

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

PNC BANK, NATIONAL  
ASSOCIATION and PNC  
EQUIPMENT FINANCE, LLC,

Plaintiffs,

v.

Case No: 2:18-cv-626-FtM-99CM

STEVEN P. PHARIS and JODI-  
ANN PHARIS,

Defendants.

---

**ORDER**

This matter comes before the Court upon review of the Joint Motion for Temporary Stay Pending Mediation filed on November 2, 2018. Doc. 11. The parties seek to stay these proceedings for up to ninety (90) days to “partake in formal mediation and settlement negotiations.” *Id.* at 1-2. For the reasons stated herein, the motion will be granted in part and denied in part.

“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also Ricks v. Allied Interstate, LLC*, No. 3:16-cv-00205-HES-PDB, 2016 WL 4505173, at \*1 (M.D. Fla. July 11, 2016). This is best accomplished by the “exercise of judgment, which must weigh competing interests and maintain an even balance.” *Landis*, 299 U.S. at 255. A stay is proper when its scope is properly limited and not “immoderate.” *Ortega Trujillo v. Conover & Co. Commc’ns, 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, the Court finds good cause to grant the motion in part and stay these proceedings pending mediation and settlement discussions. The stay may reduce the burden and cost of litigation on the parties by facilitating settlement of the case or narrowing the issues. A stay of up to ninety (90) days in this situation, however, is insufficiently limited in scope. *See Ortega Trujillo*, 221 F.3d at 1264. Thus, based on the totality of circumstances and because the parties jointly filed the motion, the Court will stay the case for up to sixty (60) days.

ACCORDINGLY, it is

**ORDERED:**

1. The Joint Motion for Temporary Stay Pending Mediation (Doc. 11) is **GRANTED in part and DENIED in part.**
2. The Clerk is directed to add a stay flag to the docket.
3. The parties are directed to file a status report by **January 2, 2019** to advise the Court of their intention to dismiss the case or lift the stay.

**DONE** and **ORDERED** in Fort Myers, Florida on this 6th day of November, 2018.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record