

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

HAFCO FOUNDRY AND MACHINE  
COMPANY, INCORPORATED,

Plaintiff,

v.

CIVIL ACTION NO. 1:15-16143

GMS MINE REPAIR AND  
MAINTENANCE, INC.,

Defendant.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the parties' joint motion to stay pending appeal. (ECF No. 115). Defendant has filed an appeal with the United States Court of Appeals for the Federal Circuit seeking review of this court's orders granting plaintiff's motion for a permanent injunction and denying defendant's motion for judgment as a matter of law and denying in part and granting in part defendant's motion for a new trial. The court granted defendant's motion insofar as it requested a new trial on damages. The parties ask the court to put the new trial on damages on hold pending resolution of the appeal because, according to them, if defendant prevails on appeal, it would make more sense to retry the whole matter at once.

Based on the foregoing, the parties' joint motion to stay is **GRANTED**, this matter is **STAYED** pending resolution of the appeal, and the Clerk is directed to remove this matter from the

court's active docket. In granting this motion, the court expresses no opinion on whether the its Memorandum Opinion and Order dated March 30, 2018, ECF No. 99, is an appealable order.

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record.

**IT IS SO ORDERED** this 26th day of June, 2018.

ENTER:

A handwritten signature in cursive script that reads "David A. Faber". The signature is written in black ink and is positioned above a horizontal line.

David A. Faber

Senior United States District Judge