

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

8/13/2004 4:30 pm

WALTER A.Y.H. CHINN, CLERK

CASE NUMBER: CIVIL 02-00627
CASE NAME: ERIC RODRIGUES, RICHARD PARANADA, VICTOR
MANDRIAL, and LYMAN CORONIL V. TANADGUSIX
CORPORATION
ATTYS FOR PLAINTIFF Jeffrey A. Griswold
ATTYS FOR DEFENDANT Rob Roy Smith
Leslie C. Maharaj

JUDGE:	Helen Gillmor	REPORTER:	Stephen Platt
DATE:	August 13, 2004	TIME:	9:45 - 10:20

MINUTE ORDER

COURT ACTION:

A status conference was held regarding the imposition of a stay pending a decision by the United States Court of Appeals for the Ninth Circuit in Tanadgusix Corporation v. Huber et al., No. A02-0032-CV (D. Alaska Dec. 5, 2002), appeal docketed, No. 02 36142 (9th Cir.).

A trial court has the inherent authority to control its own docket and calendar. See Young v. Immigration and Naturalization Service, 208 F.3d 1116 (9th Cir. 2000) (citing Landis v. North American Co., 299 U.S. 248, 254-55 (1936)). In particular, where the resolution of independent proceedings will affect a case before a trial court, the trial court may find that efficiency and fairness would best be served by the court's entering a stay of the action before the court, pending resolution of the independent proceedings. Id. at 1119-20.

The United States Court of Appeals for the Ninth Circuit has clarified that a trial

court may enter a stay of an action before it, pending resolution of independent proceedings, whether the separate proceedings are judicial, administrative, or arbitral in character. Id. at 1120. The Court of Appeals has also clarified that the issues raised in the separate proceedings need not be controlling in the action before the trial court to justify entry of a stay. Id.

On January 5, 2004, the Court issued an Order in which it, inter alia, denied the parties' cross-motions for summary judgment, concluding that genuine issues of material fact remained in dispute. The Court cited as relevant the order issued by the United States District Court for the District of Alaska, in Tanadgusix Corporation, et al. v. Huber, et al., No. A02-0032-CV (D. Alaska Dec. 5, 2002), at 15-16, appeal docketed, No. 02-36142 (9th Cir.).

The order of the Alaska District Court was appealed to the United States Court of Appeals for the Ninth Circuit. The Court of Appeals heard oral argument on July 7, 2004.

This Court finds that efficiency and fairness would best be served by entry of a stay of the action herein, pending resolution of the Huber case by the appellate court. See Young, 208 F.3d at 1119-20.

This action is STAYED pending a decision by the United States Court of Appeals for the Ninth Circuit in Tanadgusix Corporation, et al. v. Huber, et al., No. A02-0032-CV (D. Alaska Dec. 5, 2002), at 15-16, appeal docketed, No. 02-36142 (9th Cir.). Within 14 days of the filing of a decision by the appellate court, the Court will set a status conference.

Submitted by: David H. Hisashima, Courtroom Manager

cc: The above-listed attorneys.
Judge Gillmor's chambers