

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

ISAAC A., by and through next friend,
A.A.; ZACK B., by and through next
friend, B.B.; LEON C., by and through
next friend, C.C.; SAMUEL D., by and
through next friend, D.D., on behalf of
themselves and those similarly
situated; and THE GEORGIA
ADVOCACY OFFICE,

Plaintiffs,

v.

RUSSEL CARLSON, in his official
capacity as Commissioner of the
Georgia Department of Community
Health; KEVIN TANNER, in his
official capacity as Commissioner of
the Georgia Department of Behavioral
Health and Developmental Disabilities;
CANDICE L. BROCE, in her official
capacity as Commissioner of the
Georgia Department of Human
Services,

Defendants.

Civil Action No. 1:24-cv-00037-AT

**PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTION TO STAY DISCOVERY**

COME NOW, Plaintiffs, by and through their undersigned counsel, and hereby oppose Defendants' Motion to Stay Discovery Proceedings Until After the Filing of an Answer (ECF 35) (the "Motion to Stay"), as seeking relief beyond the scope of discovery relief warranted by the claims and defenses being litigated in Defendants' Motion to Dismiss (ECF 32 and 32-1). In opposition to the Motion to Stay, Plaintiffs state as follows:

1. Plaintiffs oppose the broad discovery stay proposed by Defendants due to the gravity of the Individual Plaintiffs' mental health conditions and the urgency of their unmet treatment needs.

2. Even if some discovery-related stay might be justified on efficiency grounds, the stay sought by Defendants here exceeds that justification. Defendants' requested stay would, in effect, freeze all preliminary procedural work among the Parties until after the Court rules on Defendants' Motion to Dismiss and any eventual answer is filed. This protracted, complete stay ignores the differential treatment of procedural planning for discovery and the actual commencement of discovery contemplated by the Local Rules of the Northern District of Georgia. *Compare* L.R. 16.1, 16.2 (deadline for Early Planning Conference and submission of Joint Preliminary Report and Discovery Plan triggered by filing of answer or motion), and L.R. 26.1 (deadline for Parties' initial disclosures triggered by Defendants' answer

or motion), with L.R. 26.2 (discovery period begins 30 days following Defendants' answer unless Parties' mutually agree to begin earlier).

3. Plaintiffs do not seek expedited discovery. *See* L.R. 26.2. But there is utility in, and limited burdens on Defendants associated with, the Parties moving forward with satisfying the procedural requirements set forth in Local Rules 16.1, 16.2, and 26.2.

4. Plaintiffs request that the Court deny Defendants' Motion to Stay and require the Parties to complete the preparation for discovery defined in Local Rules 16.1 (Early Planning Conference), 16.2 (Joint Preliminary Report and Discovery Plan), and L.R. 26.1 (service of initial disclosures).

5. If the Court is inclined to grant Defendants' Motion to Stay, Plaintiffs request that the scope of that stay be limited. Specifically, Plaintiffs request that any stay terminate with the issuance of the Court's ruling on Defendants' Motion to Dismiss and that the Parties be required to comply with Local Rules 16.1, 16.2, and 26.1 within fourteen (14) days after the issuance of the Court's ruling on the Motion to Dismiss. Plaintiffs respectfully submit that this more circumscribed alternative to a broad discovery stay better balances the Parties' relative interests in the prompt yet efficient litigation of this dispute than the stay sought by Defendants.

Respectfully submitted this 11th day of March, 2024.

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L.R. 7.1(D) CERTIFICATION

I certify that *Plaintiffs' Opposition to Defendants' Motion to Stay Discovery* has been prepared with one of the fonts and point selections approved by the Court in Local Rule 5.1(C). Specifically, this document has been prepared using 14-pt Times New Roman Font on this 11th day of March, 2024.

/s/ M. Geron Gadd
M. Geron Gadd

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing using the CM/ECF system,
which will send notification of such filing to all counsel of record.

This 11th day of March, 2024.

/s/ M. Geron Gadd
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