1

2

3

4

5

6

7

8

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSEPH De FELICE, ALEXI ZUNIGA,) JACKIE MALCOMB, and JAMES) MAMULA,)	1:06-cv-48 AWI GSA
)	
) Plaintiffs,)	ORDER GRANTING PLAINTIFF'S MOTION TO LIFT STAY
)	
v.)	
)	(Doc. 75)
CHUGACH MAINTENANCE SERVICES,) INC., MIKE COWART, TOBY COWART,) LORI FROST, MEL LYNCH, RICK TATE,)	
)	
Defendants.)	
)	

9

10

11

12

13

14

15

16

17   On May 29, 2007, Plaintiffs, Alexi Zuniga, Jackie Malcomb, and James Mamula

18 ("Plaintiffs") and the United States filed a motion to stay these proceedings on the basis that

19 Defendant, Chugach Maintenance (erroneously sued as Chugach Maintence Services) was under

20 criminal investigation by the United States for allegations related to this litigation. (Docs. 56 &

21 57). On November 5, 2007, the Honorable William M. Wunderlich granted the motion and

22 stayed these proceedings. (Doc. 70).

23   On October 9, 2009, Plaintiffs filed a Motion to Lift the Stay on the basis that the

24 criminal investigation of Defendant Chugach Management Services Inc., is no longer pending.

25 On October 14, 2009, Defendants Chugach Maintenance Services, Mel Lynch, Lori Fost, Mike

26 Cowart, Rick Tate, and Toby Cowart ("Defendants") filed a non-opposition to the motion.

27 Similarly, the United States of America also filed a non-opposition to Plaintiff's motion on

28 October 19, 2009.

1

1

2   Given the circumstances and the non-opposition by all interested parties, this Court grants

3   Plaintiffs' motion. The stay is hereby lifted. Because there has been no activity in this case for

4   over two years, this Court will hold a status conference on December 3, 2009 at 9:30 in

5   Courtroom 10. No later than five days prior to the status conference, the parties shall submit a

6   joint status report informing the court of the status of this case, including to the extent possible,

7   any information regarding United States ex rel. Zuniga, et al. v. Chugach Alaska Corporation, et

8   al., 1:06-cv-708 OWW SMS, the related False Claims Act action, and how these cases are

9   related.

10   IT IS SO ORDERED.

11   **Dated: October 22, 2009**   **/s/ Gary S. Austin**
                                                      UNITED STATES MAGISTRATE JUDGE

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28