

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**EQUALITY FLORIDA, et al.,**

**Plaintiffs,**

**v.**

**Case No. 4:22-cv-134-AW-MJF**

**RONALD DESANTIS, et al.,**

**Defendants.**

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**ORDER GRANTING STAY OF DISCOVERY**

Defendants moved to stay discovery pending resolution of their motions to dismiss. ECF No. 72. I temporarily stayed discovery but gave Plaintiffs an opportunity to respond. ECF No. 74. Having now considered Plaintiffs' response (ECF No. 81), I grant Defendants' motion.

As both sides acknowledge, district courts have substantial discretion in this area. *See Patterson v. USPS*, 901 F.2d 927, 929 (11th Cir. 1990). In exercising that discretion, I conclude a stay is appropriate for several reasons. First, the principal downside of a stay—and Plaintiffs' principal objection to it—is delay.<sup>1</sup> But the stay need not lead to substantial delay; Plaintiffs' response to the motions is due shortly, and the issues will soon be ripe for resolution. And as Defendants note, Plaintiffs

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<sup>1</sup> Plaintiffs also point to the November discovery deadline. That deadline, though, is not immovable. If Plaintiffs' claims survive the motion-to-dismiss stage, I will ensure that Plaintiffs have adequate time to conduct appropriate discovery.

have not moved quickly to this point. They initiated the case in March, amended their complaint in May, and sought an extended deadline in responding to the motion to dismiss. This is not a criticism, but it is a factor in considering the equities.

Second, the discovery sought is extensive and would impose substantial burdens—burdens that could be avoided altogether if the motions to dismiss are granted. Staying discovery until pleadings close would always, of course, potentially avoid unnecessary discovery. And that alone is not a basis to grant the stay. But having considered the scope of the requests (attached to the motion), and having preliminarily considered the issues raised in the motions to dismiss, I conclude the burden counsels in favor of a stay.

Third, some Defendants have asserted Eleventh Amendment immunity, which implicates interests of State’s dignity and integrity. *See Manders v. Lee*, 338 F.3d 1304, 1327 (11th Cir. 2003). This, too, counsels in favor of a stay.<sup>2</sup>

The motion to stay (ECF No. 72) is GRANTED.

SO ORDERED on July 21, 2022.

s/ Allen Winsor  
United States District Judge

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<sup>2</sup> This case is unlike *Yelapi*, which both parties cite. Case No. 4:20-cv-351 (N.D. Fla. Feb. 25, 2021). There, the immunity issue turned on the factual issue of whether a particular entity received federal funds subjecting it to waiver under the Rehabilitation Act.