

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ERNEST G. RODEN

CIVIL ACTION

V.

NO. 13-6753

SYNERGY TECHNOLOGIES, INC., ET AL.

SECTION "F"

ORDER AND REASONS

Before the Court is the defendants' motion to stay this case or, in the alternative, to continue the January 5, 2015 trial date. For the reasons that follow, the motion to stay is GRANTED pending the outcome of the bankruptcy appeal.

Background

The background of this case is more fully discussed in this Court's prior Order and Reasons denying summary judgment.¹

In December 2013, the plaintiff filed this lawsuit against SteriFX and Synergy alleging claims of patent infringement, fraud, breach of contract, and theft. This case is scheduled to go to trial on January 5, 2015. The defendants have moved for a stay or continuance because of a related bankruptcy dispute.

In June of this year, the defendants moved the bankruptcy court to vacate its dismissal of the plaintiff's bankruptcy case and to convert the bankruptcy case to a proceeding under Chapter 7, in which event the proper party plaintiff in this case would be the

¹Dated June 4, 2014, Rec. Doc. 18.

Chapter 7 trustee rather than Roden individually. The Chapter 13 trustee joined the motion, and an evidentiary hearing was held on August 20, 2014. The bankruptcy court granted the motion, vacating its previous order and converting the case to a Chapter 7 liquidation.

On September 3, 2014, Roden and his wife appealed the bankruptcy court's order to the United States District Court for the Western District of Louisiana, Monroe Division. The defendants thus ask for this case to be stayed or continued until resolution of the appeal pending in the district court. Briefing in that case was just recently completed.

I.

The district court has a general discretionary power to stay proceedings before it in the control of its docket and in the interests of justice. McKnight v. Blanchard, 667 F.2d 477, 479 (5th Cir. 1982). Because the outcome of the pending appeal from the bankruptcy court will determine who is the proper party plaintiff in this case and will impact the scope of discovery, it is appropriate to stay this case until an outcome is reached in the United States District Court for the Western District of Louisiana. Once the proper party plaintiff has been determined, the parties are instructed to move to reopen this case, and a scheduling conference will be held.

Thus, the motion to stay this case is hereby GRANTED, and this

case is administratively closed pending a timely motion to reopen.

New Orleans, Louisiana, November 17, 2014



MARTIN L. C. FELDMAN
UNITED STATES DISTRICT JUDGE