

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**NOELLE LeCANN, KRISTIN SELIMO,)
and TANIA FUNDUK, on behalf of)
themselves and others similarly situated,)**

Plaintiffs,

vs.

**THE ALIERA COMPANIES INC.,)
formerly known as ALIERA)
HEALTHCARE, INC.,)**

Defendant.

**CIVIL ACTION NO.
1:20-CV-02429-AT**

**JOINT MOTION TO STAY DISCOVERY
AND PRELIMINARY DEADLINES**

Defendant The Alieria Companies Inc. (“Alieria”) and Plaintiffs Noelle LeCann, Kristin Selimo, and Tania Funduk jointly move this Court for a stay as to all preliminary deadlines and discovery obligations—including those under Local Rules 16.1, 16.2, and 26.1(A), and Fed. R. Civ. P. 26(a) and (f)—pending resolution of Defendant’s Motion to Dismiss, or Alternatively, To Compel Arbitration. (Doc. 12).

I. INTRODUCTION AND BACKGROUND

The parties agree that a stay of discovery and preliminary deadlines is warranted, pending the Court’s resolution of Defendant’s pending motion. Plaintiffs

filed their Complaint on June 5, 2020. (Doc. 1). In response, Alera filed its Motion to Dismiss, or Alternatively, to Compel Arbitration. (Doc. 12). Plaintiffs' response to Alera's motion is due on August 17. (Order, Docket Entry Only, July 28, 2020).

II. ARGUMENT

Courts routinely grant joint motions to stay pending the court's ruling on a motion to compel arbitration. *See, e.g., Baine v. Citibank, N.A.*, No. 1:18-CV-3024-AT-JSA, 2018 WL 6167950 (N.D. Ga. Oct. 10, 2018) (granting defendants' motion to stay discovery while the defendants' motion to compel was pending); *Sundial Partners, Inc. v. Atl. St. Capital Mgmt. LLC*, No. 8:15-CV-861-T-23JSS, 2016 WL 943981, at *7 (M.D. Fla. Jan 8, 2016) (granting motion to stay case management deadlines pending resolution of motion to compel arbitration), *report and recommendation adopted*, No. 8:15-CV-861-T-23JSS, 2016 WL 931135 (M.D. Fla. Mar. 11, 2016); *Geopolymer Sinkhole Specialist, Inc. v. Uretek Worldwide Oy*, No. 8:15CV01690CEHJSS, 2016 WL 4769747, at *1 (M.D. Fla. Feb. 3, 2016) (granting motion to stay all discovery and other proceedings in the case pending resolution of motion to dismiss in favor of arbitration).

The parties agree that the Court here should follow this precedent and stay the proceedings, including any further discovery, until the Court has decided Defendant's Motion. The parties agree that proceeding with discovery before the

Court has decided the merits of Defendant's Motion could subject both parties to unnecessary burden and expense. Neither Plaintiffs nor Defendant will be prejudiced by a stay pending the Court's ruling on Defendant's Motion.

III. CONCLUSION

In order to promote efficiency and judicial economy, the parties jointly request that the Court stay all proceedings in this action, including discovery and the obligations under Fed. R. Civ. P. 26(f) and Local Rule 16.1 (early planning conference); Local Rule 16.2 (joint preliminary report and discovery plan); and Local Rule 26.1(A) and Fed. R. Civ. P. 26(a)(1) (initial disclosures), until fourteen (14) days after it issues its ruling on Defendant's Motion.

For the Court's convenience, a proposed order is attached hereto.

Respectfully submitted on August 7, 2020.

/s/ Kevin R. Stone

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CERTIFICATE OF COMPLIANCE

Counsel certifies that brief has been prepared with Times New Roman 14 type, one of the font and point selections approved by the Court in LR 5.1.

/s/ Kevin R. Stone

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CERTIFICATE OF SERVICE

A copy of the foregoing **JOINT MOTION TO STAY DISCOVERY AND PRELIMINARY DEADLINES** has been filed this 7th day of August, 2020 via the Court's CM/ECF system, which will send notification of such filing to all parties of record as noted below.

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**[PROPOSED] ORDER GRANTING JOINT MOTION TO STAY
DISCOVERY AND PRELIMINARY DEADLINES**

The Parties have requested that this Court issue an order staying discovery and certain pre-trial requirements under Rules 16 and 26 of the Federal Rules of Civil Procedure (and the associated Local Rules) until after the disposition of the pending Motion to Dismiss, or Alternatively, Compel Arbitration (Doc. 12).

It appearing to the Court that such request serves the ends of judicial efficiency, it is hereby ORDERED that discovery and the obligations to complete conferences, reports, and disclosures under Rules 16 and 26, as well as the associated

Local Rules, are stayed until fourteen (14) days after the Court has ruled on the pending Motion to Dismiss, or Alternatively, Compel Arbitration.

This _____ day of August, 2020.

AMY TOTENBERG
United States District Judge

Order prepared by:
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Attorney for Defendant