

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROSA PEREZ and RICHARD PEREZ,

Plaintiffs,

V.

FORD MOTOR COMPANY, et al.,

Defendants.

| No. 3:17-cv-02290-GPC

Before the Hon. Gonzalo P. Curiel

**ORDER SUA SPONTE STAYING
PROCEEDINGS
AND DEADLINES PENDING
DECISION BY JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

On December 8, 2017, Plaintiff filed a Motion to Remand to San Diego County Superior Court. Dkt. No. 11. The Court observes that this case is a likely candidate for inclusion in *In re: Ford DPS6 PowerShift Transmission Litigation*, MDL No. 2814. *See* Dkt. No. 8 (Ford’s Notice of Related Case). Accordingly, the Court will *sua sponte* stay this proceeding pending a decision by the Judicial Panel on Multidistrict Litigation (“JPML”) on Ford’s Motion for transfer and pretrial consolidation in *In re: Ford DPS6 PowerShift Transmission Litigation*, MDL No. 2814.

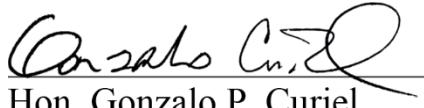
The court's power to stay proceedings is "incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North American*

1 *Co.*, 299 U.S. 248, 254 (1936). Courts frequently grant stays pending a decision
2 by the MDL panel regarding whether to transfer a case. *Good v. Prudential Ins.*
3 *Co. of America*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998).

4 When considering a motion to stay pending an MDL decision, the district
5 court should consider three factors: (1) potential prejudice to the non-moving
6 party; (2) hardship and inequity to the moving party if the action is not stayed; and
7 (3) the judicial resources that would be saved by avoiding duplicative litigation if
8 the cases are in fact consolidated. *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358,
9 1360 (C.D. Cal. 1997). The Court finds that a stay would cause little prejudice to
10 Plaintiffs as their primary argument regarding jurisdiction will continue to remain
11 viable after the JPML has ruled on Ford’s motion to transfer. In comparison,
12 Defendant Ford Motor Company would face considerable hardship as it faces more
13 than 100 suits in federal courts across the state which could lead to the prospect of
14 inconsistent rulings. Third, staying these cases would conserve judicial resources
15 as a decision by the JPML to consolidate the cases—without a stay—would lead to
16 this Court “needlessly expending its energies familiarizing itself with the
17 intricacies of a case that would be heard by another judge.” *Rivers*, 980 F. Supp. at
18 1360-61. Further, the Court observes that district courts across the state have
19 stayed cases being considered for inclusion in this MDL. *See Case No. 17-cv-2038*,
20 Dkt. No. 12, Ex. G, H, I, J, K, M (S.D. Cal Stay Orders by Judges Bencivengo,
21 Whelan, Sabraw, Burns, Curiel, and Houston); Ex. F (C.D. Cal Stay Entries by
22 Judge Birotte); Ex. D (N.D. Cal. Stay Entries by Judge Koh).

23 Accordingly, the Court will *sua sponte* order that all proceedings and
24 deadlines in this action are stayed pending a determination by the Judicial Panel on
25 Multidistrict Litigation of Ford’s Motion for transfer and pretrial consolidation in
26 *In re: Ford DPS6 PowerShift Transmission Litigation*, MDL No. 2814. All filing
27 deadlines and hearing dates are **VACATED**. The parties are **ORDERED** to file a
28 joint statement as to the status of Ford’s motion to the JPML on February 23, 2018.

1 **IT IS SO ORDERED.**
2 Dated: December 8, 2017
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Hon. Gonzalo P. Curiel
United States District Judge