

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

v.

RICKY D. DIXON, in his official capacity as Secretary of the Florida Department of Corrections; MARK S. INCH, in his individual capacity; JOSE COLON, in his individual capacity and in his official capacity as Warden of Everglades Correctional Institution; MICHA NEAL, in her individual capacity; and DOES 1–7 in their individual capacities.

Defendants.

Case No.: 9:21-cv-81391-DMM

**JOINT MOTION TO STAY DISCOVERY AND CONTINUE DISCOVERY-RELATED DEADLINES**

Plaintiff, through undersigned counsel, and Defendants Ricky D. Dixon, Secretary of the Florida Department of Corrections, sued in his official capacity, Mark Inch, former Secretary of the Florida Department of Corrections sued in his individual capacity, and Jose Colon, Warden of Everglades Correctional Institution, sued in his official and individual capacities, (hereinafter, “Defendants”), through undersigned counsel, move the Court to stay discovery and to continue all discovery-related deadlines pending resolution of Defendants’ Motion to Dismiss filed January 4, 2022 (Doc. 42). In support, the parties submit the following:

1. The Court previously granted Defendants’ Motion to Stay Discovery (Doc. 29) vacating all discovery-related deadlines pending resolution of Defendants’ Motions to

- Dismiss (Doc. 17, 24). (Doc. 32). In its order, the Court noted that Defendants had raised a defense of qualified immunity. (Doc. 32 at 2, 3).
2. The Court denied Defendants' Motions to Dismiss as moot in light of Plaintiff's filing of a First Amended and Supplemental Complaint (Doc. 39). (Doc. 40).
  3. On January 4, 2022, Defendants moved to dismiss the new complaint. (Doc. 42). Defendants again raised qualified immunity. (Doc. 42 at 19-23).
  4. On that same date, the parties filed a Joint Motion to Vacate Scheduling Order asking the Court to vacate its Pretrial Scheduling Order (Doc. 32) and reissue a new schedule order after ruling on the motion to dismiss. (Doc. 44).
  5. On January 10, 2022, the Court issued an order granting the joint motion in part and resetting the trial date and setting deadlines discovery, dispositive motions, and other matters. (Doc. 47).
  6. Pursuant to the January 10 order, the parties are to file a discovery plan today, as required under Local Rule 16.1(b)(2). (Doc. 47 at 2).
  7. The parties previously conferred by telephone on November 17, 2021 regarding the discovery plan. Defendants expressed their position that discovery was not needed because their pending Motions to Dismiss (Doc. 17, 24) were dispositive of all claims. *See also* Defendants' Motion to Stay Discovery (Doc. 29). Defendants maintain the same position now, in light of their current motion to dismiss.
  8. Defendants' Motion to Dismiss (Doc. 42) is now fully briefed and ripe for the Court's review. (Doc. 49, 51).
  9. In light of the Court's previous ruling on Defendants' Motion to Stay Discovery when the previous motion to dismiss was pending and Defendants' position that their motion

is dispositive of this matter, the Parties agree that good cause exists to stay discovery and to reset any other deadlines as the Court deems appropriate.

WHEREFORE, based on the foregoing, the parties move this Court to amend its January 10, 2022 scheduling order to continue all discovery-related deadlines.

Respectfully submitted,

Dated: March 11, 2022

/s/ Jesse W. Isom

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed electronically and furnished electronically on all counsel of record via CM/ECF on March 11, 2022.

/s/ Jesse W. Isom  
Jesse W. Isom