UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KATHLEEN R. OLSON,	)	
	)	
Plaintiff,	)	No. 4:16-CV-00512 JAR
	)	
v.	)	
	)	
MONSANTO COMPANY, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion to Abate Hearing on Her Motion for Remand Pending Appellate Ruling in Related Case. (Doc. No. 30) Plaintiff requests the Court stay proceedings in this action pending the Eighth Circuit's decision in Bailey v. Monsanto Co., Appeal No. 16-2096 (8th Cir.). The motion is fully briefed and ready for disposition.

Plaintiff brings this personal injury action for damages resulting from her exposure to polychlorinated biphenyls ("PCBs") manufactured and sold by Defendants. Defendants removed the case to this Court on April 13, 2016 based on federal enclave jurisdiction, diversity jurisdiction, and federal officer removal, 28 U.S.C. § 1442(a)(1). (Doc. No. 1) Plaintiff's motion for remand (Doc. No. 16) is fully briefed and scheduled for oral argument on July 12, 2016.

In support of her motion to abate hearing, Plaintiff notes that on March 31, 2016, U.S. District Judge Fleissig issued an order granting plaintiffs' motion for remand in a similar PCB case, Bailey v. Monsanto Co., ___ F. Supp. 3d ___, No. 4:15CV00844 AGF, 2016 WL 1258636 (E.D. Mo. Mar. 31, 2016). Bailey involves similar claims against the same defendants Plaintiff has sued in this case. Bailey was removed on both diversity and federal officer grounds. Defendants have appealed the ruling in Bailey to the Eighth Circuit. (See Bailey v. Monsanto

Co., Appeal No. 16-2096 (8th Cir.)). Plaintiff asserts that the Eighth Circuit's disposition of the Bailey appeal may provide guidance to this Court concerning its resolution of the federal officer contention in this case and that postponement of the hearing on her motion to remand until such time will promote judicial efficiency and reduce costs for the parties.

Plaintiff also notes that on June 29, 2016, U.S. Magistrate Judge Bodenhausen granted plaintiffs' motion for remand in another PCB case, Kelly v. Monsanto Co., ___ F. Supp. 3d ___, No. _____, No. 4:15CV1825 JMB, 2016 WL 3543050 (E.D. Mo. June 29, 2016). This case also involves claims by similar plaintiffs, seeking damages for similar injuries, against the same defendants. Kelly was removed only on federal officer grounds. Plaintiff anticipates Defendants will appeal this ruling as well.

Defendants oppose Plaintiff's motion, arguing the Eighth Circuit's decision in Bailey will have no bearing on this Court's evaluation of two of the three bases for federal jurisdiction asserted herein, namely, federal enclave jurisdiction and diversity jurisdiction, and may not even address the federal officer issues presented. Defendants urge the Court to go forward with the hearing. (Doc. No. 32)

Clearly, meaningful progress on the merits of the instant case is doubtful until the jurisdictional issues are resolved. While the Bailey and Kelly cases may not directly affect the instant action, they will most certainly provide substantial guidance to this Court. For this reason, and in the interests of judicial economy and efficiency, the Court will grant Plaintiff's motion, cancel the hearing on her motion to remand at this time, and stay this matter pending further guidance by the Eighth Circuit in Bailey (and in Kelly, if appealed).

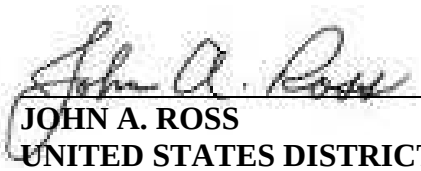
Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Abate Hearing [30] is **GRANTED** and the oral argument scheduled for July 12, 2016 is **CANCELLED**.

IT IS FURTHER ORDERED that this case is **STAYED** until further order of the Court.

IT IS FURTHER ORDERED that the parties shall advise the Court of the status of the proceedings before the Eighth Circuit every ninety (90) days or at such time as they deem appropriate**.**

IT IS FINALLY ORDERED that the Clerk of Court shall administratively close this case.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 8th day of July, 2016.