

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

PACTRANS AIR & SEA, INC.,

Plaintiff,

v.

Case No.: 3:08-cv-26-RV-MD

JOHN A. BENNETT and
ROBERT SCHARF,

Defendants.

ORDER

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This litigation arises out of an ocean shipment of gypsum board from China to Florida that took place between May and June of 2006, and it shares the same operative facts as two other cases that have been consolidated and are pending before me in this district. *Pactrans Air & Sea, Inc. v. M/V Sanko Rally*, 3:08cv01, consolidated with, *Devon Int'l Trading, Inc. v. M/V Sanko Rally*, 3:06cv285. On November 6, 2008, upon motion, I entered an order consolidating this case with the other cases (doc. 27). I noted in the order that the consolidated cases --- along with a related case pending before Judge Richard Smoak of this court --- have been stayed pending arbitration in China. The cases have also been stayed pending the outcome of an insurance coverage dispute in New York. However, the order did not specifically state whether this case would also be stayed.

In the interests of judicial economy, and in light of the recent status report filed in the lead case (doc. 157, in 3:06cv285), I conclude that this case should be, and is hereby, STAYED along with the consolidated actions, pending the outcome of the arbitration and coverage dispute proceedings. Accordingly, the pending motions to dismiss (docs. 12, 14) are DENIED, without prejudice to refile after the other proceedings are finished and after the stay is lifted.

DONE and ORDERED this 11th day of March, 2009.

/s/ Roger Vinson

ROGER VINSON

Senior United States District Judge