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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROSEMARY GARITY,
Plaintiff,
v.
USPS PMG MEGAN J. BRENNAN,
Defendants.

Case No. 2:11-cv-01805-RFB-CWH

ORDER

For the reasons discussed on the record on November 27, 2017, the Court finds that its decision to grant Defendant's Motion in Limine to Exclude Compensatory Damages Evidence and Strike Jury Demand (Dkt no. 338) is meritorious. The Court finds no basis for reconsidering its ruling on this matter. Further, upon reviewing the factors for the determination of a stay pending appeal, *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987), the Court finds no basis to grant a stay in this case. The Court finds the likelihood of success on the merits to be low. Plaintiff brings an interlocutory appeal based on sanctions that are reviewed for an abuse of discretion. *United States v. Sumitomo Marine & Fire Insurance Company, Ltd.*, 617 F.2d 1365, 1369 (9th Cir. 1980). The Court did not choose to apply the harshest sanctions available and made the basis for its decision clear on the record. If this Court's decision is reversed, the Plaintiff will not be irreparably harmed by the Court's decision to proceed with a bench trial at this point. The Plaintiff has been denied on appeal several times in this case already, and the Court does not wish to further delay the proceeding of the case. The interests of the Defendants and of the public favor moving forward with this case that has long been before the court.

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CONCLUSION

Accordingly,
IT IS ORDERED that Plaintiff's Motion to Stay Case (Dkt no. 400) is DENIED.

DATED: November 29, 2017.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE