

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CARL CAVALIER	*	CIVIL ACTION
	*	
VERSUS	*	DOCKET NO. 21-CV-00656
	*	
STATE OF LOUISIANA: DEPT. OF	*	JUDGE JOHN W. DEGRAVELLES
PUBLIC SAFETY & CORRECTIONS:	*	
PUBLIC SAFETY SERVICES; OFFICE	*	MAGISTRATE RICHARD L. BOURGEOIS, JR.
OF STATE POLICE	*	

MOTION TO STAY DISCOVERY

Defendants, Louisiana Department of Public Safety & Corrections (Office of State Police) and Colonel Lamar Davis, move to stay discovery pending Defendants’ Rule 12(b)(6) Motion to Dismiss based on qualified immunity.

WHEREFORE, for the reasons more fully addressed in the Memorandum in Support, Defendants pray for a stay of discovery pending disposition of Col. Davis’ assertion of qualified immunity.

Respectfully Submitted,

JEFF LANDRY
Attorney General

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 for the Louisiana Department of Public Safety &
 Corrections (Office of State Police) and Colonel
 Lamar Davis*

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2022, a copy of the *Motion to Stay Discovery* was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be forwarded to all counsel by operation of the Court's electronic filing system.

/s/ Ben L. Mayeaux

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PUBLIC SAFETY SERVICES; OFFICE OF STATE POLICE	*	MAGISTRATE RICHARD L. BOURGEOIS, JR.
	*	

**MEMORANDUM IN SUPPORT OF DEFENDANTS’
MOTION TO STAY DISCOVERY**

Defendants, Colonel Lamar Davis and the Office of State Police, filed a Rule 12(b)(6) Motion to Dismiss based in part on Col. Davis’ assertion of qualified immunity.

“When defendants assert qualified immunity in a motion to dismiss, the district court may not defer ruling on [this] assertion,” and “may not permit discovery – “cabined or otherwise” – against immunity-asserting defendants before it has determined [whether] plaintiffs have pleaded facts sufficient to overcome the defense.”¹ Even discovery as to other defendants who are not asserting qualified immunity must be stayed, as “[it] is quite likely that, when discovery as to the other parties proceeds, it would prove necessary to for petitioners and their counsel to participate in the process to ensure that case does not develop in a misleading or slanted way that causes prejudice to their position.”²

WHEREFORE, Defendants pray for a stay of discovery pending disposition of Col. Davis’ assertion of qualified immunity.

¹ *Carswell v. Camp*, 2022 WL 2186363, *3 (5th Cir.2022), citing, *Ashcroft v. Iqbal*, 556 U.S. 662, 685-86, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009).

² *Id.*

Respectfully Submitted,

JEFF LANDRY
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for the Louisiana Department of Public Safety &
Corrections (Office of State Police) and Colonel
Lamar Davis*

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2022, a copy of the *Memorandum in Support of Defendants’ Motion to Stay Discovery* was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be forwarded to all counsel by operation of the Court’s electronic filing system.

 /s/ Ben L. Mayeaux

UNITED STATES DISTRICT COURT
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CIVIL ACTION

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DOCKET NO. 21-CV-00656

STATE OF LOUISIANA: DEPT. OF
PUBLIC SAFETY & CORRECTIONS:
PUBLIC SAFETY SERVICES; OFFICE
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*
*

JUDGE JOHN W. DEGRAVELLES

MAGISTRATE RICHARD L. BOURGEOIS, JR.

ORDER

Considering the forgoing Motion to Stay Discovery:

IT IS HEREBY ORDERED that Defendants’ Motion to Stay Discovery is hereby
GRANTED, and all discovery in this matter be stayed pending disposition of Col. Davis’
assertion of qualified immunity.

DONE AND SIGNED this _____ day of _____, 2022, in Baton Rouge,
Louisiana.

MAGISTRATE RICHARD L. BOURGEOIS, JR.,
MIDDLE DISTRICT OF LOUISIANA
UNITED STATES DISTRICT COURT