

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

GORSS MOTELS, INC. and E & G, INC.,

Plaintiffs,

v.

Case No: 6:16-cv-1638-Orl-31DCI

SAFEMARK SYSTEMS, LP,

Defendant.

ORDER

The Plaintiffs seek a stay while they appeal this Court's order (Doc. 84) denying certification of their proposed class. Upon review of their motion (Doc. 88) and the Defendant's response in opposition (Doc. 92), the Court finds that a stay is not warranted. Even assuming *arguendo* that the Plaintiffs have a substantial likelihood of success on the merits – specifically, on the issue of whether the Court properly found the holding of *Boris Yaakov of Spring Valley v. FCC*, 852 F.3d 1078 (D.C. Cir. 2017) to be persuasive – the Plaintiffs have not made a sufficient showing that they will suffer irreparable harm in the absence of a stay, or that the harm threatening them outweighs the potential harm to the Defendant, or that the public interest would be better served by a stay. *See Nieberding v. Barrette Outdoor Living, Inc.*, 2014 WL 5817323, at *1 (D. Kan. Nov. 10, 2014) (articulating the four factors courts normally consider in deciding whether to stay a case pending appeal). According, the Motion to Stay (Doc. 88) is **DENIED**.

DONE and ORDERED in Chambers, Orlando, Florida on June 25, 2018.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE