

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CYNTHIA YEOMANS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:09cv488-WHA
)	
FORSTER AND HOWELL, INC., etc., al,)	(wo)
)	
Defendants.)	

ORDER

This case is before the court on the Plaintiff’s Motion to Extend Stay (Doc. #37) filed on November 25, 2009 and the Defendants’ opposition to an extension of the stay previously entered in this case.

To determine whether “special circumstances” exist to warrant a stay, courts balance the interests of the parties, the courts and the public, including such considerations as:

“(1) the extent to which the issues in the criminal case overlap with those presented in the civil case; (2) the status of the case, including whether the defendants have been indicted; (3) the private interests of the plaintiffs in proceeding expeditiously weighed against the prejudice to plaintiffs caused by the delay; (4) the private interests of and burden on the defendants; (5) the interests of the courts; and (6) the public interest.” *Love v. City of Lanett*, No. 2:09cv622-MEF , 2009 WL 2525371 (M.D. Ala. Aug. 17, 2009).

In September, this court stayed this case until November 30, even though the Plaintiff injected the issues in this case which may cause her to assert her Fifth Amendment right against self-incrimination, because her interests outweighed those of the Defendants, in light of a November trial date in the state criminal case. This court also entered a Scheduling Order and set a trial date with the anticipation that the stay in this case would be lifted on November 30, 2009. The state court criminal case has now been continued for an indefinite time, at the request

of the Plaintiff. The Plaintiff anticipates that the criminal case may not be tried until February 2010.

The Plaintiff has had control over discovery in the criminal case, and, according to the Defendants, has received at least some discovery in that case from the civil case Defendants. The civil case Defendants, on the other hand, have not been able to proceed with discovery in the civil case, and, in addition, the Defendants contend that they run the risk of being unable to secure from third parties documents related to the Plaintiff's bank accounts.

Balancing the equities, it appears to the court that the Defendants are entitled to have this case move forward as contemplated in the original stay Order, and that this case should not be stayed further awaiting the trial of the criminal case, which has been continued at the Plaintiff's request. Accordingly,

it is hereby ORDERED the Motion to Extend the Stay (Doc. #37) is DENIED and the stay in this case is LIFTED.

Done this 30th day of November, 2009.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE