

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID J. BENING, et al.,)
)
Plaintiffs,)
)
v.)
)
ARTHUR G. MUEGLER, JR., et al.,)
)
Defendants,)
)
FREDA BROCKMAN, DONALD NANGLE,)
JEANNE NANGLE, and W. DAVID)
BLACKWELL,)
)
Garnishees.)

No. 4:90-CV-1798 CAS

MEMORANDUM AND ORDER

This matter is before the Court on garnishee Jeanne Nangle’s motion to stay proceedings pending appeal or, in the alternative, for an extension of time within which to respond to plaintiffs’ application for order to show cause and motion for contempt and sanctions.¹ Plaintiffs oppose the motion. For the following reasons, the motion will be granted.

Garnishee Jeanne Nangle filed an appeal to the United States Court of Appeals for the Eighth Circuit of this Court’s Orders dated February 23, 1999, February 26, 2014, March 11, 2015, and March 31, 2015. Generally, the pendency of garnishee’s appeal deprives this Court of jurisdiction. See Bethea v. Levi Strauss and Co., 916 F.2d 453, 455 (8th Cir. 1990); see generally 20 James Wm. Moore et al., Moore’s Federal Practice ¶ 303.32[1] (3d ed. 2014). Although there is some question as to whether garnishee’s appeal was timely and whether the Eighth Circuit has jurisdiction to

¹The Court has previously ruled that it would stay the time in which garnishee Jeanne Nangle has to respond to plaintiffs’ motion for contempt and for sanctions until after it has ruled on the alternative motion to stay proceedings. See Doc. 440.

review the Orders, the Court will stay this action to avoid any confusion and inefficiency that might follow from having the same issues before two courts at the same time. As a result, the Court will stay these proceedings and will set garnishee's deadline to respond to plaintiffs' motion for contempt and for sanctions, if appropriate, following a decision and mandate from the Court of Appeals.

Accordingly,

IT IS HEREBY ORDERED that garnishee Jeanne Nangle's motion to stay proceedings in this Court pending appeal or, in the alternative, for an extension of time within which to respond to plaintiffs' application for order to show cause and motion for contempt and sanctions is **GRANTED**. [Doc. 439]

IT IS FURTHER ORDERED that this action is **STAYED** until further Order of the Court.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 6th day of May, 2015.