

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

SPORT & WHEAT, CPA, PA,

Plaintiff,

v.

Case No. 3:20cv5425-TKW-HTC

SERVISFIRST BANK, INC., et al.,

Defendants.

_____ /

ORDER

This case is before the Court on the report of the parties' Rule 26(f) planning conference (Doc. 61). The report reflects that the parties agree that the case is not likely to settle promptly but they disagree on nearly everything else—e.g., whether this is a proper class action, what the discovery schedule should be, whether there should be limits on the number of depositions, whether the case should be subject to the Manual for Complex Litigation, when the case will be ready for trial, whether the trial should be a bench or jury trial, etc.

Typically, after receiving a report like this, the Court would set a scheduling conference to work through the issues raised by the parties and then enter a scheduling order; however, because the pending (and forthcoming) motions to dismiss raise what appears to be a fairly straightforward and potentially dispositive issue of statutory interpretation that should be decided before this case goes any

further, the Court will defer the case management conference and stay further discovery until after ruling on the motions to dismiss. The Court recognizes that stays of discovery are not favored (and certainly not required), but the Court sees no harm in imposing one here because one of the Defendants has yet to be served, this case may soon be swept into an MDL proceeding,¹ and a discovery dispute (*see* Doc. 52) has already arisen between the parties. Accordingly, it is

ORDERED that:

1. Discovery is stayed pending further Order.
2. Any additional motions to dismiss shall be filed as soon as practical.
3. The Court will set a case management conference after ruling on the motions to dismiss, if necessary.
4. The parties shall promptly advise the Court of any material developments in the MDL or rulings in the other related cases.

DONE and ORDERED this 30th day of June, 2020.

T. Kent Wetherell, II

T. KENT WETHERELL, II
UNITED STATES DISTRICT JUDGE

¹ The Court is aware that another judge recently denied a stay in a nearly identical case, *see James Quinn, Fahmia, Inc. v. JPMorgan Chase Bank, N.A.*, 2020 WL 3472448 (S.D.N.Y. June 24, 2020); however, the defendant in that case sought to stay the entire case until the Judicial Panel on Multidistrict Litigation ruled on the MDL petition whereas the Court here is only staying discovery and allowing motion practice to proceed.