

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

BRIAN BEGLEY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

WINDSOR SURRY COMPANY, d/b/a  
WINDSORONE; AND WINDSOR WILLITS  
COMPANY, d/b/a WINDSOR MILL,

Defendant.

Docket No. 1:17-cv-00317-LM

**JOINT MOTION FOR A STAY OF LITIGATION TO ALLOW THE PARTIES TIME  
TO ATTEMPT A RESOLUTION OF THIS MATTER AND AN EXTENSION OF  
DEFENDANTS' TIME TO RESPOND**

Plaintiff Brian Begley, on behalf of himself and all others similarly situated, (“Plaintiff”) and Defendants Windsor Surry Company and Windsor Willits Company (collectively referred to as “Defendants”) hereby jointly move for a stay of the litigation, to allow the parties to attempt a resolution of this matter, and an extension of Defendants’ time to respond to the complaint. District courts have the inherent authority to manage their dockets, including the power to stay proceedings when, in the court’s exercise of its discretion, it deems such a stay appropriate. *See, e.g., Clinton v. Jones*, 520 U.S. 681, 706, 117 S. Ct. 1636 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”). *See also Landis v. N. Am. Co.*, 299 U.S. 248, 254—55, 57 S. Ct. 163 (1936). Here, a stay is appropriate to allow the parties the opportunity to explore resolution prior to having to incur further litigation fees and costs.

This case centers on a product defect class action involving trim board that Defendants manufactured and sold. Similar class actions were filed against Defendants in the Northern District of California, entitled *Cover v. Windsor Surry Company, et al.*, Case No. 14-cv-05262-

WHO (the “Cover Action”), and in the District Court of Oregon, entitled *Torch v. Windsor Surry Company et al.*, Case No. 17-cv-00918-AA (the “Torch Action”). Recently, on April 30, 2018, Defendants attended a Settlement Conference in the Cover Action and reached a resolution with the named plaintiff. (See the Cover Action, Dkt. 211.) It should be noted that class counsel for Plaintiff, in this matter, is the same counsel in the Torch Action and represented the named plaintiff in the Cover Action. As a result of the recent resolution in the Cover Action, Defendants have agreed to discuss a resolution with both Plaintiff, in this matter, and the named plaintiffs in the Torch Action. The district court in the Torch Action, recently granted an informal request for a brief thirty (30) day stay and ordered the parties in the Torch Action to file a Joint Status Report, by June 4, 2018, regarding the status of resolution. (See the Torch Action, Dkt. 61.) Accordingly, the parties respectfully request that this Court issue a similar order to allow the parties to attempt a resolution of this matter in conjunction with the Torch Action.

Pursuant to the parties request for a stay, the parties also move this court, under Rule 16(b)(4), for an order to extend Defendants’ time to respond to Plaintiff’s complaint. Currently, the date to respond is May 8, 2018. Good cause exists to extend Defendants’ date to respond to allow Defendants to save costs and focus on discussions to resolve this matter. In the event this Court denies the Joint Motion for a Stay, the parties respectfully request that this Court set Defendants’ date to respond to within one week from the date of any denial of this motion.

Pursuant to Local Rule 7.1(c), Defendants have made a good faith attempt to obtain concurrence from Plaintiff as to the relief sought, to which Plaintiff has assented to.

Respectfully submitted,

**BRIAN BEGLEY**

By his attorneys,

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**WINDSOR SURRY COMPANY, d/b/a  
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COMPANY d/b/a WINDSOR MILL**

By their attorneys,

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Dated: May 8, 2018

**Certificate of Service**

I, Kip J. Adams, Esq., do hereby certify that, on this 8<sup>th</sup> day of May 2018, I caused a true and correct copy of the foregoing together with all of its papers to be served on counsel of record for all parties that have appeared in this action through the court's CM/ECF system.

/s/ Kip J. Adams  
Kip J. Adams, Esq.