



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

JENNER BENAVIDES, et al.,

Petitioners/Plaintiffs,

v.

PATRICK GARTLAND, et al.,

Respondents/Defendants.

CIVIL ACTION NO.: 5:20-cv-46

ORDER

Presently before the Court is Respondents’ Motion to Stay Discovery. Doc. 48.

Respondents assert they have filed a motion to dismiss which challenges the adequacy of the allegations contained in the Amended Petition and seeks dismissal of the Amended Petition in its entirety. Id. at 1. Thus, Respondents seek a stay in the discovery obligations in this case—aside from the matters subject to the Court’s ruling on Petitioners’ motion for expedited discovery—pending resolution of their motion to dismiss. Id. Petitioners oppose Respondents’ Motion. Doc. 62. Respondents field a Reply in support of their Motion to Stay. Doc. 84.

Discovery stays are disfavored and “[g]enerally, a stay should be granted only where the motion to dismiss appears, upon preliminary review, ‘to be clearly meritorious and truly case dispositive,’ rendering discovery a mere futile exercise.” S. Motors Chevrolet, Inc. v. Gen. Motors, LLC, No. CV 414-152, 2014 WL5644089, at *1 (S.D. Ga. Nov. 4, 2014) (quoting Feldman v. Flood, 176 F.R.D. 651, 652–53 (M.D. Fla. 1997)). Courts routinely take a “preliminary peek” at the dispositive motion to judge its merits before ruling on a motion to stay discovery. Id. Here, the Court’s preliminary peek at Respondents’ motion to dismiss reveals

that Respondents raise nonfrivolous facial challenges to the sufficiency of Petitioners' claims and, if the motion to dismiss is granted, this case will be significantly curtailed or dismissed in its entirety. Doc. 47. Accordingly, upon review and for good cause shown, the Court **GRANTS** Respondents' Motion and **STAYS** the parties' discovery deadlines in this case. Should this case remain pending after the resolution of Respondents' motion to dismiss, this stay will be automatically lifted, and the parties shall fulfill their Rule 26 discovery obligations.

SO ORDERED, this 13th day of July, 2020.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', written over a horizontal line.

BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA