

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|----------------------------------|---|--------------------------|
| KATE REID and MEGAN HEENEY, |) | |
| As Next Friends G.N.C.Q., et al. |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. 4:12CV01352 ERW |
| |) | |
| THE DOE RUN RESOURCES |) | |
| CORPORATION, et. al. |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on Defendants’ Joint Motion to Stay [ECF No. 28].

By this Motion, Defendants seek a stay of this proceeding until the United States Court of Appeals for the Eighth Circuit issues a mandate in a currently pending appeal, Sr. Kate Reid. et. al. v. Doe Run Resources Corp., et. al., No. 12-1065 (8th Cir.) (filed on Jan. 6, 2012 and involving eleven consolidated appeals). The Eighth Circuit heard oral argument on Sept. 19, 2012. Defendants contend that “the appellate mandate will likely control this case” and similar lawsuits brought in state court and removed to the Eastern District. Defendants maintain that the consolidated appeal addresses whether those cases, which are similar to the instant case, are “related to” an international arbitration, and, thus, whether federal jurisdiction is conferred under the Convention on the Recognition of Foreign Arbitral Awards, 9 U.S.C. § 205 (“CREFAA”) and whether a stay of litigation is appropriate pending that arbitration. Therefore, the Eighth Circuit’s determination will likely affect the Plaintiffs’ pending motion to remand, as well.

Plaintiffs have not responded to Defendants’ Joint Motion to Stay, and the time to do so has expired. Due to the uncertainty of jurisdiction pending the disposition of the Eighth Circuit

appeal, as well as the possibility that this proceeding may be dismissed or stayed for international arbitration due to the outcome of the appeal, the Court will grant Defendants' Motion to Stay.

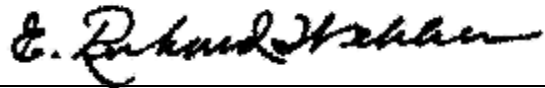
Accordingly,

IT IS HEREBY ORDERED that individual Defendants' Joint Motion to Stay [ECF No. 28] is **GRANTED** so as to stay further proceedings in this Court, including the filing of Defendants' answer or other responsive pleading and Defendants' response to Plaintiffs' motion to remand, until after issuance of the Eighth Circuit's mandate in appeal No. 12-1065.

IT IS FURTHER ORDERED that the Court shall reconsider this ruling upon the request of either party.

IT IS FURTHER ORDERED that, within five days of the date the Eighth Circuit issues its mandate in appeal No. 12-1065, the parties shall notify this Court of the issuance of that mandate.

Dated this 5th day of October, 2012.



SENIOR UNITED STATES DISTRICT JUDGE