

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STATE FARM LIFE INSURANCE COMPANY,)
)
Plaintiff,)
v.)
JASON CAI and THE ESTATE OF YING DENG, Deceased,)
)
Defendants.)
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CINDY PRESS, as Special Administrator of the Estate of Ying Deng,)
)
Cross-Claimant,)
v.)
JASON CAI,)
)
Cross-Defendant.)
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Case No.: 09-CV-00396-LHK
ORDER LIFTING STAY AND SETTING
CASE MANAGEMENT CONFERENCE

On February 6, 2012, Cross-Claimant Cindy Press (“Cross-Claimant”) moved to stay this matter pending resolution of the criminal prosecution of Defendant Jason Cai (“Defendant”). ECF No. 68. Cross-Claimant argued that the “on-going criminal prosecution... [was] an impediment to [Defendant’s] meaningful participation in [this] case....” *Id.* at 4. Cross-Claimant’s motion for a stay was granted. ECF No. 69.

1 Defendant's criminal prosecution has since concluded, and Defendant has been sentenced
2 to life without parole. ECF No. 70-1 at 2. On October 16, 2012, Cross-Claimant filed a status
3 report in which Cross-Claimant requests that the stay be lifted. ECF No. 70. On October 17, 2012,
4 the Court ordered the remaining parties, Plaintiff State Farm Life Insurance Co. ("Plaintiff") and
5 Defendant, to file a response to Cross-Claimant's status report stating whether the remaining
6 parties agreed that the stay should be lifted.

7 Plaintiff filed a status report consenting to the lifting of the stay. ECF No. 73. Defendant
8 requested that the stay be continued because Defendant is currently working on his appeal in the
9 criminal case. ECF No. 74.

10 Cross-Claimant filed a response to Defendant's request that the stay be continued. ECF No.
11 75. In Cross-Claimant's response, Cross-Claimant argues that the Defendant has been appointed
12 counsel to assist with preparing Defendant's appeal. *Id.* Consequently, preparing Defendant's
13 appeal will not require all of Defendant's time. Furthermore, Cross-Claimant argues, the appeals
14 process in the criminal case could take several years and involve not only a direct appeal but
15 collateral attacks through habeas corpus proceedings. Thus, if the Court were to stay these
16 proceedings until the end of the criminal appellate process, this case could be stayed for several
17 years. Accordingly, Cross-Claimant contends the stay should be lifted.

18 The Court agrees with Cross-Claimant. Allowing this matter to be stayed until the end of
19 the appeal and collateral proceedings in the criminal case could potentially delay resolution of this
20 case for several years. While the Court is sensitive to the fact that preparing the appeal in this
21 matter will require a significant amount of Defendant's time, the Court believes Defendant will still
22 have sufficient time to participate in this matter. Accordingly, the Court lifts the stay in this matter.
23 A case management conference shall be held on February 6, 2013 at 1:30 p.m.

24 **IT IS SO ORDERED.**

25 Dated: December 17, 2012

26 
27 LUCY H. KOH
28 United States District Judge