UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

Plaintiff,

CORINE L. CHEESE,

v.

Case No. 1:15-cv-01842 LJO JLT

ORDER STAYING ACTION PENDING

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(Doc. 5)

ARBITRATION

DOLLAR GENERAL CORPORATION, et al.,

Defendants.

The parties have stipulated to stay this action to allow them to proceed via binding arbitration. (Doc. 5)

A district court has the inherent power to stay its proceedings. This power to stay is "incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." <u>Landis v. North American Co.</u>, 299 U.S. 248, 254 (1936); see also <u>Gold v. Johns–Manville Sales Corp.</u>, 723 F.2d 1068, 1077 (3d Cir.1983) (holding that the power to stay proceedings comes from the power of every court to manage the cases on its docket and to ensure a fair and efficient adjudication of the matter at hand). This is best accomplished by the "exercise of judgment, which must weigh competing interests and maintain an even balance." <u>Landis</u>, 299 U.S. at 254–55. In determining whether a stay is warranted, courts consider the potential prejudice to the non-moving party; the hardship or inequity to the moving party if the action is not stayed; and the judicial resources that

would be saved by simplifying the case or avoiding duplicative litigation if the case before the court is stayed. CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir.1962). The Court finds the parties' resources and as well as the Court's, would be preserved if the matter was stayed pending completion of the binding arbitration. Moreover, the Court is unaware of any hardship or inequity that would result thereby. Consequently, the Court will **GRANT** the stipulation. (Doc. 5) **ORDER** 1. The stipulation of the parties to stay this matter (Doc. 5) is **GRANTED**; 2. Every 180 days and no later than 30 days after the arbitrator issues the decision, the parties **SHALL** file a joint status report setting forth the status of the matter and detailing whether the Court should lift the stay; 3. All pending dates and hearings are **VACATED**. IT IS SO ORDERED. Dated: **February 25, 2016** /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE