

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ABINAIR MARTIN,)
)
 Plaintiff,)
)
 v.) 2:14-cv-00168-JAW
)
 BOULEVARD MOTEL CORP.,)
)
 Defendant.)

ORDER AFFIRMING ORDER DENYING MOTION TO STAY

On December 30, 2015, in a thoughtful and thorough decision, the Magistrate Judge denied the Plaintiff's motion to stay her employment discrimination case until the First Circuit Court of Appeals resolves two companion cases. *Order on Pl.'s Mot. to Stay* (ECF No. 41) (*Stay Order*). On January 6, 2016, Ms. Martin appealed the Order denying the motion to stay. *Pl.'s Obj. to Magistrate Judge's Order Denying Pl.'s Mot. to Stay* (ECF No. 42). On January 13, 2016, Boulevard Motel Corp. filed its response, urging the Court to affirm the Magistrate Judge's Order. *Def.'s Resp. to Pl.'s Obj. to Magistrate Judge's Order Denying Pl.'s Mot. to Stay* (ECF No. 43).

The Court affirms the Magistrate Judge and denies the appeal. Ms. Martin's appeal is pursuant to Federal Rule of Civil Procedure 72(a), which addresses the standard for review of non-dispositive rulings of a magistrate judge. FED. R. CIV. P. 72(a); *see also* 28 U.S.C. § 636(b)(1); *PowerShare, Inc. v. Syntel, Inc.*, 597 F.3d 10, 14 (1st Cir. 2010) (“[I]n the last analysis a stay order is merely suspensory” and is non-dispositive). Rule 72(a) provides that the district judge “must consider timely

objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” FED. R. CIV. P. 72(a). Under this standard, the Court reviews factual findings for clear error, *Phinney v. Wentworth Douglas Hosp.*, 199 F.3d 1, 4 (1st Cir. 1999), and gives plenary review to pure questions of law. *PowerShare*, 597 F.3d at 15. Here, Ms. Martin does not assert that the Magistrate Judge committed a clear error in his factual findings. To do so is to assume a difficult burden. *Phinney*, 199 F.3d at 4 (the reviewing court must “form a strong, unyielding belief that a mistake has been made”) (quoting *Cumpiano v. Banco Santander P.R.*, 902 F.2d 148, 152 (1st Cir. 1990)). Furthermore, whether to grant a motion to stay a proceeding lies within a judge’s discretion. *Good v. Altria Grp., Inc.*, 624 F. Supp. 2d 132, 134 (D. Me. 2009) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936)).

The Court easily concludes that the Magistrate Judge acted well within his discretion in denying the motion to stay. The Magistrate Judge considered several salient factors: (1) that the events that form the basis of this lawsuit occurred before August 24, 2011; (2) that the Complaint in this lawsuit was filed on March 21, 2014; (3) that this case has been ready for trial since February 27, 2015; (4) that the length of time the First Circuit Court of Appeals will require to resolve the pending appeals in the so-called companion cases is unclear; (5) that the final result of those appeals is uncertain; and (6) that, if successful on appeal, the prospect that the three cases will in fact be consolidated for trial with Ms. Martin’s case is also uncertain, especially in view of this Court’s prior denial of the motion to consolidate. *Stay Order* at 1-3. The Magistrate Judge accurately described Ms. Martin’s assertions regarding judicial

economy as “more hopeful than factual.” *Id.* at 3. In sum, the Court has no basis to overrule the Magistrate Judge’s order denying the motion to stay. Ms. Martin and Boulevard Motel Corp. have waited long enough to resolve this dispute.

The Court AFFIRMS the Magistrate Judge’s Order on Plaintiff’s Motion to Stay (ECF No. 41) and OVERRULES Plaintiff’s Objection to Magistrate Judge’s Order Denying Plaintiff’s Motion to Stay (ECF No. 42).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 14th day of January, 2016