

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

<b>CHASE WHITE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case no. 13-2386-EFM</b>
	)	
<b>PASHA DISTRIBUTION CORP.,</b>	)	
	)	
<b>Defendant.</b>	)	
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**MEMORANDUM AND ORDER**

This matter is before the court on plaintiff’s motion for a temporary stay of this case (**Doc. 4**). Specifically, plaintiff requests that the court stay all proceedings until Judge Ortrie D. Smith has ruled on plaintiff’s pending motion in *White v. Pasha Distribution Corp.*, Case No. 11-0975-ODS (W. D. Mo).

**Background**

In September 2011, plaintiff filed an action in the United States District Court for the Western District of Missouri (“Western District”), asserting claims under the Fair Labor Standards Act.<sup>1</sup> In February 2012, a second similar suit was filed in that same district, and in May 2012 the parties reached a global settlement that included both Western District cases and also suits filed in California. All five suits were then transferred to the Western District for resolution. However, disagreement arose

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<sup>1</sup> These facts are taken from the Complaint (Doc. 1) and the Order (Doc. 192) entered by Judge Smith on October 31, 2013 (*White v. Pasha Distribution Corp.*, 11-0975-ODS, 2013 WL 5883789, at \*1-\*2 (W.D. Mo.)).

regarding the scope of the settlement agreement. Specifically, plaintiff believed that settlement would not resolve his separate claim for retaliation, while defendant believed the settlement incorporated a release of all claims, including retaliation. The current action in the District of Kansas was filed in August 2013, following which defendant sought to enjoin plaintiff's pursuit of this case by filing a motion in the Western District. On October 31, 2013, Judge Smith entered an order enjoining plaintiff from proceeding further in the instant case.<sup>2</sup>

### **Analysis**

Because of the injunction entered by Judge Smith, defendant argues that the only appropriate action by plaintiff is dismissal of this case. However, on November 11, 2013, plaintiff filed a motion to clarify and/or amend the order in the Western District.<sup>3</sup> Plaintiff believes further interpretation by Judge Smith will clarify the procedure which plaintiff is required to follow in the case before this court.

The court finds that a stay of this matter is appropriate pending clarification by Judge Smith and such stay will not unduly prejudice either party. Accordingly, this case is stayed for thirty (30) days following the entry of this order.

**IT IS THEREFORE ORDERED** that plaintiff's motion (**Doc. 4**) to stay proceedings for thirty (30) days is **GRANTED**. Plaintiff is hereby directed to notify this court of a ruling by Judge Smith on his pending motion. If no such order has been

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<sup>2</sup> *White v. Pasha Distribution Corp.*, 11-0975-ODS, 2013 WL 5883789, at \*5 (W.D. Mo. Oct. 31, 2013).

<sup>3</sup> *White v. Pasha Distribution Corp.*, 11-0975-ODS (W. D. Mo.) (Doc. 195, filed Nov. 11, 2013).

entered, on or before **January 6, 2014**, the parties shall submit a status report to the undersigned U.S. Magistrate Judge by e-mail to [ksd\\_humphreys\\_chambers@ksd.uscourts.gov](mailto:ksd_humphreys_chambers@ksd.uscourts.gov), at which time the court may, on its own motion, continue the stay accordingly.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 6th day of December, 2013.

s/ Karen M. Humphreys  
KAREN M. HUMPHREYS  
United States Magistrate Judge