

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

T&R Properties, Inc., et al. v. Berlin Township, et al.

T&R Properties · No. 2:24-cv-3761 · Decided December 2, 2025

SUMMARY

The United States District Court for the Southern District of Ohio denied Defendants’ motion to stay discovery and expedite resolution of their motion to dismiss. The Court held that the asserted Rooker-Feldman jurisdictional issue was fairly debatable and did not constitute special circumstances warranting a discovery stay, and that alleged duplicative discovery did not outweigh Plaintiffs’ potential prejudice from delay. The parties were ordered to file a joint status report within seven days regarding scheduling depositions.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Kimberly A. Jolson
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	December 2, 2025
DOCKET	2:24-cv-3761
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to stay discovery and expedite a ruling on their pending motion to dismiss the second amended complaint. The court denied the motion to stay discovery and ordered the parties to file a joint status report concerning deposition scheduling.
STANDARD OF REVIEW	The court exercised its inherent authority and broad discretion to manage its docket and weighed the burden of continuing discovery against the hardship that a stay would impose on Plaintiffs.
PRECEDENTIAL VALUE	unpublished district court opinion; persuasive value only
PARTIES	T&R Properties, Inc., et al. v. Berlin Township, et al.

TOPICS

- discovery dispute
- motions to dismiss
- subject matter jurisdiction
- civil procedure
- civil rights

PRACTICE AREAS

civil procedure

civil rights

constitutional law

municipal law

administrative law

QUESTIONS PRESENTED

1. Whether Defendants established special circumstances warranting a stay of discovery while their motion to dismiss, including a Rooker-Feldman jurisdictional argument, was pending.
2. Whether the asserted potential duplication and burden of depositions outweighed the prejudice Plaintiffs could suffer from delaying discovery.
3. Whether the court should expedite its decision on Defendants' motion to dismiss.

HOLDINGS

1. A pending motion to dismiss, including a contested Rooker-Feldman jurisdictional argument, does not by itself justify staying discovery; a stay requires special circumstances, such as an almost-certain lack of federal jurisdiction or near-certain dismissal.
2. The possibility that discovery may be duplicative or inconvenient does not, without more, justify a complete stay of discovery when other procedural tools are available and the balance of hardships favors continued discovery.

KEY QUOTATIONS

“ “[A]s a general rule, this Court is not inclined to stay discovery while a motion to dismiss is pending[.]” ”
(2)

“Simply raising a jurisdictional issue is not enough to justify pausing discovery.” (3)

“All told, a discovery stay is not warranted, and discovery shall proceed.” (5)

FACTUAL BACKGROUND

Plaintiffs alleged intentional racial discrimination, disparate-impact racial discrimination, and familial-status discrimination under the Fair Housing Act in connection with Defendants' zoning decisions. Plaintiffs also pursued a related state administrative appeal, in which the Ohio Fifth District Court of Appeals affirmed a ruling that the zoning board's actions were not arbitrary, capricious, or unreasonable. During the federal litigation, discovery had begun, and Plaintiffs sought to resume limited depositions of three trustees.

PROCEDURAL HISTORY

Plaintiffs brought federal constitutional and Fair Housing Act claims arising from zoning-related conduct while also pursuing a related state administrative appeal. After the state appellate court affirmed the zoning ruling, Defendants moved to dismiss the second amended complaint, asserting Rooker-Feldman and other grounds, and separately moved to stay discovery pending resolution of the motion to dismiss. The court denied the discovery stay and declined to expedite the motion to dismiss.

DISPOSITION

other

CASES CITED

- T & R Properties v. Berlin Twp. Bd. of Zoning Appeals, 2025-Ohio-2947, at ¶ 46
- Ohio Valley Bank Co. v. MetaBank, No. 2:19-CV-191, 2019 WL 2170681, at *2 (S.D. Ohio May 20, 2019)
- Shanks v. Honda of Am. Mfg., No. 2:08-CV-1059, 2009 WL 2132621, at *1 (S.D. Ohio July 10, 2009)
- Hahn v. Star Bank, 190 F.3d 708, 719 (6th Cir. 1999)
- Bowens v. Columbus Metro. Library Bd. of Trustees, No. CIV.A. 2:10-CV-00219, 2010 WL 3719245, at *1 (S.D. Ohio Sept. 16, 2010)
- Ohio Bell Tel. Co., Inc. v. Global NAPs Ohio, Inc., No. 2:06-cv-0549, 2008 WL 641252, at *2 (S.D. Ohio Mar. 4, 2008)
- Seattle House, LLC v. City of Delaware, No. 2:20-CV-03284, 2020 WL 7253309, at *2 (S.D. Ohio Dec. 10, 2020)
- RPM Freight Sys., LLC v. K1 Express, Inc., No. 21-11964, 2023 WL 2933208, at *4 (E.D. Mich. Apr. 13, 2023)
- Williams v. New Day Farms, LLC, No. 2:10-CV-0394, 2010 WL 3522397, at *3 (S.D. Ohio Sept. 7, 2010)
- Young v. Mesa Underwriters Specialty Ins. Co., No. 2:19-CV-3820, 2020 WL 7407735, at *3 (S.D. Ohio Oct. 19, 2020)
- Compound Prop. Mgmt. LLC v. Build Realty, Inc., No. 1:19-CV-133, 2023 WL 3004148, at *4 (S.D. Ohio Apr. 18, 2023)