

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DEMETRA HENDERSON-
BURKHALTER, GREGORY OFFRAY,
AND JACQUELINE THOMPSON

CIVIL ACTION

VERSUS

NO: 18-928

NATIONAL UNION FIRE
INSURANCE COMPANY, ET AL.

SECTION: "J"(5)

ORDER

The Court has received reliable information that there is an ongoing criminal investigation by the U.S. Attorney's Office that may involve this proceeding and/or witnesses or counsel to the proceeding.

"In determining whether to stay civil cases in the face of parallel criminal proceedings, courts consider 1) the overlap between the civil and criminal case; 2) the status of the criminal case; 3) private interests of the plaintiff; 4) private interest of the defendants; 5) the interests of the court; and 6) the public interest."¹

The Court finds that it is in the best interest of the parties, the court, and the public to stay this proceeding pending the conclusion of this criminal investigation.² This stay will protect plaintiffs from any risks associated with testifying in this proceeding while this criminal investigation is pending. This stay is also in

¹ Dolan v. Parish of St. Tammany, No. 12-2911, 2013 WL 3270616, at *6 (E.D. La. June 26, 2013). Case 2:19-cv-09978-SM-JCW Document 13 Filed 06/03/19 Page 1 of 2

² Orders staying similar cases have been issued by Judge Susie Morgan (*Consuela Lee, et al. v. Sentry Casualty Company et al.*, 19-cv-9978 at Rec. Doc. 13), Judge Sarah Vance (*Kierra Thomas, et al. v. Randall Chambers, et al.*, 18-cv-4373 at Rec. Doc. 220), Judge Lance Africk (*Harry Dorsey, et al. v. Courtney Jamair, et al.*, 18-cv-6603 at Rec. Doc. 162), and Judge Ivan Lemelle (*Dmitri Frazier, et al. v. Robert L. Runnels, et al.*, 18-cv-2340 at Rec. Doc. 111).

defendants' interests, because proceeding to trial before the criminal investigation concludes could result in certain witnesses invoking their Fifth Amendment privilege.

This stay applies to all aspects of this litigation, including any pending motions currently before Magistrate Judge North. The matter may be reopened upon the motion of either party demonstrating that the criminal investigation has concluded, at which time a new trial date will be set. Finally, plaintiffs are advised that they should obtain independent legal advice concerning any risks they may face in continuing with this litigation.

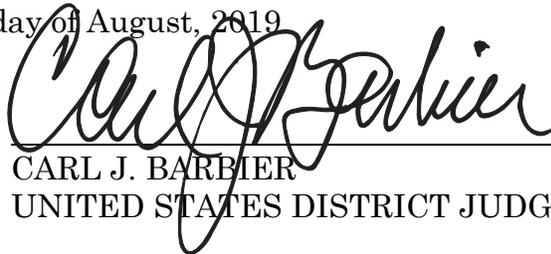
Accordingly;

IT IS ORDERED that the above-captioned case is **STAYED** and administratively closed.

IT IS FURTHER ORDERED that all motions pending before the undersigned and U.S. Magistrate Judge North are **DISMISSED WITHOUT PREJUDICE**, reserving to the parties the right to reurge any motions when the above-captioned matter is reopened.

IT IS FURTHER ORDERED that the pretrial conference currently set for Thursday, August 15, 2019 is **CANCELLED**.

New Orleans, Louisiana, this 15th day of August, 2019



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**CONSUELA LEE, ET AL.
Plaintiffs**

CIVIL ACTION

VERSUS

NO. 19-9978

**SENTRY CASUALTY COMPANY, ET AL.
Defendants**

SECTION: "E" (2)

ORDER

The Court has received reliable information that there is an ongoing criminal investigation by the U.S. Attorney's Office that may involve this proceeding and/or witnesses or counsel to the proceeding.

"In determining whether to stay civil cases in the face of parallel criminal proceedings, courts consider 1) the overlap between the civil and criminal case; 2) the status of the criminal case; 3) private interests of the plaintiff; 4) private interest of the defendants; 5) the interests of the court; and 6) the public interest."¹ The Court finds that it is in the best interest of the parties, the court, and the public to stay this proceeding pending the conclusion of this criminal investigation. This stay will protect plaintiffs from any risks associated with testifying in this proceeding while this criminal investigation is pending. This stay is also in defendants' interests, because proceeding to trial before the criminal investigation concludes could result in certain witnesses invoking their Fifth Amendment privilege.

This stay applies to all aspects of this litigation, including any pending motions currently before Magistrate Judge Wilkinson. The matter may be reopened upon the motion of either party demonstrating that the criminal investigation has concluded, at

¹ *Dolan v. Parish of St. Tammany*, No. 12-2911, 2013 WL 3270616, at *6 (E.D. La. June 26, 2013).

which time a new trial date will be set. Finally, plaintiffs are advised that they should obtain independent legal advice concerning any risks they may face in continuing with this litigation.

Accordingly;

IT IS ORDERED that the above-captioned case is **STAYED** and administratively closed.

New Orleans, Louisiana, this 3rd day of June, 2019.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KIERRA THOMAS, ET AL.

