

**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 the parties’ joint status report. (Doc. 24). As detailed in the Complaint, this action involves a dispute regarding beneficiaries and owners of a number of annuities. (Doc. 1). This matter is currently stayed pending entry of final judgment in a pertinent state probate proceeding pending in the Probate Court of Mobile County, Alabama, *In Re: The Estate of Mary Morris Beavers*, Case No. 2017-1772.

According to the parties’ January 18, 2018 joint status report, “...a conservator has not yet been appointed by the Probate Court of Mobile County. However, since Physicians Life has paid its annuity payments in to the Clerk of Court for the United States District Court for the Southern District of Alabama Southern Division the status quo has been maintained. The Parties jointly request a continuation of the present stay that has been ordered by this Court.” (Doc. 24).

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, this matter shall remain **STAYED** pending entry of final judgment in above referenced case pending in the Probate Court of Mobile County, Alabama. 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, April 20, 2018**, the parties shall file a joint status report on or before **Tuesday, April 24, 2018**.

DONE and ORDERED this the 1st day of **February 2018**.

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