

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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RAVINDER RANGI and MELISSA C.
MACIAS, individually and on
behalf of all others
similarly situated,

CIV. NO. 2:14-01919 WBS AC

ORDER RE: JOINT MOTION TO STAY
PROCEEDINGS

Plaintiffs,

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EXAMSOFT WORLDWIDE, INC.,

Defendant.

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Plaintiffs Ravinder Rangi and Melissa Macias brought this putative class action lawsuit against defendant Examsoft Worldwide, Inc., in which they assert various causes of action including breach of contract and negligence in connection with the alleged failure of defendant's testing software. On October 15, 2014, the parties filed a joint motion to stay proceedings in light of an agreement between them and other plaintiffs in various related cases around the country to engage in global

1 mediation. (Mot. to Stay at 3 (Docket No. 8).) The parties
2 request a stay of proceedings until February 13, 2015. (Id.)

3 "The power to stay proceedings is incidental to the
4 power inherent in every court to control the disposition of the
5 causes on its docket with economy of time and effort for itself,
6 for counsel, and for litigants." Landis v. N. Am. Co., 299 U.S.
7 248, 254-55 (1936). When considering a motion to stay
8 proceedings, courts must "weigh competing interest," id. at 255,
9 including factors such as: "(1) potential prejudice to the non-
10 moving party; (2) hardship and inequity to the moving party; and
11 (3) the judicial resources that would be saved by avoiding
12 duplicative litigation." JBR, Inc. v. Keurig Green Mountain,
13 Inc., Civ. No. 2:14-00677, 2014 WL 1767701, at *1 (E.D. Cal. May
14 2, 2014) (Mueller, J.).

15 Courts often grant motions to stay proceedings under
16 similar circumstances to those presented here. See, e.g.,
17 ArrivalStar, S.A. v. Blue Sky Network, LLC, Civ. No. 11-4479 SBA,
18 2012 WL 588806, at *1 (N.D. Cal. Feb. 22, 2012) ("[S]taying
19 discovery pending mediation will conserve the resources of the
20 parties and will not impose an inequity on any party."); Perry v.
21 Nat'l City Mortgage, Inc., Civ. No. 05-891 DRH, 2007 WL 2122417,
22 at *1 (S.D. Ill. July 20, 2007) (granting a joint motion to stay
23 "in order to encourage a global resolution").

24 Likewise, the relevant interests weigh in favor of
25 staying proceedings in this case. First, the parties jointly
26 seek a stay of proceedings, eliminating the risk of prejudice to
27 the non-moving party. See Deherra v. Decker Truck Line, Inc.,
28 Civ. No. 13-02556 RM KLM, 2014 WL 37236, at *1 (D. Colo. Jan. 6,

1 2014) ("[S]taying discovery would not prejudice Plaintiffs as
2 they jointly seek this stay."). Second, failure to stay
3 proceedings may impose unnecessary litigation expense upon the
4 parties and detract from mediation efforts, both in this case and
5 the related cases proceeding in other district courts. (Mot. to
6 Stay at 3-4.) Third, staying proceedings would prevent
7 expenditure of judicial resources on pretrial matters that may
8 prove moot should the parties reach resolution through mediation.
9 See Canal Properties LLC v. Alliant Tax Credit V, Inc., Civ. No.
10 C04-03201 SI, 2005 WL 1562807, at *3 (N.D. Cal. June 29, 2005)
11 (holding that "it would be a poor use of judicial resources to
12 proceed" when an extrinsic proceeding could have a preclusive
13 effect on the case).

14 IT IS THEREFORE ORDERED that:

15 (1) the parties' joint motion to stay proceedings be, and
16 the same hereby is, GRANTED;

17 (2) proceedings in this action shall be, and the same hereby
18 are, STAYED until February 13, 2015;

19 (3) the parties shall file a joint status report pursuant to
20 Local Rule 240 with this court no later than February 13, 2015,
21 including a report on the status of their mediation efforts;

22 (4) if this action is not finally resolved at the conclusion
23 of this stay, a Status (Pretrial Scheduling) Conference pursuant
24 to Federal Rule of Civil Procedure 16 and Local Rule 240 shall be
25 held on March 2, 2015, at 2:00 p.m. in Courtroom 5.

26 Dated: November 6, 2014

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28 **WILLIAM B. SHUBB**
UNITED STATES DISTRICT JUDGE