

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 18-24145-CIV-WILLIAMS

JOHN DOES, 1-5,

Plaintiffs,

vs.

RICHARD L. SWEARINGEN,

Defendant.

ORDER

THIS MATTER is before the Court on (DE 57) Defendant's motion to stay proceedings pending resolution of Defendant's motion to dismiss. Plaintiffs filed a response in opposition (DE 61) and Defendant filed a reply (DE 67).

District courts enjoy broad discretion in deciding how best to manage the cases before them and to set and enforce scheduling deadlines. *See Johnson v. Bd. of Regents of Univ. of Ga.*, 263 F.3d 1234, 1269 (11th Cir. 2001); *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1366 (11th Cir. 1997); *Chrysler Int'l Corp. v. Chemaly*, 280 F.3d 1358, 1360 (11th Cir. 2002) ("At the outset, we stress the broad discretion district courts have in managing their cases."); *Johnson v. Bd. of Regents of Univ. of Georgia*, 263 F.3d 1234, 1269 (11th Cir. 2001) ("[W]e accord district courts broad discretion over the management of pre-trial activities, including discovery and scheduling.").

Here, Defendant fails to demonstrate that this case would be an exception to the rule that a case should not generally be stayed pending the resolution of a motion to dismiss. *See Ray v. Spirit Airlines, Inc.*, No. 12-61528-CIV, 2012 WL 5471793, at *1 (S.D. Fla. Nov. 9, 2012) ("This District's Local Rules make clear, however, that a stay of

discovery pending the determination of a motion to dismiss is the exception rather than the rule.”). Upon a cursory review of Defendant’s motion to dismiss, Plaintiffs’ response, and Defendant’s reply, the Court “cannot conclude that the [m]otion to [d]ismiss is so clearly meritorious that all discovery should be stayed during its pendency.” *Tillman v. Advanced Pub. Safety, Inc.*, No. 15-81782-CIV, 2016 WL 11501679, at *2 (S.D. Fla. June 2, 2016). Accordingly, Defendant’s motion (DE 57) is **DENIED**.

DONE AND ORDERED in chambers in Miami, Florida, this 10th day of October, 2019.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE