

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID OWENS,

Plaintiff,

-v.-

NEW YORK LIFE INSURANCE COMPANY,
Defendant.

24 Civ. 6853 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

Before the Court is the parties' joint motion to stay this case. *See* ECF No. 18. For the reasons set forth below, the motion is GRANTED.

At issue here is an alleged cybersecurity incident that impacted the systems of third party Infosys McCamish Sys., LLC ("IMS") in late 2023 (the "Incident"). ECF No. 18 at 1. Defendant New York Life Insurance Company is an IMS client. *Id.* Currently, IMS is defending claims pertaining to the Incident in a consolidated action pending in the Northern District of Georgia, *id.*, which the Court has identified as *McNally v. InfoSys McCamish Systems, LLC*, 24 Civ. 995 (the "Northern District of Georgia Case"). In connection with the Northern District of Georgia Case, Plaintiff Owens and IMS, as well as the other parties implicated therein, have agreed to mediate in an effort to resolve the litigations concerning the Incident, including the instant action. *Id.* The mediation is scheduled for March 2025. *Id.*

"In determining whether to grant a stay, courts in this district consider five factors: (1) the private interests of the plaintiffs in proceeding expeditiously with the civil litigation as balanced against the prejudice to the plaintiffs if delayed; (2) the private interests of and burden on the defendants; (3) the interests of the courts; (4) the interests of persons not parties to the civil litigation; and (5) the public interest." *Allstar Mktg. Grp., LLC v. akronhd*, No. 21 Civ. 3621

(JPO), 2022 WL 17324939, at *1 (S.D.N.Y. Nov. 29, 2022) (citing *Kappel v. Comfort*, 914 F. Supp. 1056, 1058 (S.D.N.Y. 1996)).

Applying these factors, the Court concludes that a stay is appropriate. *See, e.g., Liquid Soul Media, LLC v. Armed Forces Communications, Inc.*, No. 15 Civ. 7291 (RA) at 1-2, (S.D.N.Y. Aug. 25, 2016) (granting joint motion to stay pending mediation); *Martin v. Chik-Fil-A, Inc.*, No. 24 Civ. 5451 (LJL) at 1, (S.D.N.Y. Sept. 6, 2024) (same); *Owens v. PricewaterhouseCoopers LLC*, No. 24 Civ. 5517 (GHW) at 1, (S.D.N.Y. Oct. 17, 2024) (same). In particular, the Court stays the case in the interest of the parties and to conserve judicial resources. The Court also grants the parties' application to file a joint letter updating the Court on the status of the mediation by **March 21, 2025**.

The Clerk of Court is directed to terminate ECF No. 18.

The applications at ECF Nos. 10, 12, and 17 are terminated without prejudice to restoration in the event that this case and *Prosser v. N.Y. Life Ins. Co.*, No. 24 Civ. 6930, are not resolved through mediation.

SO ORDERED.

Dated: March 10, 2025
New York, New York


JENNIFER H. REARDEN
United States District Judge