

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
SOUTHERN DISTRICT OF CALIFORNIA

CARLOS GONZALEZ, JUAN JOSE
MERINO-RODAS, MARIBEL
GUTIERREZ-CANCHOLA, GLADYS
CARRERA-DUARTE, and JENNYE
PAGOADA-LOPEZ, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

CORECIVIC, INC.,

Defendant.

Case No.: 17-CV-2573 JLS (SBC)

ORDER CONTINUING STAY

(ECF. No. 51)

Presently before the Court is the Parties’ Joint Status Report (“JSR,” ECF No. 51).
For the reasons stated below, the Court **CONTINUES ITS STAY** of the instant action.

BACKGROUND

This case involves allegations that Defendant CoreCivic, Inc. undercompensated
some civil immigration detainees and forced others to work while detained. *See* ECF No.
44 (the “Order”) at 5. The Court previously stayed this action pending the resolution of
class certification in a related case, *Owino v. CoreCivic, Inc.*, 17-CV-1112. Order at 9–10.
After the Court certified the *Owino* class, the Court asked the Parties to file a joint status
report outlining their anticipated next steps in this litigation. *See* ECF No. 50.

1 In the JSR, Plaintiffs indicate that they “understand that they are members in the
2 *Owino* [c]lass.” JSR at 2. The Parties therefore “intend to wait for the *Owino* [a]ction to
3 proceed to its completion” to take further action, reasoning that litigating this case
4 alongside *Owino* risks the “waste of judicial resources and/or prejudice [to either] party’s
5 position.” *See id.* Thus, the Court must determine whether to continue its previous stay.

6 LEGAL STANDARD

7 The Court may stay an action pending resolution of independent proceedings where
8 “it is efficient for its own docket and the fairest course for the parties.” *Leyva v. Certified*
9 *Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979). When determining whether a stay
10 is appropriate, the Court must consider (1) “the possible damage which may result from
11 the granting of a stay,” (2) “the hardship or inequity which a party may suffer in being
12 required to go forward,” and (3) “the simplifying or complicating of issues, proof, and
13 questions of law which could be expected to result from a stay.” *CMAX, Inc. v. Hall*, 300
14 F.2d 265, 268 (9th Cir. 1962).

15 ANALYSIS

16 In the instant action, the above factors weigh in favor of a continued stay. First,
17 because Plaintiffs assert that they can obtain relief as members of the *Owino* class, staying
18 this case will not delay any potential recovery by Plaintiffs. *See* JSR at 2. Maintaining the
19 stay will not damage Defendant for a similar reason; if Plaintiffs indeed obtain relief
20 through the *Owino* action, that relief “would satisfy the claims in this action.” *See id.*

21 Moreover, because this action and the *Owino* action involve the same or intertwined
22 facts, witnesses, and legal claims, proceeding with this case would result in duplicative
23 discovery, added complexity, and increased litigation costs for both parties. *See* Order at
24 6, 9. By contrast, continuing the stay in this action will allow the parties in *Owino* to
25 resolve those shared legal and factual issues, which will simplify this action should it
26 resume. Thus, the second and third factors both weigh in favor of a stay.

27 ///

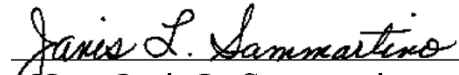
28 ///

1 **CONCLUSION**

2 The Court therefore **CONTINUES ITS STAY** of the instant action pending the
3 resolution of *Owino*. The Parties **SHALL FILE** a joint status report, *not to exceed ten (10)*
4 *pages*, within fourteen (14) days of the resolution of *Owino*. Should *Owino* proceed in a
5 manner that is unsatisfactory to either Party, that Party may move to lift the Court’s stay
6 after conferring with the opposing Party.

7 **IT IS SO ORDERED.**

8 Dated: September 28, 2023


9 Hon. Janis L. Sammartino
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28