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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AVEDIS KRIKORIAN,
Plaintiff,
v.
NORTHFIELD INSURANCE COMPANY,
Defendant.

Case No. 1:13-cv-01563-AWI-SAB

ORDER REQUIRING PARTIES TO SHOW
CAUSE WHY THE STAY OF THIS
ACTION SHOULD NOT BE LIFTED AND
SETTING HEARING FOR DECEMBER 17,
2014 AT 10:00 A.M. IN COURTROOM 9

This action was filed on August 27, 2013 in the Fresno County Superior Court. On September 26, 2013, Defendant removed this action to the Fresno Division of the Eastern District of California. On November 18, 2013, District Judge Antony W. Ishii granted the parties' stipulation and this action was stayed for the parties to complete an alternative dispute resolution process. The parties were ordered to file a status report every ninety days to keep the Court informed on the status of the process.

On December 19, 2013, the parties filed a status report indicating that they expected to have the appropriate appraisers and umpire appointed by March 31, 2014. The April 30, 2014 status report indicated that the appraisal hearing should be scheduled in late 2014 or early 2015. On July 30, 2014 the parties filed a status report indicating they were waiting for the appraisers to choose an appropriate umpire and the appraisal hearing was anticipated to be held in mid-

1 2015. On October 28, 2014, the parties filed a status report stating that the appraisers have been
2 unable to agree on an umpire and the appraisal hearing is anticipated to be set in mid-2015.

3 “The District Court has broad discretion to stay proceedings as an incident to its power to
4 control its own docket.” Clinton v. Jones, 520 U.S. 681, 706 (1997), “The power to stay
5 proceedings is incidental to the power inherent in every court to control the disposition of the
6 causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”
7 Landis v. North American Co., 299 U.S. 248, 254 (1936). “The corollary to this power is the
8 ability to lift a stay previously imposed.” Boyle v. County of Kern, No. 1:03-cv-05162-OWW-
9 GSA, 2008 WL 220413, at *5 (E.D. Cal. Jan. 25, 2008).

10 The Fresno Division of the Eastern District of California now has one of the heaviest
11 District Judge caseloads in the entire nation. The Court notes that an umpire was expected to be
12 appointed by March 2014. In July 2014 the appraisers were attempting to choose an appropriate
13 umpire. Now, more than three months later, the parties have still been unable to agree on an
14 umpire. Due to the crushing case load in this District, the Court strives to keep cases moving
15 forward to resolution. It appears to the Court that the stay in this action is delaying the resolution
16 of this action due to the inability of the appraisers to agree on an umpire and the intervention of
17 the Court would be useful in moving this action forward. The Court exercises its discretion to
18 require the parties to show cause why the stay of this action should not be lifted.

19 Accordingly, IT IS HEREBY ORDERED that:

- 20 1. The parties shall SHOW CAUSE why the stay of this action should not be lifted;
- 21 2. An order to show cause hearing shall be held on **Wednesday, December 17,**
22 **2014 at 10:00 a.m.** in Courtroom 9 (SAB) before the undersigned;
- 23 3. The parties shall file a written response to the Court’s order to show cause no later
24 than **Wednesday, December 10, 2014;** and

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1 4. If the parties wish to appear telephonically at the hearing they shall contact
2 Courtroom Deputy Mamie Hernandez to obtain the teleconference phone number
3 and teleconference code.

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5 IT IS SO ORDERED.

6 Dated: November 14, 2014


UNITED STATES MAGISTRATE JUDGE

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