CIVIL ACTION

VERSUS

NO. 18-4373

RANDALL CHAMBERS, ET AL.

SECTION "R" (4)

ORDER

The Court has received reliable information that there is an ongoing criminal investigation by the U.S. Attorney's Office that may involve this proceeding and/or witnesses or counsel to the proceeding.¹ The Court finds that it is in the best interest of the parties, the court, and the public to stay this proceeding pending the conclusion of this criminal investigation. *See Dolan v. Parish of St. Tammany*, No. 12-2911, 2013 WL 3270616, at *6 (E.D. La. June 26, 2013) ("In determining whether to stay civil cases in the face of parallel criminal proceedings, courts consider 1) the overlap between the civil and criminal case; 2) the status of the criminal case; 3) private interests of the plaintiff; 4) private interest of the defendants; 5) the interests of the court; and 6) the public interest."). This stay will protect plaintiffs from any risks associated with testifying in this proceeding while this criminal

¹ At a status conference before the Court on May 28, 2019, defendants' counsel and plaintiffs' counsel both submitted to the Court documentation for *in camera* review establishing the existence of this criminal investigation.

investigation is pending. This stay is also in defendants' interests, because proceeding to trial before the criminal investigation concludes could result in certain witnesses for the defense invoking their Fifth Amendment privilege.

This stay applies to *all aspects* of this litigation, including any pending motions currently before Magistrate Judge Roby. The matter may be reopened upon the motion of either party demonstrating that the criminal investigation has concluded, at which time a new trial date will be set. Finally, plaintiffs are advised that they should obtain independent legal advice concerning any risks they may face in continuing with this litigation.

IT IS ORDERED that the above-captioned case is STAYED and administratively closed.

New Orleans, Louisiana, this 29th day of May, 2019.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LANELL SMITH, ET AL.

CIVIL ACTION

VERSUS

NO. 18-9464-WBV-DMD

MICHAEL TENSLEY, ET AL.

SECTION: D (3)

ORDER

Given that there is an ongoing criminal investigation by the United States Attorney's Office that may involve this case or witnesses or counsel to this proceeding, the Court finds that a stay is warranted.

A civil plaintiff who is also a criminal defendant has both a Fifth Amendment right to silence and a due process right to a judicial determination of her civil action.¹ In determining whether to stay a civil proceeding in the face of parallel criminal proceedings, courts generally consider: (1) the overlap between the civil and criminal case; (2) the status of the criminal case; (3) private interests of the plaintiff; (4) private interests of the defendants; (5) the interests of the court; and (6) the public interest.²

Although no party has requested a stay of this matter, this Court has stayed similar litigation due to the ongoing criminal investigation. *See, Reff, et al. v. Werner Enterprises, Inc., et al.*, Civ. A. No. 18-8350 (R. Doc. 106) (Feldman, J.); *Henderson-*

¹ *Wehling v. Columbia Broadcasting Sys.*, 608 F.2d 1084, 1087-88 (5th Cir. 1979).

² *Dolan v. Parish of St. Tammany*, Civ. A. No. 12-2911, 2013 WL 3270616, at *6 (E.D. La. June 26, 2013) (citation omitted).

Burkhalter, et al. v. National Union Fire Insur. Co., et al., Civ. A. No. 18-928 (R. Doc. 135) (Barbier, J.); *Dorsey, et al. v. Jamair, et al.*, Civ. A. No. 18-6603 (R. Doc. 162) (Africk, J.); *Lee, et al. v. Sentry Casualty Co., et al.*, Civ. A. No. 19-9978 (R. Doc. 13) (Morgan, J.); *Thomas, et al. v. Chambers, et al.*, Civ. A. No. 18-4373 (R. Doc. 220) (Vance, J.); *Frazier, et al. v. Runnels, et al.*, Civ. A. No. 18-2340 (R. Doc. 111) (Lemelle, J.).

The Court finds that it is in the best interest of the parties, the Court and the public to stay this proceeding pending the conclusion of the criminal investigation. This stay will protect the Plaintiffs from any risks associated with testifying in this proceeding while the criminal investigation is pending. This stay is also in the Defendants' interest, given that proceeding to trial before the criminal investigation concludes could result in certain witnesses invoking their Fifth Amendment privilege.

This stay applies to all aspects of this litigation, including any pending motions currently before Magistrate Judge Douglas. The matter may be reopened upon the motion of either party demonstrating that the criminal investigation has concluded, or to present new information for consideration by the Court, at which time a new trial date will be set. Finally, the Plaintiffs are advised that they should obtain independent legal advice concerning any risks they may face in continuing with this litigation. Accordingly,

IT IS HEREBY ORDERED that this civil matter is **STAYED** and administratively closed.

IT IS FURTHER ORDERED that all motions pending before the undersigned and United States Magistrate Judge Douglas are **DISMISSED WITHOUT PREJUDICE**, reserving to the parties the right to reurge any motions when the above-captioned matter is reopened.

New Orleans, Louisiana, August 19, 2019.



WENDY B. MITTER
United States District Judge