

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

<p>DARRELL CAMPBELL, et al., Plaintiffs,</p> <p>vs.</p> <p>CASTLE STONE HOMES, INC., a Utah corp., Defendants.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING NCUAB'S MOTION FOR STAY AND STAYING CASE FOR 90 DAYS</p> <p>Case No. 2:09-CV-250 TS</p>
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The National Credit Union Administration Board (NCUAB) as liquidating agent for HeritageWest Federal Credit Union (HeritageWest) moves for a 90-day stay pursuant to 12 U.S.C. § 1787(b)(12). Plaintiffs oppose the requested stay on the ground that it is brought six months after the NCUAB assumed control on December 31, 2009. Plaintiffs also argue that the stay is inappropriate because the NCUAB is pursuing litigation. Defendant Judy Smith opposes a stay on the ground that, as a cross-claim Defendant, she is not involved in a claim by or against HeritageWest. The NCUAB replies as follows: that it has not pursued litigation although a party who has purchased asset has; that the

statute does not provide a time limit for invoking the stay provision; and that the stay should apply to all parties, although it would not have an objection to the Court ruling on pending motions prior to the imposition of the stay.

The statute at issue provides:

Suspension of Legal Actions.

(A) In General.—After the appointment of a conservator or liquidating agent for an insured credit union, the conservator or liquidating agent may request a stay for a period not to exceed –

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(ii) 90 days, in the case of any liquidating agent, in any judicial action or proceeding to which such credit union is or becomes a party.

(B) Grant of Stay by all Courts Required.—Upon receipt of a request by any conservator or liquidating agent pursuant to subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.<sup>1</sup>

The Court finds that there is no time limit for the liquidating agent to request such a stay and that upon such a request a court shall grant it as to all parties. It is therefore

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<sup>1</sup>12 U.S.C. § 1787(b)(12).

ORDERED that the NCUAB's Motion for Stay (Docket No. 57) is GRANTED and pursuant to 12 U.S.C. § 1787(b)(12), this case shall be stayed as to all parties for a period of 90 days following entry of this order.

DATED July 19, 2010.

BY THE COURT:



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TED STEWART  
United States District Judge