

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
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIA VARGAS, MARTIN VARGAS,
ANGELICA VARGAS, AUGUSTIN
VARGAS, ARNULFO BERMUDEZ,
JORGE VARGAS, AND PEDRO
GARCIA,

Plaintiffs,

v.

COUNTY OF YOLO, YOLO COUNTY
SHERIFF'S OFFICE, EDWARD PRIETO,
HECTOR BAUTISTA, REIKO
MATSUMURA, GARY HALLENBECK
and DOES 1 TO 50,

Defendants.

No. 2:15-cv-02537-TLN-CKD

**ORDER DENYING DEFENDANTS' EX
PARTE APPLICATION FOR ORDER TO
STAY PROCEEDINGS**

This matter is before the Court on an Ex Parte Application for Order to Stay Proceedings filed by Defendants County of Yolo, Yolo County Sheriff's Office, Edward Prieto, Hector Bautista, Reiko Matsumura and Gary Hallenbeck (collectively, "Defendants"). (Defs.' Ex Parte Appl. for Stay, ECF No. 14.) Plaintiffs Maria Vargas, Martin Vargas, Angelica Vargas, Augustin Vargas, Arnulfo Bermudez, Jorge Vargas, and Pedro Garcia ("Plaintiffs") oppose the Ex Parte Application to Stay. (Pls.' Resp. in Opp'n to Defs. Ex. Parte Appl. for Stay, ECF No. 17.)

I. FACTUAL BACKGROUND

On March 8, 2015, several family members and friends were present at the Vargas residence. (Compl., ECF No. 1 at ¶ 21.) Defendants Hector Bautista, Reiko Matsumura, and Gary Hallenbeck arrived at the Vargas residence. (Answer, ECF Nos. 14 at ¶ 12.) Plaintiffs

1 allege Defendants mistreated and wrongfully arrested Plaintiffs. (ECF No. 1 at ¶¶ 22–52.) On
2 June 15, 2015, the Yolo County District Attorney executed a criminal complaint against Plaintiffs
3 Maria Vargas and Jorge Vargas. (ECF No. 1 at ¶ 57.) Plaintiff Maria Vargas was charged with
4 two counts of Resisting or Obstructing a Peace Officer. (ECF No. 1 at ¶ 57.) Plaintiff Jorge
5 Vargas was charged with Resisting an Executive Officer by Means of Threats, Force or Violence
6 and Battery on a Peace Officer. (ECF No. 1 at ¶ 57.) Those Charges are currently pending before
7 the Superior Court of California for the County of Yolo, Case No. 15003411. (ECF No. 1 ¶ 57.)

8 Defendants filed their Ex Parte Application for Stay on February 17, 2016. (ECF No. 14.)
9 Defendants request that the Court stay this case until the related criminal cases are concluded.
10 (ECF No. 14 at 1.)

11 II. STANDARD OF LAW

12 A district court weighs the following factors when considering a motion to stay: “the
13 possible damage which may result from the granting of a stay, the hardship or inequity which a
14 party may suffer in being required to go forward, and the orderly course of justice measured in
15 terms of the simplifying or complicating of issues, proof, and questions of law which could be
16 expected to result from a stay.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005)
17 (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962) (citing *Landis v. N. Am. Co.*, 299
18 U.S. 248, 254, 57 S. Ct. 163, 81 L. Ed. 153 (1936))). As the moving party, Defendants bear the
19 burden to demonstrate that a stay is warranted. *Clinton v. Jones*, 520 U.S. 681, 706, 117 S. Ct.
20 1636, 137 L. Ed. 2d 945 (1997) (“The proponent of a stay bears the burden of establishing its
21 need.”) (citing *Landis*, 299 U.S. at 255).

22 III. ANALYSIS

23 The Court finds that Defendants have not met their burden to demonstrate that a stay is
24 warranted. Defendants primary argument is that the Court should grant a stay until Plaintiffs’
25 criminal cases are resolved because the outcome could bar some of Plaintiffs’ claims. (ECF No.
26 14 at 4.) First, Defendants address collateral estoppel. (ECF No. 14 at 4–5.) “[Collateral
27 estoppel] means simply that when an issue of ultimate fact has once been determined by a valid
28 final judgment, that issue cannot again be litigated between the same parties in any future

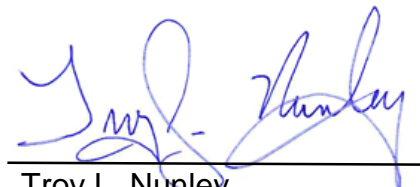
1 lawsuit.” *Ashe v. Swenson*, 397 U.S. 436, 443 (1970). Here, there is no final judgment against
2 Plaintiffs. Therefore, collateral estoppel does not apply in the instant case. Second, Defendants
3 contend that under the Supreme Court’s holding in *Heck v. Humphrey*, 512 U.S. 477, 487 (1994),
4 if a judgment in favor of the plaintiff would imply invalidity of his conviction, the complaint must
5 be dismissed. (ECF No. 14 at 5.) However, *Heck* does not provide that “an action which would
6 impugn an anticipated future conviction cannot be brought until that conviction occurs and is set
7 aside.” *Wallace v. Kato*, 549 U.S. 384, 385, 127 S. Ct. 1091, 1093, 166 L. Ed. 2d 973 (2007). In
8 the instant case, Plaintiffs’ criminal cases are still pending, thus there is not a conviction that
9 would act as a bar. Moreover, as Plaintiffs have asserted, it is likely that the criminal case will be
10 concluded prior to the civil trial.¹ As such, should Plaintiffs be convicted of an offense that
11 would preclude recovery on any of their civil claims, the Court will be able to address it prior to
12 the civil trial. Thus, the Court does not find that *Heck* warrants a stay at this time. Additionally,
13 the Court does not find that Defendants have met their burden of demonstrating that the factors
14 listed above weigh in favor of granting a stay.

15 Defendants do not identify any hardship or inequity in being required to move forward.
16 Instead, Defendants rest their assertions on their theory that *Heck* will require dismissal of
17 Plaintiffs’ claims for false arrest. (ECF No. 14 at 5–6.) However, only two of the seven Plaintiffs
18 have pending criminal trials, (ECF No. 17 at 7), and Plaintiffs’ false arrest claims only account
19 for a small portion of their claims. Furthermore, as previously stated, due to this Court’s heavy
20 criminal case load, it is likely that Plaintiffs’ criminal cases will have concluded prior to the
21 conclusion of the instant civil action.

22 For the reasons set forth above, Defendants’ Ex Parte Application for Stay (ECF No. 14.)
23 is DENIED.

24 **IT IS SO ORDERED**

25 Dated: March 18, 2016

26 
27 _____
Troy L. Nunley
United States District Judge

28 ¹ The Yolo County District Attorney executed a criminal complaint against Plaintiffs Maria Vargas and Jorge Vargas on June 15, 2015. (ECF No. 1 at ¶ 57.)