

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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ROBERT DRAPER, et al.)	
)	
Plaintiffs,)	
)	
v.)	1:14-CV-12471-NMG
)	
MARTHA COAKLEY, in her official capacity as)	
ATTORNEY GENERAL OF MASSACHUSETTS)	
)	
Defendant.)	
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**DEFENDANT’S MOTION TO STAY DISCOVERY
PENDING RESOLUTION OF THE MOTION TO DISMISS**

The Attorney General hereby moves to stay the required Fed. R. Civ. P. 26(f) conference and attendant discovery obligations pending resolution of her Motion to Dismiss. While the filing of a motion to dismiss does not guaranty a stay of discovery obligations, when a motion to dismiss raises preliminary issues such as lack of subject matter jurisdiction, a stay of discovery obligations serves justice. See, e.g. Derisme v. Hung Leibert Jacobson P.C., 880 F. Supp. 2d 311, 314 (D. Conn 2012); cf. Wilcox Indus. V. Hansen, 279 F.R.D. 64, 72 (D.N.H. 2012).

The Attorney General notes that her Motion to Dismiss raises grounds under both Fed. R. Civ. P. 12(b)(1) and 12(b)(6). Under Fed. R. Civ. P. 12(b)(1), the Attorney General argues that Plaintiffs lack standing or, in the alternative, that the Court should abstain from resolving the Constitutional questions. The Attorney General also argues that Plaintiffs failed to state any

claims upon which relief could be granted. Fed. R. Civ. P. 12(b)(6). A favorable ruling on these issues would obviate the need for discovery.

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Glenn Kaplan
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Dated: August 29, 2014

LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that I attempted to confer with counsel for Plaintiffs via phone and e-mail on August 28, 2014 and August 29, 2014. I received a response on August 29, 2014. Counsel for Plaintiffs did not consent to a stay of discovery.

/s/ Glenn Kaplan
Glenn Kaplan, BBO# 567308
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be sent to those indicated on the NEF as non registered participants on or before August 29, 2014.

/s/ Glenn Kaplan
Glenn Kaplan, BBO# 567308
Assistant Attorney General