

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

)	
)	
CONNECTOR CASTINGS, INC.,)	
)	
Plaintiff,)	No. 4:15-CV-1154 JAR
)	
v.)	
)	
MASTERMAN'S LLP,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

On October 6, 2015, the Court entered a stay in this TCPA case pending a decision by the D.C. Circuit Court of Appeals in Bais Yaakov of Spring Valley v. FCC, Lead Case No. 14-1234, regarding the validity of the Solicited Fax Rule, a dispositive issue in this case (see Doc. No. 25). On March 31, 2017, the D.C. Circuit issued its decision in Yaakov holding that the Solicited Fax Rule is unlawful to the extent it requires opt-out notices on solicited faxes. (Doc. No. 31-1 at 10) Plaintiff requests the Court continue the stay in this case until “all appellate procedures” in Yaakov have been exhausted, including a decision on a petition for a writ of certiorari to the United States Supreme Court. (Doc. Nos. 29, 32) Defendant proposes the stay be lifted once the D.C. Circuit issues its mandate in Yaakov, rather than extending the stay indefinitely in the event a party decides to file a “rarely granted” petition for writ of certiorari (Doc. No. 31, 33). Because a final decision in Yaakov will directly affect the viability of Plaintiff’s claim in this case, the Court will continue to stay this case until the D.C. Circuit resolves any petitions for rehearing or issues its mandate in Yaakov, whichever occurs first. At that time, the Court will consider whether a continued stay is appropriate.

Accordingly,

IT IS HEREBY ORDERED that the stay entered on October 6, 2015 shall remain in effect until the D.C. Circuit Court of Appeals resolves any petitions for rehearing or issues its mandate in Bais Yaakov of Spring Valley v. FCC, Lead Case No. 14-1234, whichever occurs first.

IT IS FURTHER ORDERED that Defendant shall advise the Court of the D.C. Circuit's decision on any forthcoming petitions for rehearing or entry of the mandate, whichever occurs first, within ten (10) days thereof.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 12th day of April, 2017.