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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WEALTHY, INC., et al.,	Plaintiff(s),	Case No. 2:21-CV-1173 JCM (EJY)
v.		ORDER
SPENCER CORNELIA, et al.,	Defendant(s).	

Presently before the court is Spencer Cornelia, Cornelia Media, and Cornelia Education LLC (collectively “defendants”)’s motion to stay the case. (ECF No. 46). Wealthy, Inc. and Dale Buczkowski (collectively “plaintiffs”) filed a response (ECF No. 49), to which defendants replied (ECF No. 56).

The power to stay proceedings is incidental to the inherent power in every court to control the disposition of its cases in the interests of efficiency and fairness to the court, counsel, and litigants. *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936). “The exertion of this power calls for the exercise of sound discretion.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). Courts appropriately exercise their discretion to stay a case when the resolution of another legal proceeding will have a direct impact on the issues before the court. *See Mediterranean Enters. v. Ssangyong Corp.*, 708 F.2d 1458 (9th Cir. 1983).

In determining whether to stay a case, courts must weigh “competing interests which will be affected by the granting or refusal to grant a stay.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (citing *CMAX*, 300 F.2d at 268). These competing interests include:

. . . the possible damage which may result from the granting of a stay, the hardship or inequity which a party may suffer in being required to go forward, and the orderly course of justice measured

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in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay.

Id. (citing *CMAX*, 300 F.2d at 268). The movant bears the burden of establishing the need to stay the case. *Clinton v. Jones*, 520 U.S. 681, 708 (1997).

Here, defendants address none of those interests. They instead spend almost all their two-page motion discussing the utility of consolidating this case with another case before the court. Defendants present no legal argument supporting their motion to stay, nor do they point to any specific hardship that would result from denial of the stay. Defendants fail to carry their burden of establishing a need to stay the case.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants' motion to stay (ECF No. 46) be, and the same hereby is, DENIED.

DATED October 21, 2022.


UNITED STATES DISTRICT JUDGE