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JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

GARLAND v AKHTAR - 23SL-AC24108

PLAINTIFF'S SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISQUALIFY ALL JUDGES OF THE 21ST CIRCUIT

EXHIBIT A

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UNITED STATES DISTRICT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ERIC GARLAND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:23CV0064SEP
	)	
HON. MARY B. SCHROEDER,	)	
HON. JOHN R. LASATER,	)	
DAVID S. BETZ, ESQ.,	)	
DR. DEAN L. ROSEN,	)	
DR. ANTHONY J. CASTRO,	)	
ANTHONY J. STEMMLER,	)	
JOAN M. GILMER, and	)	
DOES 1-10,	)	
	)	
Defendants.	)	

DEFENDANTS' JOINT MOTION TO STAY RULE 16 CONFERENCE AND DISCOVERY AND MEMORANDUM IN SUPPORT

COMES NOW Defendants Hon. Mary B. Schroeder, Hon. John R. Lasater, David Betz, Dr. Dean L. Rosen, Dr. Anthony Castro, and Antony Stemmler (hereinafter "Defendants"), by and through undersigned counsel, and hereby states the following in support of Defendants' Motion to Rule 16 Conference and Discovery:

1. This is a civil rights case related to a child custody matter filed in St. Louis County. Plaintiff has brought claims against a variety of different defendants involved in the underlying custody dispute in some way including: two (2) St. Louis County Circuit Court judges Mary Schroeder and John Lasater; the Circuit Clerk for St. Louis County Courts, Joan M. Gilmer, the appointed Guardian Ad Litem David Betz, two (2) appointed psychologists Dr. Dean Rosen and Dr. Anthony Castro, and Kirkwood Police Officer, Anthony Stemmler.

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2. Each named Defendant has filed a Motion to Dismiss the case under Rule 12(b)(1) and 12(b)(6).[1] Plaintiff responded to all Motions to Dismiss, and the issues are fully briefed. If ***granted***, the Motions to Dismiss would be ***dispositive of all issues and claims***.

3. On or about April 4, 2023, Plaintiff sought leave to file an "Amended Verified Petition Pursuant to Rule 15. (Doc. 36.) Defendant Rosen opposed Plaintiff's Motion for Leave to Amend. (Doc. 41)

4. On September 7, 2023, this Court entered an order setting the matter for a Rule 16 conference (Doc. 50). As part of the Order, the Court requests discussions of potential discovery and open the discovery process.

5. This matter involves a long-standing child custody dispute between Plaintiff, his ex-wife and custody/visitation of his children.

6. In light of the fact that there are pending dispositive Motions to Dismiss under Federal Rule 12, Defendants requests a stay on the Rule 16 conference and discovery until such time there is a determination that the matter states a claim upon which relief may be granted.

7. If Plaintiff's Motion for Leave to Amend (Doc. 36) the operative pleading is granted, Defendant would likely re-file similar dispositive motions under Federal Rule 12 (b).

8. Given the pending motions and to avoid expending time and resources on potentially unnecessary discovery, mediation and expert witnesses, the Defendants, jointly, request that the Court enter an order staying all applicable discovery, expert, ADR, pre-trial deadlines and trial date as set forth in the September 7, 2023 Rule 16 Order (Doc. 50) until after the pending motions have been ruled upon by the Court.

- **Scope of Expected Discovery**

[1] Defendants filed Motions to Dismiss between March 14, 2023 and March 27. (Docs. 12, 15, 18, 20, 25, and 31).

9. Plaintiff seeks information relating to similar child custody and divorce proceedings which would be highly onerous and dealing with confidential, personal information. Plaintiff has sent similar letters to all Defendants. Four of such letters are attached as Exhibit A.

10. Further, such discovery would potentially be highly invasive to the administration of family court docket in the Circuit Court of St. Louis County.

11. Plaintiff has now sought issuance of a subpoena in Virginia – presumably with a Custodian of Record deposition even though not noticed. (Docs. 51 and 51-1) The Motion seeks records relating to allegations of "parental child abduction" that are not publicly accessible. (Doc. 51) Such a request is fraught with privacy issues, closed records requests, and minor children. This is precisely the reason why discovery should be stayed pending ruling on Rule 12(b)(6) motions.

12. The instant motion is not intended to frustrate or delay the case at hand, but to instead allow the parties and the Court to determine the nature and sufficiency of the claims asserted so that discovery be avoided or, if necessary, can proceed in an expeditious and meaningful manner.

WHEREFORE, Defendants Hon. Mary B. Schroeder, Hon. John R. Lasater, David Betz, Dr. Dean L. Rosen, Dr. Anthony Castro, and Antony Stemmler pray the Court stays the Rule 16 conference (Doc. 50), all applicable discovery, expert, ADR, and pre-trial deadlines pending the ruling on the pending motions and for such other relief as the Court deems just and proper under the circumstances.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14th day of September 2023, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record and via email upon the following:

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