

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

AVERY DONINGER : NO.: 3:07CV01129 (MRK)  
: :  
v. : :  
: :  
KARISSA NIEHOFF AND : :  
PAULA SCHWARTZ : MAY 14, 2009

**MOTION ON CONSENT FOR STAY OF TRIAL**

The defendants hereby move for a stay of the trial in the above-captioned matter, and further allege as follows:

1. Pursuant to this Court's scheduling order the above matter was to be trial ready in June 2009;
2. The defendants have taken an interlocutory appeal of this Court's denial of summary judgment based on qualified immunity, Docket No.: 09-1452-CV(L);
3. A briefing schedule has been established requiring the defendants' brief to be filed on or before June 25, 2009;
4. If trial were not stayed the defendants would effectively lose their right to appeal the denial of qualified immunity, as the appeal could not be heard prior to conclusion of the trial;

ORAL ARGUMENT IS NOT REQUESTED  
TESTIMONY IS NOT REQUIRED

5. Qualified immunity is more than a defense to liability, it is an immunity from suit. Locurto v. Safir, 264 F.3d 154 (2d Cir. 2001);

6. Plaintiff's counsel, Jon Schoenhorn, has authorized this representation that he consent to the granting of this Motion for Stay of Trial.

WHEREFORE, the defendants request the Court to grant their motion.

DEFENDANTS,  
KARISSA NIEHOFF AND  
PAULA SCHWARTZ

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