

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

PANTHER BRANDS, LLC and )  
PANTHER RACING, LLC, )  
 )  
Plaintiffs, )  
 )  
vs. ) No. 1:14-cv-00472-TWP-TAB  
 )  
INDY RACING LEAGUE, LLC doing )  
business as INDYCAR, RAHAL )  
LETTERMAN LANIGAN RACING, LLC, )  
JOHN METZLER, DOCUMENT AND )  
PACKAGING BROKERS, INC. doing )  
business as DOCUPAK, and )  
UNITED STATES OF AMERICA, )  
 )  
Defendants. )

**ORDER GRANTING MOTION TO STAY DISCOVERY**

Defendants<sup>1</sup> seek to stay discovery until the Court resolves pending motions to dismiss. All parties concede that a 2013 sponsorship agreement between Plaintiffs and IndyCar is at the heart of the lawsuit. Defendants filed their respective motions to dismiss [Filing No. 55; Filing No. 63] arguing the language and interpretation of paragraph 9.15 of the agreement supports dismissal of all claims against Defendants. Defendants contend Plaintiffs' discovery would require production of more than 206,000 documents and would be burdensome and costly. Defendants estimate it would cost between \$10,000 and \$15,000 to process and prepare these documents, and an additional \$15,000 to \$20,000 to review these documents for privilege.

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<sup>1</sup> For this order, Defendants are Rahal Letterman Lanigan Racing, LLC and Document and Packaging, Brokers, Inc.

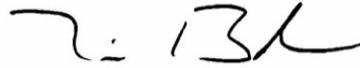
Plaintiffs object to Defendants' motion and contend they would be prejudiced by a stay in discovery as deadlines are approaching and a stay could create a delay in trial preparation.

This Court may limit the scope of discovery pursuant to Federal Rules of Civil Procedure 26(c) and (d). However, "[t]he filing of a motion to dismiss by itself does not mandate a stay of discovery pending resolution of that motion, nor does the right to discovery continue in light of a pending dispositive motion." *Duneland Dialysis LLC v. Anthem Ins. Co., Inc.*, No. 4:09-cv-36-RLM-PRC, 2010 WL 1418392, at \*2 (N.D. Ind. Apr. 6, 2010). A stay is appropriate "where the motion to dismiss can resolve the case, where ongoing discovery is unlikely to produce facts necessary to defeat the motion," *Id.*, or where the motion raises a threshold issue of standing, jurisdiction, or qualified immunity. *Methodist Health Servs. Corp. v. OSF Healthcare Sys.*, No. 13-1054, 2014 WL 1797674 (C.D. Ill. May 6, 2014). "If the case is susceptible to burdensome and costly discovery, the district court should limit discovery once a motion to dismiss for failure to state a claim has been filed." *Nexstar Broad., Inc. v. Granite Broad. Corp.*, No. 1:11-cv-249, 2011 WL 4345432 (N.D. Ind. Sept. 15, 2011).

Thus, whether to grant a stay of discovery is a matter within the Court's broad discretion. While the present case presents a close question, the Court finds a stay is appropriate. The multiple motions to dismiss are fully briefed and could resolve the claims against the Defendants. Furthermore, the stay avoids, at least for now, discovery that the Defendants have shown is voluminous and costly. The discovery is not needed to resolve the pending motions. And if the motions to dismiss are denied, the February 2015 discovery deadlines could be enlarged for good cause.

Defendants' motion to stay discovery [Filing No. 67] is granted. Discovery is stayed pending the resolution of the Defendants' motions to dismiss.

Dated: 10/15/2014



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Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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