

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

COMFORT LINE PRODUCTS, INC., a
Florida corporation

Plaintiff,

v.

Case No: 2:17-cv-198-FtM-99CM

OCEANTIS LLC and MICHAEL
SHAWN O'BRIEN,

Defendants.

OPINION AND ORDER¹

Before the Court is the parties' Joint Stipulation to a Stay of the Proceedings and Request to Schedule Judicial Settlement Conference. ([Doc. 54](#)). The Court directed the parties to address whether this case should be stayed pending resolution of a first-filed case the parties have been litigating in state court.² ([Doc. 52](#)). The parties reiterate that "the state action was filed prior to the pending matter and includes claims that substantively correspond to the counterclaims in the present federal action." ([Doc. 54 at 1](#)). Because staying this case will "facilitate the Court's schedule and be in the interest of judicial economy and efficiency," the parties request a stay. ([Doc. 54 at 1](#)). The parties also ask the Court to refer this case to the non-assigned United States Magistrate Judge

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² The case caption for the underlying state court case is *Oceanis LLC et al. v. Comfort Line Products, Inc. et al.*, No. 16-CA-49 (Fla. Cir. Ct.).

for a settlement conference to help resolve the outstanding claims. ([Doc. 54 at 1-2](#)). For the below reasons, the Court will grant the stay but deny the settlement conference.

“[T]he 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. N. Am. Co., 299 U.S. 248, 254-55 \(1936\)](#); see also [Clinton v. Jones, 520 U.S. 681, 709 \(1997\)](#). Determining whether a stay is justified requires an “exercise of judgment, which must weigh competing interests and maintain an even balance.” [Landis, 299 U.S. at 254-55](#). The Court will exercise its discretion and stay this case. Simultaneously litigating the counterclaims here and in state court cuts against the goals of judicial economy and consistency. But referring this case for a settlement conference is not prudent considering the stay and underlying state court litigation. If the parties move to lift the stay after the state court case resolves, they may request a judicial settlement conference at that time.

Accordingly, it is now

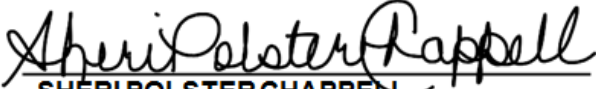
ORDERED:

1. The Joint Stipulation to a Stay of the Proceedings and Request to Schedule Judicial Settlement Conference is **GRANTED in part and DENIED in part**. The Court stays this case pending resolution of the state court action. But it denies without prejudice the parties’ request for a judicial settlement conference.
2. All proceedings in this case are **STAYED** until the parties advise the Court that the state court case has been finished and the stay is due to be lifted or the

case is due to be dismissed. The parties must notify the Court of such matters within **seven days** of the state court case ending.

3. The parties are **DIRECTED** to file a joint report on the status of the state court case on or before **February 27, 2019**, and every ninety days after until that case concludes.
4. The Clerk is **DIRECTED** to add a stay flag.

DONE and **ORDERED** in Fort Myers, Florida on this 29th day of November 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record