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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CHRISTIAN WELLISCH,

Plaintiff,

v.

PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY, et al.,

Defendants.

Case No. [17-cv-00213-BLF](#)

**ORDER GRANTING MOTION TO
STAY**

[Re: ECF 57]

Before the Court is Plaintiff Christian Wellisch’s motion to stay this action due to his military service obligations pursuant to the Servicemembers Civil Relief Act (“SCRA”), 50 U.S.C. § 3932. ECF 57. On July 25, 2017, Plaintiff indicated that he will be unavailable through January 15, 2018. ECF 63. Defendants do not oppose Plaintiff’s motion for a stay, but request guidance from the Court as to future proceedings and deadlines. ECF 64.

The SCRA mandates a minimum stay of 90 days upon application by the servicemember that satisfies the conditions for stay. 50 U.S.C. § 3932(b)(1). The Court finds that Plaintiff’s application for stay sets forth sufficient facts to satisfy the requirements of section 3932(b)(2). Plaintiff requests an additional stay through January 15, 2018, pursuant to section 3932(d)(1) of the SCRA. ECF 63. The Court finds the extension to January 15, 2018 reasonable and GRANTS Plaintiff’s motion to stay until January 15, 2018.

In response to Defendants’ request for guidance regarding the time to file its answer or other response to the amended complaint, the Court’s stay is effective immediately. Thus, if Defendant has not filed its responsive pleading prior to issuance of this stay, then its responsive pleading will be due five days after the Court lifts this stay order. If a motion to dismiss has been filed, then the time to respond will commence upon lifting of the stay.

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In regard to the severed claim remanded to Monterey County Superior Court, this Court has no jurisdiction over that case or that court. This stay order pertains only to this case.

IT IS SO ORDERED.

Dated: July 27, 2017


BETH LABSON FREEMAN
United States District Judge