

United States District Court
For the Northern District of California

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

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

IO GROUP INC,

No. C-10-04378 EDL

Plaintiff,

**ORDER STAYING PROCEEDINGS AS
TO DEFENDANT TIFFANY KENT**

v.

DOES 1-50,

Defendant.

On May 20, 2011, the Court received a letter dated May 17, 2011 from the Legal Assistance Office of the Department of the Army stating that Defendant Tiffany Kent is currently serving in the active military service in the 513th Military Intelligence Brigade at Fort Gordon, GA. According to the May 17, 2011 letter, Defendant Kent requests a ninety-day stay of these proceedings against her because her military service materially affects her ability to appear and participate in these proceedings and because leave is not ordinarily granted on such short notice for the amount of time required for Defendant to attend to this matter. See 50 U.S.C. Appx. § 522 (“At any stage before final judgment in a civil action or proceeding in which a servicemember described in subsection (a) is a party, the court may on its own motion and shall, upon application by the servicemember, stay the action for a period of not less than ninety days, if the conditions in paragraph (2) are met. [¶] (2) Conditions for stay. An application for a stay under paragraph (1) shall include the following: (A) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear. (B) A letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the

1 letter.”). The May 17, 2011 letter satisfies the requirements of 50 U.S.C. Appx. § 522(b).
2 Therefore, the Court stays these proceedings with respect to Defendant Kent for ninety days from
3 the date of this Order.

4
5 **IT IS SO ORDERED.**

6
7 Dated: May 24, 2011

Elizabeth D. Laporte

8

ELIZABETH D. LAPORTE
9 United States Magistrate Judge