

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

JERRY K. DAVIS, AS ADMINISTRATOR \*  
OF THE ESTATE OF JOHN TANNER \*  
DAVIS, DECEASED, \*

Plaintiff, \*

vs. \* No. 5:10cv00349 SWW

CONTECH CONSTRUCTION PRODUCTS, \*  
INC., A CORPORATION; PORT CITY \*  
TRUCKING, INC., A CORPORATION; \*  
BRUCE E. LICK, INDIVIDUALLY; AND \*  
FICTITIOUS DEFENDANTS 1-10, \*

Defendants \*

ORDER

Plaintiff Jerry K. Davis, as administrator of the estate of John Tanner Davis, deceased, brings this action against defendants for damages following an incident on October 23, 2009, in which John Tanner Davis was fatally injured when struck by metal corrugated pipe which fell from a trailer allegedly loaded and shipped by Contech Construction Products, Inc. (Contech) on a Port City Trucking, Inc. trailer. Contech has filed a motion [doc.#31] to stay this action so that it may pursue separate litigation against the United States Department of Labor for redacting information in an OSHA investigatory report that Contech claims is necessary for a fair trial in this action.<sup>1</sup> There has been no objection to Contech’s motion to stay. Having considered the matter, the Court grants Contech’s motion and hereby stays this action in its entirety until such

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<sup>1</sup> According to Contech, the OSHA report states that in cutting the straps that held the load of pipes together, the decedent’s actions “appear[ed] to be in conflict with the normal procedure described in an [REDACTED].” Contech states that the redacted portion of the OSHA report will play a key role in determining what, if any, liability Contech has to the plaintiff.

time as Contech's suit against the Department of Labor is resolved. The Court directs Contech to file a motion to lift the stay within twenty (20) days of the date of resolution of its action against the Department of Labor. Because the subject of Contech's soon-to-be filed action against the Department of Labor will resolve Contech's motions to compel [doc.#'s 26, 30], those motions are denied without prejudice as moot.

IT IS SO ORDERED this 6<sup>th</sup> day of February 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE