

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

NATHAN C. JONES, individually and on  
behalf of all others similarly situated,

Plaintiff,

Case No. 19-2534-CM

v.

USHEALTH GROUP, INC., et al.,

Defendants.

**ORDER**

On February 20, 2020, defendants filed a motion to stay the proceedings, or alternatively, to bifurcate discovery (ECF No. 43). Defendants request a stay pending a potentially dispositive ruling from the United States Supreme Court in *Barr v. American Association of Political Consultants*, No. 19-631. The Supreme Court will determine whether a relevant provision of Telephone Consumer Protection Act violates the Free Speech Clause of the First Amendment, which may invalidate the statute on which plaintiff brings his claim. Defendants represent that the Supreme Court is expected to rule by the end of this term in June 2020. Plaintiff has indicated he does not oppose the motion. The court agrees the interests of judicial economy and the lack of prejudice to the parties weigh in favor of granting a stay at this time. The court therefore grants the motion as unopposed and stays the case until the Supreme Court rules on *Barr v. American Association of Political Consultants*.

Defendants also filed a motion for protective order on February 27, 2020 (ECF No. 46) to require plaintiff to withdraw a subpoena served on defendants' independent contractor, Kovacs Systems, LLC, or, alternatively, limit the scope of the subpoena. Plaintiff has indicated he does not oppose this motion. In light of the court's stay, the court agrees the motion for protective order should be granted as unopposed. Accordingly, Kovacs Systems, LLC need not comply with the subpoena at this time and plaintiff shall promptly notify Kovacs Systems, LLC of the court's ruling.

The deadlines in the scheduling order (ECF No. 31) are hereby vacated. The parties shall submit a joint proposed amended scheduling order within 14 days of the Supreme Court's decision in *Barr v. American Association of Political Consultants*.

IT IS SO ORDERED.

Dated March 12, 2020, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge