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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BARRY ROSEN,	
	Plaintiff,
v.	
EBAY INC.,	
	Defendant.

Case No.: 18cv02-MMA (JLB)

**ORDER GRANTING JOINT
MOTION TO STAY PROCEEDINGS**

[Doc. No. 34]

On June 25, 2018, Plaintiff Barry Rosen, proceeding *pro se*, and Defendant eBay, Inc. jointly filed a motion to stay the proceedings until August 24, 2018 “to allow the parties to attempt to reach a settlement.” Doc. No. 34 at 2.

“[T]he power to stay proceedings is incidental to the power inherent in every court to control disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). “The exertion of this power calls for the exercise of sound discretion.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). In determining whether to grant a stay, “the competing interests [that] will be affected by the granting or refusal to grant a stay must be weighed.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (citing *CMAX, Inc.*, 300 F.2d at 268). Those interests include: (1) “the possible damage which may result from the granting of a stay,” (2) “the hardship or inequity which a party may

1 suffer in being required to go forward,” and (3) “the orderly course of justice measured in
2 terms of the simplifying or complicating of issues, proof, and questions of law which
3 could be expected to result from a stay.” *Id.*

4 Here, a stay until August 24, 2018 is warranted. There is little to no damage that
5 may result from granting the requested stay because discovery has not commenced and
6 the parties are attempting to reach a settlement. *See Docket; see also Doc. No. 34 at 2.*
7 Additionally, requiring the parties to go forward in this case may harm the parties attempt
8 to settle and waste legal and judicial resources. *See Doc. No. 34 at 2 (granting the stay*
9 *“would promote the preservation of both legal and judicial resources while the parties*
10 *attempt to settle the case”).* Finally, granting a stay promotes the orderly course of justice
11 by permitting the parties to resolve the case on the merits. *See id.* Accordingly, the
12 Court **GRANTS** the parties’ joint motion and extends the currently pending deadlines as
13 follows:

14 1. Plaintiff’s opposition to Defendant’s motion to dismiss, if any, must be filed
15 on or before **August 24, 2018.**

16 2. Defendant’s reply brief in support of its motion to dismiss, if any, must be
17 filed on or before **August 31, 2018.**

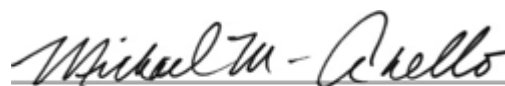
18 3. Defendant’s opposition to Plaintiff’s motion for leave to amend, if any, must
19 be filed on or before **September 7, 2018.**

20 4. Plaintiff’s reply brief in support of his motion for leave to amend, if any,
21 must be filed on or before **September 14, 2018.**

22 Upon completion of the briefings, the Court will take the matters under submission
23 on the papers and issue written rulings in due course.

24 **IT IS SO ORDERED.**

25 Dated: June 26, 2018



26 Hon. Michael M. Anello
27 United States District Judge
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