

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

ESTATE OF ROBERT E. WONE

Plaintiff,

v.

JOSEPH R. PRICE, et al.

Defendants

2008 CA 008315 B

The Honorable Brook Hedge

Next Event: Status Hearing 9.18.09

ORDER GRANTING JOINT MOTION TO STAY CIVIL PROCEEDINGS PENDING
CRIMINAL PROSECUTION

Before the Court is defendants' Joint Motion to Stay Civil Proceedings Pending Criminal Prosecution, plaintiff's opposition, and defendants' reply. Defendants are seeking to stay the captioned matter pending resolution of related criminal proceedings 2008 CF1 026996, 2008 CF1 026997, and 2008 CF1 027068. The Court agrees that the stay should be granted.

In determining whether a stay is appropriate, the Court must balance the competing interests of all parties, as well as, the public interest. While the plaintiff has an interest in finding out the underlying facts of her husband's death, even plaintiff's proposed protective order shows the problem with letting discovery proceed – both sides will need discovery from the government and there is a public interest in the criminal prosecution proceeding without interference through discovery. A stay in its entirety is even more appropriate in this case because the defendants have already been indicted. Plaintiff's argument that a stay is not supported by case law relies heavily on cases in which the parties had not yet been indicted. *See SEC v. Dresser Indus., Inc.*, 202 U.S. App. D.C. 345, 628 F.2d 1368 (1980) ("the strongest case for deferring civil proceedings until after completion of criminal proceedings is where a party under indictment for a serious offense is required to defend a civil or administrative action involving the same

matter.” *Id.* at 1375-76). While recognizing the competing interests at issue, the defendants’ have an exceedingly compelling interest in preserving their constitutional rights which outweighs the prejudice asserted by the plaintiff in this case.

The stay only extends through the criminal trial court proceedings, not through appeals or post-judgment motions. This way a fair balance can be struck among the competing interests of the plaintiff, the public interest, and the defendants’ constitutional rights. A status hearing is set for September 18, 2009; however, if a resolution is reached in the criminal trial proceedings before that time, the parties shall notify the Court so that the stay can be lifted and the matter can proceed. Accordingly, it is this 26th day of February, 2009, hereby

ORDERED that Defendants’ Joint Motion to Stay Civil Proceedings Pending Criminal Prosecution is GRANTED; and it is further

ORDERED that the instant civil proceedings are STAYED in their entirety, and no activity pursuant to this action, including third party discovery, may proceed until the criminal prosecutions pending against defendants are concluded at the trial level; and it is further

ORDERED that the stay does not extend through appeals or post-judgment motions; and it is further

ORDERED that Plaintiff’s Motion for Issuance of a Commission Asking the Supreme Court of New York, New York County, to Issue a Subpoena Compelling Verizon Communications Inc. to Produce Defendants’ Telephone and Email Records is DENIED without prejudice; and it is further

ORDERED that Defendants’ Joint Motion for Protective Order is DENIED without prejudice; and it is further

ORDERED that the Motion for Admission Pro Hac Vice is GRANTED; and it is further

ORDERED that the scheduling conference on February 27, 2009 is VACATED; and it is further

ORDERED that a status hearing is scheduled for September 18, 2009, at 10:00 a.m., in Courtroom 517.



BROOK HEDGE
JUDGE
(Signed in Chambers)

Copies served electronically through eFiling for Courts on:

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