

CAUSE NO. 2021-34123

ME ALPHA III, LLC	§	IN THE DISTRICT COURT
	§	
VS	§	151 ST JUDICIAL DISTRICT
	§	
DAVID MURRAY	§	HARRIS COUNTY, TEXAS

DEFENDANT’S MOTION TO STAY PROCEEDINGS

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Defendant David Murray, in the above numbered and styled cause, and files this Motion to Stay Proceedings pending the resolution of United States District Court Central District of California – Southern District case styling *Complaint for Declaratory Relief: Nationwide Mutual Insurance Company vs. David E. Murray*, and in support thereof shows the following:

I.

This case is currently set for trial on the two-week docket starting March 4, 2023. This suit stems from a July 3, 2019, fire at a residence allegedly owned by Plaintiff that was being used by Defendant. Plaintiff Me Alpha III, LLC contends the fire was caused by the negligence of Defendant Murray. Plaintiff is seeking property damages from Defendant. Defendant Murray is a director in the entity that is Plaintiff Me Alpha III, LLC. There is a separate coverage dispute that is ongoing in a Southern Division United States District Court of California. *See Exhibit “A”*. The coverage dispute centers on whether a Nationwide insurance policy providing liability coverage for Defendant Murray is applicable to the incident at issue. *Id.* This declaratory relief action goes to a central issue in the current matter and to the need for a trial as the determination of coverage for Defendant impacts possible resolution.

II.

The trial court has the inherent power to stay a matter for judicial efficiency. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254–55, 57 S.Ct. 163, 81 L.Ed. 153 (1936). A court weighing whether a stay is appropriate in is to consider prejudice and hardship to the parties and judicial efficiency. *Trahan v. BP*, 2010 WL 4065602, at *1 (S.D.Tex. Oct. 15, 2010). In the current matter, the prejudice to the parties is outweighed by the benefit of allowing a determination in the declaratory relief matter. Specifically, the determination of coverage will possibly allow for the parties to save on litigation costs including additional depositions, mediation, and trial. There is no significant hardship to the delay in a trial setting to allow the coverage determination and likely assist in the parties avoiding the need for trial with information as to coverage.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the court grant the Motion for Stay and for such other and further relief to which it may be justly entitled and will ever pray.

Respectfully submitted,

WALTERS, BALIDO & CRAIN, L.L.P.

/s/ Jason A. Martin

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served upon counsel for Plaintiff pursuant to TRCP Rule 21a on this the 5th day of February 2024.

/s/ Jason A. Martin

JASON A. MARTIN

CERTIFICATE OF CONFERENCE

I hereby certify that on the 21st of December 2023 and 5th of February 2024 counsel for Defendant attempted conferment but as of the filing of this motion, it is unknown if the motion is agreed or opposed. Defendant will update this certificate of conference upon hearing from counsel for Plaintiff.

Jason Martin

JASON A. MARTIN

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Filing Code Description: Motion (No Fee)
Filing Description: Defendant's Motion to Stay Proceedings
Status as of 2/7/2024 3:43 PM CST

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