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6 Attorneys for Defendant
 CURTIS AYERS

7
 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10
 11 ADVANCED BUILDING & FABRICATION,
 INC., a California Corporation, ROBERT
 12 HONAN, an individual,

13 Plaintiffs,

14 v.

15 CALIFORNIA HIGHWAY PATROL, JOHN
 16 WILSON, an individual, CURTIS J. AYERS,
 17 an individual, and DOES 1 to 20, inclusive,

18 Defendants.

Case No. 2:13-cv-02380-MCE-CKD

**ORDER GRANTING MOTION TO
 STAY ALL PROCEEDINGS IN THIS
 ACTION PENDING APPEAL**

Date: September 7, 2017

Time: 2:00 p.m.

Courtroom: 7

Judge: Hon. Morrison C. England, Jr.

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 20 Upon the Request of Defendant Curtis Ayers and the papers filed in support thereof, the
 21 Court hereby finds that there is good cause to stay all further proceedings in this matter pending
 22 the determination of Defendant Ayers’ appeal of this Court’s order denying his Motion for
 23 Summary Judgment. (ECF Nos. 140-141).

24 Defendant Ayers’ appeal of this Court’s denial of Summary Judgment with respect to the
 25 second, third, fourth, fifth, sixth, seventh and eighth causes of action on the basis that he is not
 26 entitled to qualified and/or absolute immunity automatically stays all further proceedings on
 27 those causes of action as to him. See Mitchell v. Forsyth, 472 U.S. 511, 525-530 (1985); Pauluk v.
 28 Savage, 836 F.3d 1117, 1120-21 (9th Cir. 2016); Mattos v. Agarano, 661 F.3d 433, 439 (9th Cir.

1 2011) (en banc); Karl v. City of Mountlake Terrace, 678 F.3d 1062, 1067-68 (9th Cir. 2012). The
2 Court finds there is good cause to stay the remaining proceedings because the risk of irreparable
3 harm outweighs any potential prejudice to the Plaintiffs or the remaining defendants California
4 Highway Patrol and John Wilson as well.

5 After the automatic stay, the remaining claims include two causes of action against
6 Defendant Ayers for conversion and trespass to personal property which arise out of the same set of
7 facts, as well as all other causes of action mentioned above, which Plaintiffs also assert against the
8 remaining defendants and which arise out of the same set of facts as to all defendants. Plaintiffs also
9 allege an additional cause of action for false imprisonment against only the remaining defendants but
10 which also arises out of the same set of facts as the other claims. The Court finds that continuing this
11 case and proceeding to trial during the pendency of Defendant Ayers appeal would cause irreparable
12 harm to all parties. The alleged liability of the remaining defendants on all remaining causes of
13 action is so intertwined with the allegations against Defendant Ayers that a trial against the remaining
14 defendants on these claims would either amount to a trial against Defendant Ayers in which he
15 cannot defend himself, or would require the trial to proceed in a limited fashion in an attempt to
16 avoid any such prejudice which would in turn prejudice the remaining defendants and Plaintiffs.
17 This harm would be irreparable. It also would further prejudice Defendant Ayers and Plaintiffs to
18 have to appear for trial on the claims against him that are not stayed subject to the pending appeal,
19 and then to appear for a second trial on the rest if his appeal is denied. This likelihood for prejudice
20 and irreparable harm outweighs any countervailing factors. Accordingly, Defendant Ayers' Motion
21 to Stay is GRANTED, and all proceedings are hereby stayed pending the outcome of his appeal (ECF
22 No. 141). The September 7, 2017, hearing is VACATED.

23 IT IS SO ORDERED.

24 DATED: AUGUST 21, 2017

25 
26 MORRISON C. ENGLAND, JR.
27 UNITED STATES DISTRICT JUDGE
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