

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STEVE J. STRICKLAND,

Plaintiff,

Case No. 8:12-cv-2402-T-33TGW

v.

WAL-MART STORES, INC.,
WAL-MART STORES EAST, L.P.,
WAL-MART STORES EAST, INC.,
DISCOVERY PLASTICS, LLC,
BLITZ U.S.A., INC., and
ROBERT GENE WILLIS,

Defendants.

ORDER

This matter is before the Court pursuant to Defendant Discovery Plastics, LLC and Plaintiff Steve Strickland's Joint Motion to Stay as to Defendant Discovery Plastics, LLC Pending Finalization of Settlement (Doc. # 61), which was filed on October 30, 2013. For the reasons that follow, the Court grants the Motion and stays and administratively closes this case.

Discussion

After sustaining severe burns in connection with the explosion of a portable gas container, Strickland filed a state court complaint against Wal-Mart Stores, Inc., Wal-Mart Stores East, L.P., Wal-Mart Stores East, Inc. (collectively "Wal-Mart"); Discovery Plastics, LLC; Blitz U.S.A., Inc.; and

Robert Gene Willis. (Doc. # 2). The state court complaint, filed on June 12, 2012, sought damages for products liability, negligence, breach of warranty, and other claims. Wal-Mart effected removal of the case to this Court on the basis of the Court's diversity jurisdiction. (Doc. # 1). On March 5, 2013, Strickland filed an Amended Complaint. (Doc. # 40).

At this juncture, Defendant Willis has been dismissed from the action (Doc. # 34) and Defendant Blitz has filed for bankruptcy protection in the United States Bankruptcy Court for the District of Delaware, under Chapter 11 of the United States Bankruptcy Code. On August 12, 2013, Wal-Mart explained that "Plaintiff and Wal-Mart have participated in a number of mediation sessions with Blitz and its carriers in an effort to resolve this lawsuit and all of the pending lawsuits across the nation related to injuries allegedly caused by portable consumer gasoline containers manufactured by Blitz." (Doc. # 52 at 1). Wal-Mart further noted that "the parties in the Bankruptcy Court have reached a global settlement and worked out the final terms of the settlement agreement and releases." (Id. at 2). Wal-Mart sought a stay of the case as to Wal-Mart only, and the Court granted a stay of the

proceedings as to Wal-Mart on August 13, 2013. (Doc. # 54).¹

At this point, Discovery Plastics indicates that it has joined in the Bankruptcy Court settlement proceedings. (Doc. # 61). By its present Motion, Discovery Plastics requests an Order "postponing and suspending all activity and deadlines scheduled to occur in this action as to Discovery [Plastics] . . . to enable Plaintiff and Discovery [Plastics] to conclude resolution of this case through the Bankruptcy Court's global settlement." (Id. at 2). The Court determines that it is appropriate to grant the Motion.

Furthermore, because none of the parties to this case are actively litigating in this action, the Court determines that it is appropriate to stay and administratively close the case. The parties are directed to advise the Court upon the conclusion of the global settlement proceedings in the Bankruptcy Court. In the instance that this case is not finally settled in the global settlement proceedings or otherwise, the Court, upon proper Motion, will lift the stay and return the case to active status.


¹ In so staying the case as to Wal-Mart, the Court directed Wal-Mart to provide status reports regarding the bankruptcy proceedings every 90 days. (Doc. # 54). The present Order staying and administratively closing this case does not relieve Wal-Mart of the requirement of filing status reports as previously directed by the Court.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

- (1) Defendant Discovery Plastics, LLC and Plaintiff Steve Strickland's Joint Motion to Stay as to Defendant Discovery Plastics, LLC Pending Finalization of Settlement (Doc. # 61) is **GRANTED**.
- (2) This case is **STAYED AND ADMINISTRATIVELY CLOSED** pending finalization of the global settlement proceedings taking place in the Bankruptcy Court.
- (3) In the instance that the case is not finally settled, the Court, upon proper Motion, will lift the stay and return the case to active status.

DONE and **ORDERED** in Chambers, in Tampa, Florida this 30th day of October, 2013.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record