

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

OPEN RIVERS MEDIA GROUP
INC. d/b/a OPEN RIVERS
PICTURES; ALVIN WILLIAMS; and
TAMMY WILLIAMS

Plaintiffs,

v.

SOUTHERN FILM REGIONAL
CENTER LLC; DOMINIC "NIC"
APPLEGATE; GATES INDUSTRIES
LLC; MAURICE ANDERSON;
RATLIFF ENTERTAINMENT LLC;
AND THEOPHILUS RATLIFF

Defendants.

CIVIL ACTION
No. 1:15-CV-00724-SCJ

ORDER

This matter is before the Court on Plaintiffs' Motion (Doc. No. [9]) and Amended Motion (Doc. No. [13]) for Partial Summary Judgment, and Defendants' Emergency Motion for Status Conference (Doc. No. [15]). The Court has reviewed these motions as well as the parties' other filings in this case, and is prepared to rule on the issues raised therein.

With respect to Plaintiffs' Motion (Doc. No. [9]) and Amended Motion (Doc. No. [13]) for Partial Summary Judgment, the Court notes that this case was filed on March 11, 2015, which makes it a little over a month old. See Doc.

No. [1]. Furthermore, Defendants have filed a (currently-pending) Motion to Dismiss (Doc. No. [7]) on April 3, 2015, with respect to which Plaintiffs filed a response in opposition (Doc. No. [12]) on April 16, 2015, which in turn makes Defendants' reply brief due on or before Monday, May 4, 2015.¹ Given this, the Court observes that as the case now stands, (1) pursuant to Local Rule 26(A) of the Northern District of Georgia, the parties' initial disclosures required under Fed. R. Civ. P. 26(a)(1) are not yet due to be filed,² and (2) pursuant to local Rule 26.2 of the Northern District of Georgia, the discovery period has not yet commenced.³ Likewise, Fed. R. Civ. P. 26(d) provides that, absent certain circumstances not present here, "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)," and the Court

¹ Plaintiffs also appear to have included within both their Motion and Amended Motion for Partial Summary Judgment (Doc. Nos. [9] & [13]) argument opposing Defendants' Motion to Dismiss, and Defendants have responded to such arguments in a reply brief (Doc. No. [11]) that was filed on April 15, 2015. Nevertheless, because Plaintiffs also have filed a "standalone" opposition (Doc. No. [12]), the Court will allow Defendants to file a reply to that "standalone" opposition. See LR 7.1, NDGa.

² Local Rule 26.1.A provides that "The parties to civil actions shall make the initial disclosures required by Fed. R. Civ. P. 26(a)(1) at or within thirty (30) days after the appearance of a defendant by answer or motion."

³ Local Rule 26.2.A provides that "The discovery period shall commence thirty (30) days after the appearance of the first defendant by answer to the complaint, unless the parties mutually consent to begin earlier."

can find nothing to indicate that such a conference has taken place. In previous rulings, this Court has questioned the wisdom of ruling on summary judgment without allowing a full opportunity for fact and expert discovery, and the same holds true for Plaintiffs' present motion, which has been filed before discovery has even begun. Accordingly, the Court considers Plaintiffs' Motion (Doc. No. [9]) and Amended Motion (Doc. No. [13]) for Partial Summary Judgment premature at this time, and will deny them with leave to re-file within thirty days following the conclusion of discovery in this case.

Turning to Defendants' Emergency Motion for Status Conference (Doc. No. [15]), Defendants have argued that they "have already had to expend significant time and expense simply trying to understand Plaintiffs' confusing filings and to raise those issues in a comprehensible manner for the Court's consideration," and that "[b]ecause of the time and expense involved, Defendants are in the process of filing a Motion for Sanctions." See Doc. No. [15], pp. 2-3. The Court finds that it is appropriate to order that all activity in this case (including discovery) be stayed until the Court has had a chance to consider and rule on Defendants' pending Motion to Dismiss (Doc. No. [7]). And because a stay is warranted, the Court finds that Defendants' proposed emergency status

conference is unnecessary, and will thus deny the Emergency Motion for Status Conference (Doc. No. [15]).

* * *

For the reasons discussed above, the Court rules as follows:

- Plaintiffs' Motion (Doc. No. [9]) and Amended Motion (Doc. No. [13]) for Partial Summary Judgment are each hereby **DENIED** without prejudice to Plaintiffs' right to file a renewed motion for summary judgment within thirty days following the conclusion of discovery in this case;
- Defendants' Emergency Motion for Status Conference (Doc. No. [15]) is hereby **DENIED**; and
- it is **ORDERED** that all activity in this case (including discovery) be **STAYED** pending the Court's ruling on Defendants' Motion to Dismiss (Doc. No. [7]), with respect to which Defendants are **INSTRUCTED** to file any reply brief that they feel should be considered on or before Monday, May 4, 2015.

IT IS SO ORDERED, this 17th day of April, 2015.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE