

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|---------------------------------|---|---------------------------|
| JOSHUA BELL, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 4:22-cv-0873-JAR |
| vs. |) | |
| |) | |
| WALGREENS BOOTS ALLIANCE, INC., |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter is before the Court on Plaintiff’s motion to stay briefing on Defendants’ motion to dismiss pending a ruling on Plaintiff’s motion to remand the case to state court. The motion will be granted.

Plaintiff Joshua Bell filed this putative class action in Missouri state court against Illinois Defendants Walgreens Boots Alliance, Inc., and Walgreen Co., alleging deceptive marketing practices relating to the sale of cough and flu medicine and asserting numerous violations of Missouri state law. In his petition, Plaintiff purported to limit damages to less than the federal jurisdictional threshold of \$5 million pursuant to the Class Action Fairness Act, 28 U.S.C. 1332(d). Defendants removed the case to this Court on the basis of diversity jurisdiction, noting that Plaintiff’s claim for damages clearly exceeded the threshold of \$75,000 for individual plaintiffs.

Plaintiff has moved to remand the case, asserting that the stipulated damages cap explicitly applies to any and all class members and representatives such that the Court

lacks jurisdiction under CAFA. Concurrently, Defendants have filed a motion to dismiss the case based on federal preemption principles relating to FDA approval of the medication labels in question. Responses to both motions are due in six days, on September 12, 2022. Plaintiff now submits the present motion to stay briefing of Defendants' motion to dismiss pending the Court's ruling on his motion to remand in order to avoid a potentially unnecessary expenditure of resources. Defendants oppose the motion to stay, primarily arguing the merits of the Court's jurisdiction under CAFA as relevant to Plaintiff's motion to remand.


The Court's power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. *Covington v. Janssen Pharmaceuticals, Inc.*, 4:17-CV-1588 SNLJ, 2017 WL 3433611, at *3 (E.D. Mo. Aug. 10, 2017). Upon initial review of the parties' respective motions, the Court concludes that resolution of Plaintiff's motion to remand to state court necessarily precedes consideration of Defendants' motion to dismiss on federal preemption grounds.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion to stay briefing on Defendants' motion to dismiss is **GRANTED** pending further order of the Court. (Doc. 11).

IT IS FURTHER ORDERED that Defendants shall file their response to Plaintiff's motion to remand no later than **September 16, 2022**. Plaintiff shall file any reply within **10 days** thereafter.

Dated this 6th day of September 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE