

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

SKYLER MUSGROVE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE BOARD OF REGENTS OF THE	)	
UNIVERSITY SYSTEM OF GEORGIA,	)	
JAMES HULL, in his official capacity as Chair	)	
of the Board of Regents of the University	)	
System of Georgia, UNIVERSITY OF	)	
GEORGIA, JERE MOREHEAD, in his official	)	
capacity as President of the University of	)	
Georgia, KARIN ELLIOT, in her official	)	
capacity as Interim Vice Chancellor of Human	)	
Resources of the University System of Georgia,	)	
BLUE CROSS BLUE SHIELD	)	
HEALTHCARE PLAN OF GEORGIA, INC.,	)	
METROPOLITAN LIFE INSURANCE	)	
COMPANY, and METLIFE, INC.,	)	
	)	
Defendants.	)	
	)	

CASE NO.  
3:18-cv-00080-CDL

**DEFENDANT BLUE CROSS BLUE SHIELD HEALTHCARE PLAN  
OF GEORGIA, INC.’S CONSENT MOTION TO  
STAY DISCOVERY AND RULE 26/16 REQUIREMENTS**

COMES NOW, Defendant Blue Cross Blue Shield Healthcare Plan of Georgia, Inc. (“BCBSHP”), by and through its undersigned counsel, in accordance with this Court’s Order dated October 15, 2018, and hereby files its Consent Motion to Stay Discovery and Rule 26/16 Requirements, stating as follows:

1. BCBSHP filed its Motion to Dismiss Plaintiff’s Complaint on August 24, 2018 seeking dismissal of all claims against BCBSHP. (Doc. 24.) Briefing was completed on

BCBSHP's Motion to Dismiss on October 19, 2018. (Doc. 40.) At the time of filing the instant Motion, BCBSHP's Motion to Dismiss was still pending before this Court.

2. This Court entered its Rules 16/26 Order on October 15, 2018, setting forth the initial case scheduling and discovery obligations of the parties. (Doc. 38.) The Order provides:

If a Motion to Dismiss and/or a Motion to Remand is presently pending and the parties do not find it necessary to conduct discovery to support or oppose this motion, the Court may stay discovery pending its ruling on the motion. Therefore, if the parties seek a stay of discovery pending resolution of the motion, they should file a consent motion within fourteen days of the date of this Order seeking such a stay; and thereby avoid the filing of a Proposed Scheduling/Discovery Order at this time.

(*Id.* p. 1.) BCBSHP's Motion to Dismiss does not require discovery to support or oppose it. BCBSHP thus hereby timely requests a stay of all Rule 16 and 26 discovery obligations for the parties until BCBSHP's Motion to Dismiss is resolved.

3. The undersigned counsel conferred with counsel for each of the other parties in the case, and they all have consented to this requested stay.

4. BCBSHP respectfully submits that discovery should be stayed until the Court rules on the Motion to Dismiss. BCBSHP's Motion to Dismiss seeks dismissal of the entire case against BCBSHP on multiple grounds. Principles of efficiency support the resolution of the Motion, which if granted in whole or in part would substantially streamline the case, before the parties embark on the time and cost-intensive discovery process.

5. Based on the above, BCBSHP requests that this Court enter an Order staying all Rule 16 and 26 obligations and otherwise stay discovery until its Motion to Dismiss is resolved.

Respectfully submitted this 29th day of October 2018.

/s/ John S. Gibbs III  
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Counsel for Blue Cross Blue Shield  
Healthcare Plan of Georgia, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2018, I filed the foregoing Defendant Blue Cross Blue Shield Healthcare Plan of Georgia's Consent Motion to Stay Discovery and Rule 26/16 Requirements via the Court's CM/ECF system which will serve a copy on all counsel of record.

/s/ John S. Gibbs III

Counsel for Blue Cross Blue Shield  
Healthcare Plan of Georgia, Inc.