

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

VANDAVEN JOHNSON, Individually and	§	
on behalf of all others similarly situated	§	
	§	
V.	§	CIVIL ACTION NO. G-12-037
	§	
CANAL BARGE COMPANY	§	

OPINION AND ORDER

Before the Court is the “Motion for Temporary Stay” of Defendant, Canal Barge Company (CBC); the Motion seeks a stay of this case pending the decision of the United States Court of Appeals for the Fifth Circuit in the interlocutory appeal in Coffin v. Blessey Marine Services, Inc.. The Motion is opposed by the Opt-In Plaintiffs in this FLSA case which involves the claims for overtime pay of vessel tankermen employed by CBC who allege they were misclassified as seamen. As the Parties know, this is one of several identical cases on this Court’s docket. In a number of those cases the Court denied similar motions when opposed by the Plaintiffs only to grant an Agreed Motion to do so shortly thereafter. Those Agreed Motions may have been conditioned on concessions from the Defendant, for example, an agreement to participate in mediation, but they, nonetheless, belie the Plaintiffs’ allegations that a stay would be unacceptably harmful to the proper prosecution of their claims.

This Court still believes that Blessey Marine will not succeed on the merits of its position at the Court of Appeals, but it seems clear to this Court, and apparently to Plaintiffs in similar cases, that the Fifth Circuit in Blessey has the power to render an effective judgment

on an issue that is necessary to the disposition of these cases, Intel Corp. v. M/A Victoria, 710 F.2d 199, 203 (5th Cir. 1983), and that a stay of further proceedings at the District Court level makes sense.

It is, therefore, the **ORDER** of this Court that the “Motion for Temporary Stay” (Instrument no. 63) of Defendant, Canal Barge Company, is **GRANTED** and this action is **STAYED** pending the outcome of the interlocutory appeal in Blessey.

DONE at Galveston, Texas, this ____6th____ day of September, 2013.



John R. Froeschner
United States Magistrate Judge