

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ANNIE BARNETT ADAMS,
CHANEL COSTA, GARRIN COSTA
TAMISHA HARRIS MASON
PATRICIA BONDS AND
CARLACE BROOKS, on behalf of
themselves and all others
similarly situated

CIVIL ACTION

VERSUS

SOUTHLAND TRACE, LLC.
BURNS AND COMPANY, INC.,
LESLIE GLADNEY, BATON ROUGE
TITLE COMPANY AND MARK W. SCHOEN

No. 07-869-BAJ-DLD

-CONSOLIDATED WITH-

JOSEPH RICHARDSON, ET AL

No. 07-941-BAJ-DLD

VERSUS

SOUTHLAND TRACE, LLC, ET AL

RULING

This matter is before the Court on a Motion to Stay, filed by defendants Baton Rouge Title Company and Mark W. Schoen (doc. 88). The motion is opposed (doc. 90).

Movants seek to stay this matter pending a ruling by the Supreme Court in *Edwards v. First American Financial*.¹ As movants note, in ruling on a motion to

¹As plaintiffs note, the Court relied, in part, on the *Edwards* case in an earlier ruling in which the Court denied defendants' motion to dismiss (doc. 79, p. 8 (quoting *Edwards v. First American Corp.*, 610 F.3d 514, 518 (9th Cir. 2010))).

stay, a court should consider “(1) hardship and inequity on the moving party without a stay, (2) prejudice the non-moving party will suffer if a stay is granted, and (3) judicial economy” (doc. 88-1, p. 4 (citing *Morris v. Wyeth*, 2011 WL 311009, *2 (W.D.La. 2011))).

Defendants assert that the Court should stay these consolidated cases because the United States Supreme Court will, in the near future, issue a ruling in the *Edwards* case that could resolve the cases *sub judice*. Defendants argue that the short delay will not prejudice the plaintiffs.

The Court notes, however, that plaintiffs assert that they now have sufficient information to file an amended complaint which would cure the issue before the Supreme Court in the *Edwards* case should that ruling not be favorable to them. The Court also notes that these consolidated cases were filed in 2007 and that litigation is far from complete. Moreover, plaintiff’s counsel has informed the Court that one of the plaintiffs is now suffering from severe health issues. In light of the foregoing, the Court concludes that a stay would not be in the interests of judicial economy and that the balance of interests weighs against such a stay.

For all of the foregoing reasons the motion by defendants to stay is **DENIED**.

Baton Rouge, Louisiana, May 24, 2012



BRIAN A JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA