

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 RICHARD ROY SCOTT,

11 Plaintiff,

12 v.

13 VAN HOOK,

14 Defendant.

CASE NO. 3:16-CV-05785-RBL-DWC

ORDER STAYING THE CASE

15 The District Court referred this 42 U.S.C. § 1983 action to United States Magistrate
16 Judge David W. Christel. In the Complaint, Plaintiff Richard Roy Scott alleges, in part, his
17 constitutional rights are being violated because he is forced to drink contaminated water at the
18 Special Commitment Center (“SCC”). Dkt. 3. The Court has reviewed Plaintiff’s case and
19 determined this case shall be stayed in the interests of justice and judicial economy and
20 efficiency. Plaintiff’s pending Motions (Dkt. 45, 49, 50) are denied without prejudice.

21 “A district court has discretionary power to stay proceedings in its own court under
22 *Landis v. North American Co.*” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005)
23 (citing *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)); *Ali v. Trump*, 2017 WL
24

1 1057645, at *3 (W.D. Wash. Mar. 17, 2017) (“Courts have the power to consider stays *sua*
2 *sponte*.”). “The power to stay a case is ‘incidental to the power inherent in every court to control
3 the disposition of the causes on its docket with economy of time and effort for itself, for counsel,
4 and for litigants.’” *Halliwell v. A-T Sols.*, 2014 WL 4472724, at *7 (S.D. Cal. Sept. 10, 2014)
5 (quoting *Landis*, 299 U.S. at 254). The Ninth Circuit has held:

6 A trial court may, with propriety, find it is efficient for its own docket and the
7 fairest course for the parties to enter a stay of an action before it, pending
8 resolution of independent proceedings which bear upon the case. This rule applies
9 whether the separate proceedings are judicial, administrative, or arbitral in
10 character, and does not require that the issues in such proceedings are necessarily
11 controlling of the action before the court. In such cases the court may order a stay
12 of the action pursuant to its power to control its docket and calendar and to
13 provide for a just determination of the cases pending before it.

14 *Leyva v. Certified Grocers of California, Ltd.*, 593 F.2d 857, 863–64 (9th Cir. 1979) (internal
15 citations omitted).

16 To determine if a stay is appropriate, the Court should weigh the “competing interests
17 which will be effected by the granting or refusal to grant a stay,” including “the possible damage
18 which may result from the granting of a stay, the hardship or inequity which a party may suffer
19 in being required to go forward, and the orderly course of justice measured in terms of the
20 simplifying or complicating of issues, proof, and questions of law which could be expected to
21 result from a stay.” *See Lockyer*, 398 F.3d at 1110 (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265,
22 268 (9th Cir. 1962)).

23 The Court finds the interests of justice and judicial efficiency and economy warrant a stay
24 in this case. In this Court, the claims of approximately 200 Plaintiffs alleging constitutional
violations arising from the potable water at the SCC have been consolidated in a related case. *See*
Malone v. Strong, 3:16-cv-5284-RBL-DWC (“Related Case”). An answer has not been filed in
Malone and, therefore, a scheduling order has not been entered and discovery has not begun. In

1 the current case, a scheduling order has been entered and the discovery period is open. *See* Dkt.
2 21. The Related Case and the current case, which are similar in law and fact, are at different
3 procedural postures, which may impact over 200 Plaintiffs. Further, Plaintiff has case
4 management orders which restrict his ability to conduct discovery. If the Court stays Plaintiff's
5 case pending the filing of a scheduling order in the Related Case, discovery can be addressed
6 efficiently and economically for all claims arising from the potable water at the SCC. The Court
7 can also direct that Plaintiff receive the necessary discovery without burdening the litigants or
8 the Court.

9 For the above stated reasons, this entire matter is stayed pending further order from this
10 Court. The Court anticipates the stay will be lifted when a pretrial scheduling order is entered in
11 the Related Case. Motions will not be considered by the Court during the stay. Plaintiff's
12 pending Motions (45, 49, 50), which relate to discovery, are denied without prejudice.

13 Dated this 9th day of May, 2017.

14 

15 _____
16 David W. Christel
17 United States Magistrate Judge
18
19
20
21
22
23
24