

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

HEATH HUFFMAN,

Plaintiff,

v.

Civil Action No. 2:14-15598

PATRIOT COAL CORP., a Missouri Corporation
licensed to do business in, and
doing business in West Virginia, and
WINCHESTER LLC, a West Virginia Corporation, and
REMINGTON, LLC, a West Virginia Corporation, and
CLYDE MCCOMAS and
MARK E. GEORGE, in their individual capacity,

Defendants.

OPINION AND ORDER

Pending before the court are plaintiff's motions to stay,
the first filed October 6, 2014 and the second filed October 9,
2014. (ECF-27), (ECF-28).

Plaintiff's first motion asks the court to delay ruling
upon the defendants' motion, filed September 24, 2014, seeking
the dismissal of defendants Winchester LLC, Clyde McComas, and
Mark E. George because they were not properly served with
process, see (ECF-25). The plaintiff's first motion to stay
also asks the court to extend the time to serve those
defendants.

Plaintiff's second motion to stay asks the court to stay
all proceedings and deadlines until the court rules on


plaintiff's motion to remand, (ECF-7), filed May 8, 2014, which is currently under consideration by the court. The defendants do not oppose this requested stay, except to the extent it would prevent a ruling on the motion to dismiss defendants Winchester LLC, Clyde McComas, and Mark E. George. Def. Resp. in Opp'n to Mot. to Stay, (ECF-29).

As the parties are in agreement and good cause has been shown, the court determines that it is proper to grant the stay requested in plaintiff's second motion, staying all deadlines in this case while the motion to remand is pending, with one exception. Litigation shall proceed on the issues raised in the defendants' motion to dismiss Winchester LLC, Clyde McComas, and Mark E. George. The defendants may file a reply to plaintiff's response on the schedule provided for in the local rules of civil procedure. See LR. Civ. P. 7.1(a)(7).

Accordingly, it is hereby ORDERED that plaintiff's second motion to stay, (ECF-28), is, with the reservation noted, granted, and as outlined above, the deadlines in this case are hereby stayed pending resolution of the plaintiff's motion to remand. It is further ORDERED that, to the extent plaintiff's first motion to stay, (ECF-27), seeks to delay a ruling on the motion to dismiss Winchester LLC, Clyde McComas, and Mark E. George, it is denied. To the extent plaintiff's first motion to

stay seeks extended time to file service, the motion remains
under consideration by the court.

ENTER: October 10, 2014



John T. Copenhaver, Jr.
United States District Judge