

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MICHAEL R. CUNNINGHAM II,

Plaintiff,

v.

CASE NO. 19-3042-SAC

CURTIS HALL,

Defendant.

ORDER

This matter is before the Court on a Motion to Stay Discovery (ECF No. 29) filed by Defendant. Defendant requests an order staying all discovery in this case until the Court rules on his Motion to Dismiss.

The District of Kansas has a general policy that a pending dispositive motion does not require a stay of discovery. *See Wolf v. United States*, 157 F.R.D. 296, 297-98 (D. Kan. 1994). There are four exceptions to this policy, namely, discovery may be stayed if the case is likely to be resolved through the dispositive motion; the facts to be developed through discovery would not affect the resolution of the dispositive motion; the discovery would be unduly burdensome; or the dispositive motion presents issues concerning a defendant's immunity from suit. *Citizens for Objective Public Education Inc. v. Kansas State Bd. of Educ.*, 2013 WL 6728323, *1 (D. Kan. Dec. 19, 2013); *see also Kutilek v. Gannon*, 132 F.R.D. 296, 297-98 (D. Kan. 1990).

In this case, Defendants assert a defense of qualified immunity, and the Court grants the request to stay discovery. *See Siefert v. Gilley*, 500 U.S. 226, 232-33 (1991) (discovery and pretrial

proceedings should not go forward until threshold immunity question is resolved); *Workman v. Jordan*, 958 F.2d 332, 336 (10th Cir. 1992)(where defendant asserts qualified immunity defense, court should grant request to stay discovery pending ruling on that issue).

IT IS THEREFORE ORDERED that Defendant's Motion to Stay Discovery (ECF No. 29) is **granted**. Discovery and related proceedings under Fed. R. Civ. P. 26 are stayed pending a ruling on Defendant's Motion to Dismiss (ECF No. 17).

IT IS SO ORDERED.

DATED: This 11th day of September, 2019, at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge