

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DÉJÀ VU OF NASHVILLE, INC., et al)
)
v.) NO. 3:18-0511
)
METROPOLITAN GOVERNMENT OF)
NASHVILLE AND DAVIDSON)
COUNTY, et al)

ORDER


Pending before the Court is Defendant Linda Schipani’s motion to stay discovery and for other relief (Docket No. 19), which, for the reasons stated herein, is GRANTED. Although the Court does not generally impose a stay of discovery due to the pendency of a defendant’s motion to dismiss for failure to state a claim based on the inadequacy of pled allegations, as that would result in stays in the majority of cases in this district, here the relief requested in Schipani’s pending motion to dismiss is not simply based on the routine Rule 12(b)(6) grounds. Instead, the bases include immunity claims, lack of standing, abstention, statute of limitations, constitutional protections, and improper service. Without offering any opinion as to the merits of Schipani’s motion to dismiss, the Court finds that the issues raised, particularly the pending state court litigation, are sufficiently more than a simple Rule 12(b)(6) motion to warrant a stay of discovery.

Discovery is therefore stayed until **January 31, 2019**, subject to further orders. Any party may request that the Court lift the stay based on further developments in either the administrative proceedings or the state court litigation or based on a ruling by Chief Judge Crenshaw on the pending motion to dismiss. Subject to further orders, the initial case management conference scheduled for August 22, 2018, is RESCHEDULED for **January 30, 2019, at 10:00 a.m.**, in

Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville, Tennessee. The parties must otherwise comply with the provisions of the Notice of Setting of Initial Case Management Conference for preparation and filing of a proposed initial case management order (which must also be emailed to the Courtroom Deputy in Word format as directed).

Also pending is the motion to dismiss (Docket No. 17) filed by Defendant Linda Schipani. Any response to the motion to dismiss must be made in accordance with the requirements of Local Rule 7.01(b). An optional reply, which shall not exceed 5 pages, may be filed within seven (7) days of the filing of any response. The Clerk is directed to forward the motion to dismiss and accompanying memorandum of law (Docket No. 18) and any responsive filings to Chief Judge Crenshaw for his consideration.

It is SO ORDERED.


BARBARA D. HOLMES
United States Magistrate Judge