HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AETNA HEALTH, INC., a Washington Corporation; and AETNA LIFE INSURANCE COMPANY, a Connecticut Corporation, on behalf of itself and its self-insured plans,

Plaintiffs,

v.

SAMUEL ROSS FOX, M.D., an Individual; KATHERINE M. FOX, an Individual; COTTONWOOD FINANCIAL SERVICES, L.C., a Utah Limited Liability Company; WASHINGTON MUTUAL BANK, a Washington Corporation; DISTRICT DIRECTOR-INTERNAL REVENUE SERVICE; and all other person or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the Complaint,

Defendants.

No. 3:09-cv-05647 RBL

ORDER ON MOTION OF SAMUEL ROSS FOX, M.D. FOR STAY OF PROCEEDINGS [Dkt. #19]

This matter is before the Court on Defendant Samuel Ross Fox, M.D.'s Motion for Stay of Proceedings [Dkt. #19]. Fox requests that the court stay all proceedings pending Aetna's compliance with the requirements of the Washington Homestead Act, including appraisal of Fox's property. Fox argues that no court can impose a judicial execution in Washington until a judgment creditor has complied with the requirements of the Homestead Act, Chapter 6.13 RCW.

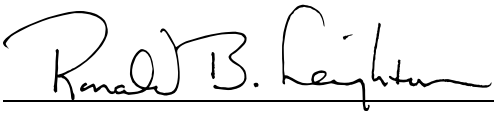
Aetna argues that there is no judgment[1] to execute upon until it has obtained a judgment from a federal court, and that once Aetna obtains a judgment from this court it will take the appropriate steps.

This court intends to follow the procedures dictated by Chapter 6.17 RCW. It will not issue a writ of execution until various requirements under the Washington Homestead Act have been fulfilled. However, there is no compelling reason to stay the case while Aetna files and serves the appropriate affidavit as required under RCW 6.17.100.

The Motion of Samuel Ross Fox, M.D. for Stay of Proceedings [Dkt. 19] is DENIED.

IT IS SO ORDERED.

Dated this 27th day of July, 2010.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

[1] It should be noted that Aetna already has a Superior Court judgment against Fox. This case is apparently an effort to execute on that judgment.