

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KELLY E. YOUNG,

Plaintiff,

v.

Case No: 2:17-cv-538-FtM-38CM

EQUIFAX INC.,

Defendant.

ORDER

This matter comes before the Court upon review of Defendant's Motion to Stay or, in the Alternative, for an Extension of Time to Respond to Complaint with Incorporated Memorandum of Law (Doc. 9) filed on October 23, 2017.

On September 28, 2017, Plaintiff Kelly Young filed a complaint against Defendant alleging negligence and violation of the Fair Credit Reporting Act. Doc. 1. Plaintiff's Complaint was one of over two-hundred putative class action suits filed in the wake of Equifax's data security breach. Doc. 9 at 2. Defendant's response to the complaint was due on October 24, 2017. *Id.* at 2. Prior to the deadline for Defendant's response, Defendant filed a motion requesting that the Court stay this action due to a request for consolidation and transfer under 28 U.S. C. § 1407 in a related case, *McGonnigal v. Equifax, Inc.*, No. 1:17-cv-03422-WS (N.D. Ga., filed Sept. 7, 2017). *Id.* Defendant states that numerous notices of related actions have already been filed with the Judicial Panel on Multidistrict Litigation ("JPML"), and that it is aware of additional cases that have not yet been noticed to the JPML. *Id.*

Defendant requests a stay of these proceedings pending the JPML's ruling on the pending motion for consolidation and transfer. Doc. 9 at 5.

Defendant informs the Court that it has consulted with Plaintiff's counsel, who indicated that Plaintiff does not oppose the motion so long as the stay is without prejudice to Plaintiff's filing an amended complaint. *Id.* at 1. To date, Plaintiff has filed no response opposing Defendant's motion, and the time to do so has now expired. *See generally*, Docs. 1-11.

A district court has broad discretion to stay proceedings to control its own docket. *Clinton v. Jones*, 520 U.S. 681, 683 (1997). A stay is proper where its scope is properly limited and not "immoderate." *Ortega Trujillo v. Conover & Co. Communications, Inc.*, 221 F.3d 1262, 1264 (11th Cir. 2000) (citing *CTI-Container Leasing Corp. v. Uiterwyk Corp.*, 685 F.2d 1284, 1288 (11th Cir. 1982)). Here, judicial efficiency is best served by a stay of this action pending the JPML's ruling on the pending motion for consolidation and transfer.

ACCORDINGLY, it is hereby

ORDERED:

1. Defendant's Motion to Stay or, in the Alternative, for an Extension of Time to Respond to Complaint with Incorporated Memorandum of Law (Doc. 9) is **GRANTED**. The matter is **STAYED**, and the Clerk is directed to add a stay flag to the case.

2. The stay shall remain in effect until such time as the Judicial Panel for Multidistrict Litigation rules on the motion for consolidation and transfer in *In re*

Equifax, Inc., Customer Data Security Breach Litigation, MDL No. 2800 (J.P.M.L. Sept. 11, 2017).

3. Plaintiff shall file a status report with the Court advising the Court of the status of the Judicial Panel for Multidistrict Litigation proceedings every 30 days from the date of this Order.

4. Plaintiff is directed to file a notice with the Court once the Judicial Panel for Multidistrict Litigation has issued its ruling.

DONE and **ORDERED** in Fort Myers, Florida on this 16th day of November, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record