

**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. 28). 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’ April 24, 2018 joint status report, a conservator has been appointed and the parties “jointly request a continuation of the present stay that has been ordered by this Court (Doc. 24) in order to allow the Bond for the General Conservator to be put into place, to allow the parties the opportunity to meet with The Conservator and to attempt to determine the distribution of the annuities that form the basis of this action (Doc 1). The parties, through their counsel, request

a continuance through May 28, 2018 in order to determine the possible resolution of the issues in this case and to determine if the entire matter can be resolved or at least specifically narrow any remaining legal and/or factual issues to be determined in the present case.” (Doc. 28 at 3).

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 parties’ request is **GRANTED** and this matter shall remain **STAYED**. The parties shall file a joint status report on or before **Tuesday, May 29, 2018.**

DONE and ORDERED this the **25th** day of **April 2018**.

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