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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 DANIEL ACEDO,  
12 Plaintiff,  
13 v.  
14 COUNTY OF SAN DIEGO, CARLOS  
15 OMEDA, JOHN DOE, and JANE DOE 1  
16 THROUGH 100,  
17 Defendants.

Case No.: 17-CV-2592 JLS (JLB)

**ORDER: (1) DENYING MOTION TO  
STAY; AND (2) DENYING AS MOOT  
MOTION FOR EXTENSION OF  
TIME**

(ECF No. 35)

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19 Presently before the Court is Plaintiff Daniel Acedo’s Motion for Stay and Extension  
20 of Time. ECF No. 35. Plaintiff requests the Court stay the current litigation and grant him  
21 an extension to file an amended complaint. For the following reasons, the Court **DENIES**  
22 the Motion.

23 “District courts have inherent authority to stay proceedings before them.” *Rohan ex*  
24 *rel. Gates v. Woodford*, 334 F.3d 803, 817 (9th Cir. 2003) abrogated on other grounds by  
25 *Ryan v. Gonzales*, 568 U.S. 57 (2013). “[T]he power to stay proceedings is incidental to  
26 the power inherent in every court to control the disposition of the causes on its docket with  
27 economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*,  
28 299 U.S. 248, 254 (1936). In determining whether to stay an action, a court must weigh

1 competing interests that the granting or denial of a stay will affect. *CMAX, Inc. v. Hall*,  
2 300 F.2d 265, 268 (9th Cir. 1962). As articulated by the Ninth Circuit, a court should use  
3 the three *Landis* factors in this analysis:

4         Among these competing interests are the possible damage which may result  
5         from the granting of a stay, the hardship or inequity which a party may suffer  
6         in being required to go forward, and the orderly course of justice measured  
7         in terms of the simplifying or complicating of issues, proof, and questions  
8         of law which could be expected to result from a stay.

8 *Id.* (citing *Landis*, 299 U.S. at 254–55).

9         “The proponent of a stay bears the burden of establishing its need.” *Clinton v. Jones*,  
10 520 U.S. 681, 708 (1997) (citing *Landis*, 299 U.S. at 255.) “If there is even a fair possibility  
11 that the stay for which [the movant] prays for will work damage to someone else,” the  
12 movant “must make out a clear case of hardship or inequity in being required to go  
13 forward.” *CMAX*, 300 F.2d at 268 (quoting *Landis*, 299 U.S. at 255).

14         Plaintiff requests a stay because he claims to have uncovered a potential cause of  
15 action for legal malpractice against his previous attorney. Mot. at 1-2. According to  
16 Plaintiff, the stay is necessary in order to toll the statute of limitations, allow him to present  
17 his claim to the County of San Diego Board of Supervisors, and to give him time to obtain  
18 the records necessary to state his new claim. *Id.* at 6-8.

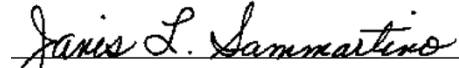
19         Here, Plaintiff has failed to meet his burden to show that a stay is necessary.  
20 Defendants have filed a motion to dismiss which is currently pending and a stay would  
21 burden their interest in a speedy resolution of the case, simply so that Plaintiff may  
22 investigate his possible claim against a third party. The Court also does not find that a stay  
23 would simplify the issues, proof, or questions of law in this case in any way. And forcing  
24 Plaintiff to investigate his potential claims while litigating the issues currently before the  
25 Court would not be a “clear case of hardship or inequity in being required to go forward.”  
26 *See CMAX*, 300 F.2d at 268 (quoting *Landis*, 299 U.S. at 255). Therefore, the Court  
27 **DENIES** Plaintiff’s Motion for Stay.

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1 In addition to requesting a stay, Plaintiff also requests an extension of time to file an  
2 amended complaint. *See* Mot. at 8. After filing the present Motion, however, Plaintiff  
3 subsequently filed an amended complaint. *See* ECF No. 40. Therefore, the Court **DENIES**  
4 **AS MOOT** Plaintiff's request for an extension of time, and accepts Plaintiff's Amended  
5 Complaint despite the late filing.

6 **IT IS SO ORDERED.**

7 Dated: January 23, 2019

  
8 Hon. Janis L. Sammartino  
9 United States District Judge

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