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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM MCNAE and RONDA
MCNAE, husband and wife,

Plaintiffs,

v.

ARAG INSURANCE COMPANY,

Defendant.

CASE NO. 2:24-cv-00211-TL

ORDER ON EMERGENCY MOTION
TO STAY

This matter is before the Court on Plaintiffs William and Ronda McNae’s “Emergency Motion to Stay Proceedings Expedited Relief Requested Pursuant to LCR 7(D)(1).” Dkt. No. 43. Plaintiffs “move this Court for an Emergency Stay of proceedings due to a recently reactivated criminal investigation by the Miami Beach Police Department (‘MBPD’) as of February 11, 2025, which directly overlaps with the legal and factual issues in this case.” *Id.* at 7. Having reviewed Defendant ARAG Insurance Company’s response (Dkt. No. 46) and the relevant record, the Court GRANTS IN PART and DENIES IN PART the motion.

1 “[D]istrict courts have the inherent authority to manage their dockets and courtrooms
2 with a view toward the efficient and expedient resolution of cases.” *Dietz v. Bouldin*, 579 U.S.
3 40, 47 (2016) (collecting cases). This includes “discretionary power to stay proceedings in its
4 own court.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) (citing *Landis v. N.*
5 *Am. Co.*, 299 U.S. 248, 254 (1936)). When a stay is proposed, the court must weigh the
6 competing interests impacted, including “the possible damage which may result from the
7 granting of a stay, the hardship of equity which a party may suffer in being required to go
8 forward, and the orderly course of justice measured in terms of the simplifying or complicating
9 of issues, proof, and questions of law which could be expected to result from a stay.” *Id.* at 1110
10 (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)). “The proponent of a stay bears
11 the burden of establishing its need.” *Clinton v. Jones*, 520 U.S. 681, 708 (1997) (citing *Landis*,
12 299 U.S. at 255). Here, the relevant interests weigh in favor of *some* relief, though not the precise
13 relief requested by Plaintiffs.

14 First, as to the possible damage from granting a stay, Defendant asserts that it would be
15 harmed by delays in dispositive motions, discovery, and subpoenas. *See* Dkt. No. 46 at 12–13.
16 But these harms are little beyond the prejudice inherent in any stay. This interest is neutral.

17 Second, as to the hardship or inequity in being required to go forward, Plaintiffs explain
18 that they are simultaneously litigating two related cases in Florida and attempting to finalize the
19 adoption of two children in Iowa, creating severe burdens on their ability to litigate here. *See*
20 Dkt. No. 43 at 11–17, 20–26. Defendant points out that Plaintiffs stipulated in October 2024 to
21 the current trial schedule (*see* Dkt. No. 41), with full knowledge of the Florida cases, and that
22 Plaintiffs initiated the instant matter, thus imposing the burden of multi-court litigation on
23 themselves. *See* Dkt. No. 46 at 13–14. The Court agrees with Defendant that Plaintiffs chose
24 when to file their lawsuit and agreed to the trial schedule while litigating the Florida cases. And

1 while the Court is certainly empathetic regarding Plaintiffs’ adoption of their niece and nephew,
2 it appears that Plaintiffs were aware of the needs of their niece and nephew at the time the suit
3 was filed, since parental rights were terminated in July 2024—just three months after filing. *See*
4 Dkt. No. 43 at 16; Dkt. No. 1. Plaintiffs also argue that they need time to retain counsel (*see* Dkt.
5 No. 43 at 20), though Defendant notes that it already stipulated to a prior 120-day continuance of
6 the trial schedule to allow Plaintiffs to do just that (*see* Dkt. No. 46 at 15). This interest is neutral.

7 Third, as to the orderly course of justice, Plaintiffs argue that the reopened Miami
8 criminal investigation into Michael Fitzgerald, the plaintiff in the Florida cases, “directly
9 overlaps” with this matter, and proceeding here would “[i]nterfere” with the investigation, “risk
10 inconsistent rulings” between this matter and the investigation, and cause “[u]ndue prejudice” to
11 Plaintiffs, who are “key witnesses” in the investigation. Dkt. No. 43 at 10–11, 26–28. However,
12 as Defendants argue (*see* Dkt. No. 46 at 15–17), Plaintiffs do not explain how proceeding with
13 this insurance matter would interfere with the Miami criminal investigation or otherwise
14 prejudice Plaintiffs, let alone create inconsistent rulings where there is no parallel criminal
15 proceeding. Further, as Defendants also argue (*see id.* at 17–19), Plaintiffs do not explain how
16 the Florida cases will simplify or resolve the factual or legal issues in this matter. Merely stating
17 such assertions does not make them true. This interest weighs against a stay.¹

18 Given all the interests detailed above, the Court finds that a six-month continuance of the
19 trial schedule is appropriate here, especially as Defendant previously offered to stipulate to a 90-
20 day, 120-day, or six-month continuance. *See* Dkt. No. 43 at 24–25; Dkt. No. 46 at 21. Such a
21 continuance accommodates Plaintiffs’ litigation burdens and personal hardships while

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23 ¹ Plaintiffs also note that they have filed multiple regulatory complaints against Defendant. *See* Dkt. No. 43 at 10,
24 19. Defendant states that these complaints were filed “a year after commencing this action.” Dkt. No. 46 at 19. In the
briefing, neither Party details the timeline or status of these complaints, nor does any Party supply any
documentation of the complaints. This information is therefore too indeterminate to weigh for or against a stay.

1 recognizing Defendant’s interest in proceeding with this matter. Plaintiffs’ requested stay—until
2 after the conclusion of the Miami criminal investigation, the resolution of regulatory
3 investigations, *and* the resolution of the Florida cases (Dkt. No. 43 at 30)—is so indeterminate as
4 to be indefinite. The Court will not authorize such a stay based on the record before it.

5 Finally, to the extent that Plaintiffs request preliminary injunctive relief (*see* Dkt. No. 43
6 at 29–30), their request is not properly presented. *See* Dkt. No. 46 at 22. Plaintiffs may separately
7 request such relief if and when they deem it appropriate, and the Court will consider their request
8 at that time.

9 Accordingly, Plaintiffs’ Emergency Motion to Stay Proceedings (Dkt. No. 43) is
10 GRANTED IN PART and DENIED IN PART. It is hereby ORDERED:

- 11 (1) This matter is STAYED until **September 5, 2025**. The trial date, and all remaining
12 pretrial deadlines that have not yet passed, are STRICKEN.
- 13 (2) The Parties SHALL, **by September 19, 2025**, meet and confer and file a joint status
14 report including a proposed schedule for all remaining pretrial deadlines and trial.
- 15 (3) Plaintiffs’ Motion for Leave to File Supplemental Evidence in Support of Motion
16 to Stay (Dkt. No. 50) is STRICKEN as an impermissible reply (*see* Dkt. No. 45).
- 17 (4) Defendant’s Motion for Partial Summary Judgment (Dkt. No. 51) is STRICKEN
18 with leave to refile after the expiration of the stay.

19 Dated this 6th day of March 2025.

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21 _____
22 Tana Lin
23 United States District Judge
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