

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA	§	
<i>ex rel.</i>	§	
THE STATE OF TEXAS	§	
<i>ex rel.</i>	§	
KAREN REYNOLDS,	§	CIVIL ACTION No. 9:09CV124
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	JUDGE RON CLARK
	§	
PLANNED PARENTHOOD GULF COAST	§	
f/k/a Planned Parenthood of Houston and	§	
Southeast Texas, Inc.; PLANNED	§	
PARENTHOOD OF SOUTHEAST TEXAS	§	
et al.	§	
	§	
<i>Defendants.</i>	§	

ORDER DENYING DEFENDANTS’ MOTION TO STAY DISCOVERY

Before the court is Defendants’ motion to stay discovery [Doc. #38]. Defendants filed this motion on August 31, 2011. According to the Order Governing Proceedings, discovery may commence after September 1, 2011, the deadline set for the attorneys to confer under Rule 26(f). Initial mandatory disclosure was due on September 29, 2011. [Doc. #37].

In Defendant’s motion to stay discovery, Defendants claim that they are not able to respond to discovery relating to Plaintiff’s claims under the False Claims Act and the Texas Medicaid Fraud Prevention Act because Plaintiff has not pled with sufficient particularity. Defendants claim that without knowing any specific facts underlying Plaintiff’s claims they will be forced to guess what documents may be relevant to the claim or defense of any party and who might have knowledge of facts relevant to the claim or defense of any party. Furthermore, Defendants claim that to not stay discovery would allow Plaintiff to make conclusory allegations

and then, through the discovery process, gain more specific information and amend her pleadings to satisfy the particularity requirement. Defendant's motion to stay discovery [Doc. #38] is **DENIED** for the following reasons.

Plaintiff filed an amended complaint on September 23, 2011. [Doc. #50]. The court is of the opinion that Plaintiff pled with sufficient particularity in this amended complaint so as to allow Defendants to comply with discovery. Furthermore, according to this court's proposed scheduling order deadlines, a plaintiff can file amended pleadings without leave of court up to 12 weeks after the case management conference. [Doc. #37 Appendix 1]. Therefore, Plaintiff may amend her pleadings based on information she becomes aware of through discovery.

Accordingly, Defendants motion to stay discovery [Doc. #38] is **DENIED**.

So **ORDERED** and **SIGNED** this **18** day of **October, 2011**.



Ron Clark, United States District Judge