

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ANTONIO ANCONA,

*

Plaintiff

*

v.

*

CIVIL NO. JKB-18-1338

PARAGON INT'L WEALTH MGMT.,
INC., *et al.*,

*

Defendants

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* * * * *

MEMORANDUM AND ORDER

Plaintiff has filed a combined status report and motion to continue the stay. (ECF Nos. 74, 75.) The stay will be extended. This case was previously stayed until December 1, 2019, to permit one Defendant, Michael Shumak, to resolve criminal proceedings against him in Canada; those proceedings stem from the same conduct alleged in the instant case. According to Plaintiff's report, the criminal case will be tried in March 2020. Defendant Shumak has also filed a status report (ECF No. 76), which clarifies that the criminal case is scheduled to begin March 30, 2020, and conclude in or around early June. In addition, Shumak reports that an FBI investigation is proceeding and is expected to result in an indictment in the Northern District of Ohio. (*Id.*) Plaintiff only seeks a 45-day stay, which is inadequate to permit resolution of the Canadian criminal case, presuming that goes to trial in March 2020 as has been forecasted. Plaintiff also asks the Court to reschedule the evidentiary hearing to determine liability and damages of all of the defaulting Defendants.¹ As previously explained, the Court may not enter default judgments

¹ Defendant James F. Gagliardini was dismissed from the case on August 19, 2019, because the allegations of the complaint failed to state a claim for relief against him. (ECF Nos. 71, 72.)

against some Defendants when claims against other Defendants remain unresolved. (Mem. Op. Aug. 19, 2019, ECF No. 71.)

Thus, Plaintiff's motion (ECF Nos. 74, 75) is GRANTED to the extent it seeks a further stay of this case. This case is STAYED indefinitely pending resolution of the Canadian criminal proceedings related to Plaintiff's allegations. Additionally, if Shumak is indicted in this country, that criminal proceeding would likely also need to be resolved before this civil case would continue. No hearing will be rescheduled until those matters are resolved. Plaintiff SHALL FILE a report on the status of this case on June 15, 2020, or earlier if the Canadian proceedings have been resolved.

DATED this 12 day of December, 2019.

BY THE COURT:

A handwritten signature in blue ink, reading "James K. Bredar", written over a horizontal line.

James K. Bredar
Chief Judge