will be in a better position to evaluate the extent to which this case can – or should – reasonably proceed.

Accordingly, the initial case management conference, which is presently set for October 11, 2023, is RESCHEDULED for **Monday, November 6, 2023, at 2:00 p.m. (CT)** using the Court's conference line at 1-877-402-9753, access code 3808663#. Counsel are reminded of their responsibility to jointly prepare a proposed initial case management order, which must be filed at by no later than **three (3) business days** in advance of the rescheduled initial case management conference.¹ A Word formatted version of the proposed initial case management order must also be separately emailed to Megan Cobos, Courtroom Deputy, at megan_cobos@tnmd.uscourts.gov.

Further, the denial of the motion to stay is without prejudice to refile, should there be appropriate grounds to grant a stay. However, if the motion to stay is refiled, Defendant as the party most benefitting from a stay, must file an accompanying supporting memorandum of law in accordance with Local Rule 7.01(a)(2).

It is SO ORDERED.


BARBARA D. HOLMES
United States Magistrate Judge

¹ Counsel should utilize the form initial case management order found on the Court's website under the link to Magistrate Judge Holmes with designated provisions for Judge Campbell's cases. Further, if the parties cannot agree on deadlines, they may each state their respective proposals in the joint proposed initial case management order.