

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

YUSEF I. JABER,

Plaintiff,

v.

2002-CV-0155

SUFIAN ABDULLAH,

Defendant.

TO: Edward L. Barry, Esq.
Warren B. Cole, Esq.

ORDER DENYING DEFENDANT'S MOTION TO STAY PROCEEDINGS

THIS MATTER came before the Court upon Defendant's Motion to Stay Proceedings (Docket No. 40). Plaintiff filed an opposition to said motion, and Defendant filed a reply thereto.

The decision whether to grant a stay lies within the discretion of the Court.

The power to stay proceedings is incidental to the power inherent in every court to schedule disposition of the cases on its docket so as to promote fair and efficient adjudication. How this can best be done is a decision properly vested in the trial courts.

Gold v. Johns-Manville Sales Corp., 723 F.2d 1068, 1077 (3d Cir. 1983) (citing *Landis v. North American Co.*, 299 U.S. 248, 254-55, 57 S. Ct. 163, 165-66 (1936)).

Jaber v. Abdullah

2002-CV-0155

Order Denying Defendant's Motion to Stay Proceedings

Page 2

Having reviewed the written submissions of the parties and upon due consideration thereof, the Court finds that Defendant has not shown that a stay is warranted. As observed by Plaintiff, the execution lien held by the Estate of Martin Luddington against Plaintiff has no effect on the rights and liabilities to be determined in this action.

This matter was tried by the undersigned, by consent of the parties, on October 12, 2007. As directed by the Court at the close of trial, Plaintiff has filed his proposed findings of fact and conclusions of law. After Defendant has submitted his proposed findings of fact and conclusions of law, the Court will render a decision regarding the amount Defendant is indebted to Plaintiff.¹ The Court sees no reason to stay such determination at this juncture.

WHEREFORE, it is now hereby **ORDERED**:

1. Defendant's Motion to Stay Proceedings (Docket No. 40) is **DENIED**.
2. Defendant shall file his proposed findings of fact and conclusions of law with the Court on or before **November 30, 2007**.

1. Defendant admitted owing some monies to Plaintiff at trial. Trial Transcript at 13. Defendant disputes only the amount owed.

Jaber v. Abdullah

2002-CV-0155

Order Denying Defendant's Motion to Stay Proceedings

Page 3

ENTER:

Dated: November 20, 2007

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE