

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

CHRISTINE ALBERS; RICHARD  
BARROW; MARYLOU BARROW;  
ASHLEY CHILDS; THOMAS DOWNS;  
JOE FASOLO; ROSEMARY FASOLO;  
ROBIN LEAGER; DONALD MARKS;  
FRANCES MURN; THOMAS NORRIS;  
DEAN O'DONNELL; FELICIA  
O'DONNELL; BRENDA GULRICH;  
MATHEW GULRICH; STANLEY  
SETTLE; LISA SETTLE; SUSAN  
CECALA; TREVOR MAYHEW; MARIA  
COHEN; MICHAEL SZPARAGA;  
MARVIN SANDLER; DIANE SANDLER;  
HELEN McAULIFFE; NICOLE BARON;  
and ALAINE PATTON,

Plaintiffs,

v.

Case No. 6:16-cv-1713-Orl-37DCI

COMMONWEALTH CAPITAL CORP.;  
COMMONWEALTH INCOME AND  
GROWTH FUND, INC.;  
COMMONWEALTH CAPITAL  
SECURITIES CORP.; and KIMBERLY  
SPRINGSTEEN-ABBOTT,

Defendants.

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**ORDER**

This cause is before the Court on the parties Joint Motion to Stay Proceedings and for Relief from Case-Management Requirements (Doc. 27), filed January 18, 2017.

In this Private Securities Litigation Reform Act (“**PSLRA**”) action, Defendants filed a Motion to Dismiss the Complaint (Doc. 25 (“**MTD**”)), and the parties then jointly moved to stay the proceedings in accordance with 15 U.S.C. § 78u-4(b)(3)(B) (Doc. 27 (“**Motion to Stay**”)). Under § 78u-4(b)(3)(B), “all discovery and other proceedings [in

PSLRA actions] shall be stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party.” In accordance with this statutory provision, the Court finds that the Motion to Stay is due to be granted pending resolution of the MTD and further order of this Court. As such, the Court finds that the Order requiring the parties to file a joint Case Management Report (Doc. 26) is due to be vacated.


### CONCLUSION

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. The Order dated January 17, 2017 (Doc. 26) is **VACATED**.
2. The Joint Motion to Stay Proceedings and for Relief from Case-Management Requirements (Doc. 27) is **GRANTED**.
3. This action is **STAYED** until further Order of the Court.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on January 19, 2017.



  
ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record

