

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

WILLIAM J. AUBIN, ET AL.

CIVIL ACTION

VERSUS

COLUMBIA CASUALTY
COMPANY, ET AL.

NO: 16-00290-BAJ-EWD

RULING AND ORDER

Before the Court is a **Motion for Partial Summary Judgment (Doc. 41)** filed by April Aubin and William Aubin (“Plaintiffs”), seeking summary judgment on state law claims of malicious prosecution, false arrest/false imprisonment, and battery/use of excessive and unreasonable force. Also before the Court is a **Motion for Partial Summary Judgment (Doc. 92)** filed by Mr. Aubin, seeking a declaratory judgment that La. R.S. 14:122, Louisiana’s public intimidation statute is unconstitutional, and to enjoin further enforcement of the statute. Intervenor Plaintiff, the State of Louisiana, asks the Court to dismiss these equitable claims (Doc. 111). Sheriff Ard has also filed a **Motion to Dismiss (Doc. 119)** all claims against him.

I. BACKGROUND

Recently in *Seals v. McBee*, No. 16-CV-14837, 2017 WL 3252673 (E.D. La. July 31, 2017), the court declared Louisiana’s public intimidation statute, La. R.S. § 14:122, invalid in certain respects, and the Louisiana Attorney General filed a notice of appeal in that case. *Id.* at Doc. 46. Considering that decision, the Court

held a status conference in Chambers on September 13, 2017, to ascertain the parties' positions on staying all proceedings in this case pending the appeal in *Seals v. McBee*. At that status conference, Plaintiffs, Defendants, and Intervenor Plaintiff all stated that they had no opposition to staying the case relative to the constitutional challenge to Louisiana's public intimidation statute. Defendants and Intervenor Plaintiff also indicated that they had no opposition to staying all proceedings. However, Plaintiffs declared that they opposed a stay on the entirety of proceedings because it would result in undue delay.

II. LEGAL STANDARD

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). Such questions of docket management are left to the sound discretion of the district court, and it is the district court's responsibility to weigh the competing interests of the parties relating to the appropriateness of a stay. *Id.* at 254–55; *see also United States v. \$9,041,598.68*, 163 F.3d 238, 251 (5th Cir. 1998).

III. DISCUSSION

Considering that *Seals v. McBee* presents nearly identical issues as the Motion for Partial Summary Judgment (Doc. 92) filed by Mr. Aubin in this case, and that no party is opposed to a stay of these proceedings relative to the constitutional challenge to Louisiana's public intimidation statute, the Court will stay this portion of the case. The resolution of *Seals v. McBee* will almost certainly be dispositive on

the issues presented in the challenge to the public intimidation statute. However, the Court will not stay any other portion of this case. The Motion for Partial Summary Judgment (Doc. 41) filed by Plaintiffs, seeking summary judgment on state law claims of malicious prosecution, false arrest/false imprisonment, and battery/use of excessive and unreasonable force, and Sheriff Ard's Motion to Dismiss (Doc. 119) all claims against him, present issues that are distinct and unrelated to the appeal in *Seals v. McBee*. Therefore, the Court will not stay all proceedings in this case.

IV. CONCLUSION

Accordingly,

IT IS ORDERED that the **Motion for Partial Summary Judgment (Doc. 92)** filed by Mr. Aubin is **STAYED** pending the resolution of the appeal in *Seals v. McBee*, No. 16-CV-14837, 2017 WL 3252673 (E.D. La. July 31, 2017).

IT IS FURTHER ORDERED that the Clerk's Office shall terminate the **Motion for Partial Summary Judgment (Doc. 92)** and the **Motion for Leave of Court to File Reply Memorandum in Support of Motion for Partial Summary Judgment (Doc. 125)**.

IT IS FURTHER ORDERED that at such time as the appeal in *Seals v. McBee* is resolved, and Mr. Aubin wishes to reurge his **Motion for Partial Summary Judgment (Doc. 92)**, and/or Intervenor Plaintiff wishes to reurge its opposition (Doc. 119), the respective party(s) shall file a Motion to Reurge their motion.

Baton Rouge, Louisiana, this 15th day of September, 2017.

A handwritten signature in blue ink, appearing to read "Brian A. Jackson", written over a horizontal line.

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