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Date: 6/21/2016 11:04:03 AM
Subject: Fwd: Activity in Case 1:16-cv-00391-JMC State of South Carolina v. United States et al
Order on Motion to Stay

FYI.

Motion to stay proceedings in MOX case denied.

Randy Lowell
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Order on Motion to Stay

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U.S. District Court

District of South Carolina

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Case Name: State of South Carolina v. United States et al

Case Number: 1:16-cv-00391-JMC

Filer:

Document Number: 43(No document attached)

Docket Text:

TEXT ORDER denying [20] Motion to Stay: This matter is before the court on Defendants Motion

to Stay Proceedings on Plaintiffs Motion for Summary Judgment (ECF No. [20]) seeking to stay all proceedings on Plaintiffs pending Motion for Summary Judgment (ECF No. [10]) until the court adjudicates Defendants pending Motion to Dismiss (ECF No. [17]). In support of their Motion to Stay, Defendants assert that all Plaintiffs claims are subject to dismissal on jurisdictional or other legal grounds and, therefore, concerns for judicial economy and litigation efficiency make it appropriate for the [c]ourt to resolve [D]efendants Motion to Dismiss before proceeding to summary judgment. (ECF No. [20] at 4.) Plaintiff opposes the Motion to Stay arguing that Defendants have not met their burden to demonstrate a need for a stay, and both judicial economy and the prejudice to South Carolina if such stay is granted weigh heavily in favor of denying the stay request. (ECF No. [35] at 1.) When considering a motion to stay, the district court should consider three factors: (1) the interests of judicial economy; (2) hardship and equity to the moving party if the action is not stayed; and (3) potential prejudice to the non-moving party. *Johnson v. DePuy Orthopaedics, Inc.*, No. 3:12-cv-2274, 2012 WL 4538642, at *2 (D.S.C. Oct. 1, 2012) (granting stay pending a transfer of the case to MDL) (citation omitted). In view of these factors, the court finds that a stay would not serve the interests of judicial economy and could cause prejudice to Plaintiff. In this regard, the court understands that it will first have to address the merits of Defendants Motion to Dismiss asserting a lack of subject matter jurisdiction. In *re Bulldog Trucking, Inc.*, 147 F.3d 347, 352 (4th Cir. 1998) (A federal court is required, sua sponte, to determine if a valid basis for its jurisdiction exists, and to dismiss the action if no such ground appears.) (citation omitted). However, the court is also persuaded that judicial economy will be best served by allowing the parties to proceed with their arguments relevant to Plaintiffs Motion for Summary Judgment at the June 30, 2016 hearing (ECF No. [34]), even if the court has to allow for discovery and additional briefing subsequent to the hearing. Accordingly, the court **DENIES** Defendants Motion to Stay Proceedings on Plaintiffs Motion for Summary Judgment (ECF No. [20]). Signed by Honorable J Michelle Childs on 6/21/16.(alew,)

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