



ShareCor, L.L.C. v. Santa Rosa Consulting, Inc. et al

2017 | Cited 0 times | M.D. Louisiana | March 10, 2017

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF LOUISIANA

SHARECOR, LLC CIVIL ACTION VERSUS NO. 16-519-JJB-RLB SANTA ROSA CONSULTING, INC., ET AL.

ORDER Before the Court is Protective Order Seeking a Stay of Discovery Pending Ruling on Motion to Dismiss (R. Doc. 32)

filed on February 16, 2017. The motion is opposed. (R. Doc. 34). initiated this action in state court on June 21, 2016, asserting . (R. Doc. 1-1, . With regard to the SBE claim, Plaintiff alleges that Santa Rosa and its co-defendant have overlapping corporate structure, ownership, administrative control and intertwined nature of the business operations and finances, and as such operate, and have operated, as a single business enterprise. Santa Rosa removed the action on August 4, 2016, asserting that this Court has diversity jurisdiction over the action. (R. Doc. 1). On August 11, 2016, Santa Rosa filed a motion to dismiss SBE claim. (R. Doc. 3). The instant motion seeks a stay of all discovery related to the SBE claim. (R. Doc. 32). prejudice to refile. (R. Doc. 33). The district judge ordered Plaintiff to file any amended

complaint within 21 days of the ruling denying the motion to dismiss, i.e., March 17, 2017. (R. Doc. 33 at 8). In so doing, the district judge provided that Defendants may re-urge their motions directed to the amended complaint, acknowledged some uncertainty in the applicable state law, was not clear if these defects were incurable. (R. Doc. 33 at 7-8). Plaintiff argues that in light of the denial o motion should be denied as moot. (R. Doc. 34).

Rule 26(c) of the Federal Rules of Civil Procedure allows the Court to issue a protective nnoyance,

show the necessity of its issuance, which contemplates a particular and specific demonstration of In re Terra Int'l, Inc., 134 F.3d 302, 306 (5th Cir. 1998) (quoting United States v. Garrett, 571 F.2d 1323, 1326 n.3 (5th court has broad discretion and inherent power to stay discovery until Petrus v. Bowen, 833 F.2d 581, 583 (5th Cir. 1987); -CIO, 901 F.2d 404,

(citation omitted). Considering the pleadings and the procedural posture of this action, the Court finds good cause to stay discovery with respect to

1 until Plaintiff has filed an amended complaint and Santa Rosa has had a reasonable opportunity to



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renew its motion to dismiss if applicable. Any party may request the Court to revisit this issue once appropriate briefing is complete. Based on the foregoing,

1 The Court takes no position regarding any particular discovery requests issued by the parties, and whether such requests would solely pertain to the SBE claim and thus subject to this Order.

RICHARD L. BOURGEOIS, JR. UNITED STATES MAGISTRATE JUDGE IT IS ORDERED that the Motion (R. Doc. 32) is GRANTED. IT IS FURTHER ORDERED that discovery in this action pertaining only to SBE claim is STAYED. Either party may request that this limited stay be lifted should no

dispositive motion pertaining to the (to be filed) amended complaint or upon completion of the briefing of any such motion. Signed in Baton Rouge, Louisiana, on March 10, 2017.

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