

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

PHYSICIANS LIFE)	
INSURANCE COMPANY.)	
Plaintiff,)	
)	
v.)	CIVIL ACTION 17-00447-N
)	
MARY MORRIS BEAVERS,)	
MICHAEL R. MORRIS, and)	
MICHELLE MORRIS MELVIN,)	
Individually and as TRUSTEES of)	
the Living Trust of MARY M.)	
BEAVERS, and THOMAS J.)	
BEAVERS)	
Defendants.)	

ORDER

This matter is before the Court on Defendants Michael R. Morris and Michelle Morris Melvin’s (“Defendants”) Motions to Stay (Doc. 13, 14, and 16)¹ and Plaintiff Physicians Life Insurance Company’s (“Plaintiff”) response (Doc. 17).

As detailed in the Complaint, this matter involves a dispute regarding beneficiaries and owners of a number of annuities. (Doc. 1). Defendants move the Court to stay this matter pending the outcome of a pertinent state probate proceeding. As grounds, Defendants explain that Defendant Michelle Morris Melvin has filed an Emergency Petition for Letters of Conservatorship and a Petition for Letters of Conservatorship in the Probate Court of Mobile County Alabama. (Doc.

¹ The Motion to Stay (Doc. 13) and First Amended Motion to Stay (Doc. 14) are **MOOT**, as they were amended by the Second Motion to Stay (Doc. 16). Plaintiff was ordered to respond to the First Amended Motion to Stay (Doc. 14). Ordinarily the Court would permit a response to the Second Amended Motion (Doc. 16) before ruling. However, the Court has compared Doc. 14 with Doc. 16, and there is no change in the substance of the Second Amended Motion to Stay. Thus, an additional response is unnecessary.

16 at 2). Per the Second Amended Motion to Stay, “A determination of competency has not yet been made by the Probate Court of Mobile County. Defendants expect that this determination may be dispositive of the issues raised by the Plaintiff in this suit, namely, who should be listed as beneficiaries of the annuities and who has ownership of the annuities.” (Id.). Plaintiff’s response indicates that it “does not oppose the imposition of an Order staying the case for a reasonable time with a provision requiring the Movants to provide timely notice to the Court of developments that would resolve this case or otherwise support lifting of the proposed Order to Stay this proceeding.” (Doc. 16 at 2).

In general, a district court may stay an action as a means of controlling its docket and managing its cases. *Ortega Trujillo v. Conover & Co. Communications, Inc.*, 221 F.3d 1262, 1264 (11th Cir. 2000) (citing *Clinton v. Jones*, 520 U.S. 681, 707 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”). A district court may also stay an action “pending the resolution of related proceedings in another forum.” *Id.* (citation omitted). However, the “district court must limit properly the scope of the stay” and the stay “must not be ‘immoderate.’” *Id.* “As the Supreme Court has explained, ‘[a] stay is immoderate and hence unlawful unless so framed in its inception that its force will be spent within reasonable limits, so far at least as they are susceptible of prevision and description.’” *Id.* (quoting *Landis v. North American Co.*, 299 U.S. 248, 257 (1936)).

Upon consideration, the Second Amended Motion to Stay (Doc. 16) is **GRANTED**. This case is hereby **STAYED** pending entry of final judgment in the case of *In Re: The Estate of Mary Morris Beavers*, pending in the Probate Court of Mobile County, Alabama, Case No. 2017-1772. The parties shall file a joint status report within seven (7) days of final judgment in the above referenced matter. If final judgment has not been reached on or before **Friday, January 12, 2018**, the parties shall file a joint status report on or before **Tuesday, January 16, 2018**.

DONE and **ORDERED** this the **30th** day of **October 2017**.

/s/ Katherine P. Nelson
KATHERINE P. NELSON
UNITED STATES MAGISTRATE JUDGE