

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GARY C. WARREN, ET AL.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C.A. No. 07-725-SLR/LPS
	:	
NEW CASTLE COUNTY,	:	
	:	
Defendant.	:	

ORDER

At Wilmington this **16th of April, 2010**:

Having considered the County's request for reargument (D.I. 74) on the Court's decision to grant the Plaintiff's request for an eleventh stay (D.I. 73), and having reviewed the parties' letter briefs on this matter (D.I. 76; D.I. 77; D.I. 78),

IT IS HEREBY ORDERED THAT the County's request is **GRANTED**. The stay is **VACATED**.

The Court issued its Report and Recommendation recommending that the County's motion to dismiss be granted on June 26, 2008. (D.I. 42) Thereafter, the parties jointly moved the Court for a series of ten stays, each of which the Court granted (see, e.g., D.I. 46; D.I. 58; D.I. 69), and which have combined to stay this case for a period that now extends to more than twenty months. On March 29, 2010, Plaintiffs sought a further stay (D.I. 73), to run until August 30, 2010, which the County opposed (D.I. 73 at 5-6). On March 30, 2010, the Court granted Plaintiffs' requested stay.


Whether to stay litigation is a matter left to the broad discretion of the Court. See generally *Williams v. Cambridge Integrated Services Group*, 148 Fed.

Appx. 87, 89 (3d Cir. Aug. 29, 2005). Having given the matter further consideration, and weighing the competing interests on both sides, the Court concludes that the best exercise of its discretion is to lift the stay. The Court recognizes that there will always be external events that might make a continued stay preferable for one or more parties. (See D.I. 77 at 2-4.) Yet there is also an imperative that litigation proceed, particularly where the parties have for a long time been in agreement that it be stayed but no longer are.

Accordingly, objections to the Report and Recommendation, if any, are to be filed no later than **June 16, 2010**. Responses to such objections are to be filed no later than **July 16, 2010**. No further briefing shall be permitted without leave of the Court.

Nothing in this Order is intended to affect the Stipulated Status Quo Order entered on March 30, 2010.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.



UNITED STATES MAGISTRATE JUDGE