

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

MIGUEL ANGEL CORBACHO  
DAUDINOT

Plaintiff,

CASE NO.: 1:13-cv-22589-KMW

v.

YASIEL PUIG VALDES and  
MARITZA VALDES GONZALEZ,

Defendants.

**DEFENDANTS' MEMORANDUM IN OPPOSITION  
TO PLAINTIFF'S MOTION FOR STAY OF PROCEEDINGS  
PENDING TRAVEL VISA OF PLAINTIFF FROM CUBA TO UNITED STATES**

Defendants, Yasiel Puig Valdes and Maritza Valdes Gonzalez, submit this memorandum in opposition to Plaintiff's Motion for Stay of Proceedings Pending Travel Visa of Plaintiff from Cuba to United States. (ECF No. 63.)

**MEMORANDUM OF LAW**

"The proponent of a stay bears the burden of establishing its need." *Clinton v. Jones*, 520 U.S. 681, 708 (1997). In determining whether to grant a stay, courts generally examine three factors: (1) whether a stay will unduly prejudice or tactically disadvantage the non-moving party; (2) whether a stay will simplify the issues and streamline the trial; and (3) whether a stay will reduce the burden of litigation on the parties and on the court. *Alps South, LLC v. The Ohio Willow Wood Co.*, 2010 WL 2465176, at \*1 (M.D. Fla. 2010) (citations omitted). See also *Roblor Marketing Group, Inc. v. GPS Industries, Inc.*, 633 F. Supp. 2d 1341, 1347 (S.D. Fla. 2008). Plaintiff satisfies none of these factors.

## **ARGUMENT**

### **1. Granting a stay of proceedings will unduly prejudice the defendants.**

Plaintiff argues that, although it is “never pleasant to be under the shadow of litigation, a three-month delay in the instant case shall not unduly burden the defendants...” First, this so-called “three-month” delay is a completely arbitrary time period. Plaintiff, by his own admission, has no idea when he’ll be able to come to the United States to litigate his highly inflammatory (and decidedly false) allegations against defendants. (See ECF No. 63 at 2.) A stay based on when (and if) plaintiff ever makes his way to the United States is, necessarily, an improper open-ended stay of these proceedings.

Beyond that, a stay of this case – a case that has now been pending for 18 months – is highly prejudicial to defendants. For plaintiff to argue otherwise betrays his fundamental misapprehension of the seriousness of this process and its impact on defendants. Without belaboring the point, defendant Yasiel Puig is a renowned Major League Baseball player. His reputation and good standing in the community are integral to both his career and ability to make a livelihood through sponsorships and endorsements. The mere accusation that defendants conspired with the Cuban government to torture plaintiff (regardless of its demonstrable falsity) is highly damaging. The longer this case lingers, the worse it is for Mr. Puig. Plaintiff’s self-serving statement that the stay will not prejudice defendants is, at best, naïve. The fact is that, requiring defendants to wait indefinitely while plaintiff’s damaging allegations remain pending is prejudicial to defendants.

2. A stay will not simplify any issues or streamline the trial.

Plaintiff has not argued (nor can he) that a stay of this action would simplify issues, or streamline trial. Indeed, granting the motion to stay: (1) would have no effect on the issues in this case (as the merits of this case are not related to the plaintiff's visa); and (2) would postpone trial indefinitely, not streamline it in any way.

3. A stay would only increase the burden of litigation to the parties and the Court.

Further, a stay contingent upon plaintiff's ability to litigate this matter would result in an increased burden to both the Court (which would have to continue keeping this case on its docket) and the parties. Plaintiff's unavailability has already caused an increase in litigation related expenses – including: a motion for Rule 37 sanctions (ECF No. 52) and corresponding hearing; a response to the “emergency” motion to continue mediation (ECF No. 65); and a response to the instant motion and future corresponding hearing. Because allowing this case to languish would (and already has) increase the burden of litigation, a stay is not warranted.

Finally, the fact that little discovery has taken place is of little relevance here. The only reason discovery has not progressed any further (18 months into the case) is because Plaintiff has twice failed to appear at his properly noticed deposition and has failed to provide dates for his deposition. The stay sought here will only further delay these proceedings and create even greater inefficiencies. See *U.S. v. Town of Oyster Bay*, 2014 WL 6886122, at \*6 (E.D.N.Y. 2014) (denying a motion to stay the case where “staying case would merely delay litigation and likely result in greater inefficiencies to the Court and litigants.”)

4. Denial of a stay would not deny plaintiff the right to a jury trial.

The crux of plaintiff's motion appears to be that he "has no other alternative" but to request a stay of the proceedings (ECF No. 63 at 5) and that "[h]aving come this fair [sic], it would be unjust and inequitable to deny the Plaintiff his right to pursue this case and to appear at trial to face the Defendants before a trier of fact." (ECF No. 63 at 4.) This is simply incorrect. A denial of the motion to stay would not deny the plaintiff the right to seek and attend a jury trial on his claim.<sup>1</sup> If plaintiff is unable to attend a trial that is set to take place more than two years after he filed suit, he should simply voluntarily dismiss his claim without prejudice, see *Fed. R. Civ. P. 41(a)*, and refile it when he's ready to proceed. See *SCVNGR, Inc. v. eCharge Licensing, LLC*, 2014 WL 4804738, at \*10 (D. Mass. 2014) (denying motion to stay proceedings, noting that "nothing is preventing [the movant] from dismissing its claims...without prejudice. See Fed.R.Civ.P. 41(a).").

### **CONCLUSION**

For the foregoing reasons, the Court should enter an order denying Plaintiff's Motion to Stay Proceedings Pending Travel Visa of Plaintiff from Cuba to the United States.

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<sup>1</sup> The plaintiff's references to cases regarding a prisoner's right to trial in *habeas corpus* actions is vexing and, to say the least, inapplicable.

Respectfully submitted,

**SANTINI LAW**

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### **CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Averil K. Andrews  
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