

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARLEY S. BRIDGEMAN JR.,

Plaintiff,

No. 2:10-cv-01457 JAM KJN PS

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

No. 2:10-cv-02619 JAM KJN PS

v.

HARLEY S. BRIDGEMAN, JR.;
CHANDA J. BRIDGEMAN,

Defendants.

ORDER

AND RELATED COUNTER-CLAIMS
AND THIRD-PARTY CLAIMS

Presently before the court are two motions to stay civil proceedings pending
determination of criminal liability filed by defendant Harley S. Bridgeman, Jr., who is the
plaintiff in the matter of Bridgeman v. United States et al., No. 2:10-cv-1457 JAM KJN PS

1 (“Bridgeman I”), and the defendant, counterclaimant, and third-party claimant in the related
2 matter of Federal National Mortgage Association v. Bridgeman et al., No. 2:10-cv-2619 JAM
3 KJN PS (“Bridgeman II”).¹ On December 20, 2010, the undersigned filed proposed findings and
4 recommendations in Bridgeman II that recommend that plaintiff’s motion to remand be granted
5 and that the entire matter be remanded to state court. (See Findings & Recommendations,
6 Dec. 20, 2010, at 12, Bridgeman II, Dkt. No. 52.) On January 21, 2011, the undersigned filed
7 proposed findings and recommendations in Bridgeman I that recommend that defendants’
8 respective motions to dismiss be granted and that all of Mr. Bridgeman’s claims in Bridgeman I
9 be dismissed with prejudice as to all defendants. (See Order and Findings & Recommendations,
10 Jan. 21, 2011, at 35-36, Bridgeman I, Dkt. No. 87.)

11 Mr. Bridgeman filed his motions seeking stays in both above-captioned actions on
12 January 31, 2011, and noticed his motions for a hearing to take place before the undersigned on
13 March 10, 2011.² (Mot. for Stay, Bridgeman I, Dkt. No. 90; Mot. for Stay, Bridgeman II, Dkt.
14 No. 64.) Because oral argument would not materially aid resolution of the pending motions,
15 these motions are submitted on the briefs and record without a hearing. See Fed. R. Civ.
16 P. 78(b); E. Dist. Local Rule 230(g).³ Having reviewed the moving papers and the record in this
17 case, the undersigned denies the motions for stays in Bridgeman I and Bridgeman II.

18 Mr. Bridgeman seeks a stay of the civil proceedings in Bridgeman I and
19 Bridgeman II on the basis of a “report” of criminal activity. The report of criminal activity upon
20 which Mr. Bridgeman bases his motions relates to the alleged armed-robbery of his youngest
21 daughter outside of her apartment, which allegedly resulted in criminal charges being brought

22 ¹ The above-captioned cases are related, but not consolidated. (Related Case Order at 2,
23 Bridgeman I, Dkt. No. 52; see also Related Case Order at 2, Bridgeman II, Dkt. No. 6.)

24 ² The undersigned continued the hearing date to March 17, 2011. (Minute Order,
25 Bridgeman I, Dkt. No. 91; Minute Order, Bridgeman II, Dkt. No. 65.)

26 ³ Additionally, the undersigned does not require any response to the motions from the other
parties in these two cases.

1 against the alleged perpetrators. Mr. Bridgeman seeks the stays pursuant to Federal Rules of
2 Civil Procedure 54(b) and 62(h).

3 Mr. Bridgeman's motions are not well-taken. First, the criminal proceeding that
4 is the subject of Mr. Bridgeman's motions, which is presumably proceeding in state court, has no
5 apparent connection or bearing to the Bridgeman I or Bridgeman II matters, which involve the
6 termination of Mr. Bridgeman's employment, the foreclosure of Mr. Bridgeman's home, and an
7 unlawful detainer action. Moreover, the reported criminal proceeding does not appear to involve
8 Mr. Bridgeman, other than perhaps in his role as father to the alleged victim. Finally,
9 Rules 54(b) and 62(h) provide no bases for granting the type of stays requested by Mr.
10 Bridgeman.⁴

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Harley S. Bridgeman, Jr.'s Motion for Stay of Civil Proceedings Pending
13 Determination of Criminal Liability filed in matters numbered 2:10-cv-1457 JAM KJN PS and
14 2:10-cv-2619 JAM KJN PS are submitted without oral argument.

15 2. Mr. Bridgeman's motion for a stay filed in case number 2:10-cv-1457
16

17 ⁴ Federal Rule of Civil Procedure 54(b) provides:

18 **(b) Judgment on Multiple Claims or Involving Multiple Parties.** When
19 an action presents more than one claim for relief--whether as a claim,
20 counterclaim, crossclaim, or third-party claim--or when multiple parties are
21 involved, the court may direct entry of a final judgment as to one or more, but
22 fewer than all, claims or parties only if the court expressly determines that
23 there is no just reason for delay. Otherwise, any order or other decision,
24 however designated, that adjudicates fewer than all the claims or the rights
25 and liabilities of fewer than all the parties does not end the action as to any
26 of the claims or parties and may be revised at any time before the entry of a
judgment adjudicating all the claims and all the parties' rights and liabilities.

Federal Rule of Civil Procedure 62(h) provides:

(h) Stay with Multiple Claims or Parties. A court may stay the
enforcement of a final judgment entered under Rule 54(b) until it enters a
later judgment or judgments, and may prescribe terms necessary to secure the
benefit of the stayed judgment for the party in whose favor it was entered.

1 JAM KJN PS (Dkt. No. 90) is denied.

2 3. Mr. Bridgeman's motion for a stay filed in case number 2:10-cv-2619

3 JAM KJN PS (Dkt. No. 64) is denied.


4 4. The Clerk of Court is directed to file this order in both above-captioned
5 cases.

6 IT IS SO ORDERED.

7 DATED: February 2, 2011

8

9


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26