

**IN THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF ALABAMA  
 WESTERN DIVISION**

DAVID RISSLING, et al.,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
vs.	)	
	)	Case No. 7:23-cv-01326-LSC
MAGARIA BOBO, <i>in her official</i>	)	
<i>capacity as Absentee Election</i>	)	<b>Unopposed</b>
<i>Manager of Tuscaloosa County,</i>	)	
<i>Alabama, et al.,</i>	)	
	)	
<i>Defendants.</i>	)	

**DEFENDANTS’ UNOPPOSED MOTION TO STAY**

Defendants respectfully move this Court for a stay of discovery pending resolution of their motion to dismiss (Doc. 18). “Facial challenges to the legal sufficiency of a claim or defense, such as a motion to dismiss based on failure to state a claim for relief, should ... be resolved before discovery begins.” *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997) (footnote omitted). Such motions “always present[] a purely legal question; there are no issues of fact because the allegations contained in the pleading are presumed to be true” and thus there is no need for discovery before resolution of the motion. *Id.* Here, Defendants have filed such a motion seeking dismissal of all claims—making discovery unnecessary not only at this stage but potentially altogether—thus warranting a stay until that motion is resolved.

For the foregoing reasons, Defendants respectfully ask that this Court stay discovery pending resolution of their motion to dismiss. The undersigned has conferred with counsel for Plaintiffs, who indicated that they do not oppose this motion.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

s/ Brenton M. Smith  
*Counsel for Defendants*

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