

## **Discovery stayed in Cosby litigation**

A federal judge has ordered that discovery addressed to comedian Bill Cosby in a defamation suit be stayed while criminal charges against him in Pennsylvania remain pending.

“The most pressing consideration, in the court’s view, is Defendant’s Fifth Amendment privilege against self-incrimination,” U.S. District Court Judge Mark G. Mastroianni wrote. “[D]ue to the unique factual similarities between the allegations in this case and those contained in the criminal complaint, there is substantial risk that discovery provided by Defendant here could be used against him in a criminal trial.”

The judge decided, however, not to stay the civil suit in any other respect. “Were this court to pause the litigation in its entirety while Defendant’s criminal case wends its way through the Pennsylvania courts, the parties would face a substantial amount of discovery they would need to conduct after the criminal case concludes in order to be ready for trial in this action,” he stated.

The plaintiffs argued that discovery addressed to them should likewise be stayed because a one-sided stay of discovery would give Defendant the “opportunity to strategically prepare his testimony and litigation strategy, before [he] has to provide any substantive discovery responses or deposition testimony at all.”

While “somewhat sympathetic to this concern,” Mastroianni denied the request, pointing out that the plaintiffs are not facing criminal charges and thus there are no Fifth Amendment implications at play. “Therefore, the prejudice Plaintiffs face in the absence of a stay is simply not comparable to Defendant’s situation and does not outweigh the interest of advancing this litigation,” he said.

By: Tom Egan