

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

---

DANIEL JONES,

Plaintiff,

v.

UNITED STATES OF AMERICA; and  
GEROALD STRINGER, in his official and  
individual capacity,

Defendants.

**MEMORANDUM DECISION AND  
ORDER GRANTING STAY**

Case No. 1:17-cv-00138-DN

District Judge David Nuffer

---

The United States, through its counsel, moved to hold this matter in abeyance while Plaintiff pursues a Federal Employee’s Compensation Act, 5 U.S.C. § 8101, *et seq.* claim (“FECA”).<sup>1</sup> In the Complaint, Plaintiff asserts a claim for relief pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671, 1331 and 1346(b), as a result of injuries sustained in a car crash that occurred on July 15, 2015, on Hill Air Force Base.<sup>2</sup> At the time of the incident, Plaintiff “was a federal employee acting within the scope of his federal employment” and therefore his exclusive remedy is FECA.<sup>3</sup> At the time the Motion to Stay was filed, Plaintiff had not filed a FECA claim with the Department of Labor.<sup>4</sup> Plaintiff does not oppose the Motion to Stay.<sup>5</sup> Based on the foregoing and for good cause appearing;

---

<sup>1</sup> Motion to Hold Matter in Abeyance (“Motion to Stay”), [docket no. 8](#), filed December 26, 2017.

<sup>2</sup> Complaint, ¶¶ 4, 8-12, [docket no. 2](#), filed August 28, 2017.

<sup>3</sup> *Id.* at 1.

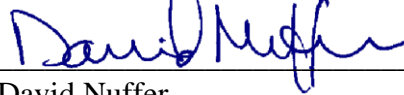
<sup>4</sup> *Id.*

<sup>5</sup> Plaintiff’s Response to Defendant’s Motion to Hold Matter in Abeyance, [docket no. 10](#), filed January 10, 2018.

IT IS HEREBY ORDERED that the Motion to Stay<sup>6</sup> is GRANTED. This case is STAYED pending final decision of the Secretary of Labor regarding coverage for Plaintiff's claims under the FECA.

Dated May 8, 2018.

BY THE COURT:



---

David Nuffer  
United States District Judge

---

<sup>6</sup> [Docket no. 8](#), filed December 26, 2017.