

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LIBERTY MUTUAL INSURANCE CO.,

Plaintiff,

ORDER

CV 06-391 (NGG) (ARL)

-against-

LAWRENCE BLESSINGER, SR., et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Presently before the court is a letter motion to stay discovery by twenty-four of the twenty-eight defendants, Lawrence Blessinger, Sr., Lawrence Blessinger, Jr., Marianne Blessinger, James Granelle, Luxury Limited, Luxury Transportation, Inc., Transportation Planning Corp., Reygan Conveyance Corp., K & J Limousine, Inc., KMO Transportation, Inc., LBJ Auto Sales, Inc., Blessinger Leasing, Inc., All Island Taxi, Inc., All Island Airport Service, Inc., Ollie's Airport Service, Inc., Ollie's Management Group Ltd., Ollie's South Shore, Inc., Ollie's Trans, Inc., MEB conveyance Corp., Port Conveyance, Inc., Taxi Latino of Long Island, Inc., Fiesta Management of Long Island, Inc., RPM of Long Island, Inc. and All Coast Agency, LLC (the "moving defendant") pending determination of their motion to dismiss by District Judge Nicholas G. Garaufis.¹ By order of referral dated June 29, 2006, Judge Garaufis referred the stay application, dated June 1, 2006 and the plaintiff's June 6, 2006 letter in opposition to the undersigned for determination. In addition, the plaintiff moved by letter application dated June 28, 2006 before the undersigned for entry of a proposed pretrial scheduling order. The moving defendants opposed that application by letter also dated June 28, 2006.² For the reasons that follow, both applications are **DENIED**.

The law is clear in this court that there is no automatic stay of discovery pending the determination of a motion to dismiss. See, e.g., Osan Limited v. Accenture LLP, CV 05-5048 (SJ)(MDG), 2006 WL 1662612, *1 (E.D.N.Y. June 13, 2006). Rather, Federal Rule of Civil Procedure 26(c) permits a district court to stay discovery during the pendency of a motion to dismiss for "good cause shown." Fed. R. Civ. P. 26(c); see also Port Dock and Stone Corp. v.

¹ Pursuant to the briefing schedule set by Judge Garufis for the defendants' motion to dismiss, the defendants' moving papers were electronically filed on June 23, 2006. The plaintiff's opposition papers are due on July 28, 2006 and any reply by August 11, 2006.

²The plaintiff and moving defendants have also submitted sur-replies dated June 28 and June 29, 2006 respectively. As these letter were submitted in violation of the undersigned's individual rules, they have not been considered.

