



Plaintiff objects on the following grounds: (1) the delay would be prejudicial to him; (2) defendants have not established the requisite element of unfairness in going ahead with this action - if the PCHR claims are closely related to this action, they will be subject to preclusion; and (3) filing a second suit in federal court now would deprive plaintiff of the opportunity of having the PCHR (or EEOC) complete its investigation, the benefit of which to him would be a savings of his personal resources.

“The power to stay is incidental to the power inherent in every court to dispose of cases so as to promote their fair and efficient adjudication.” U.S. v. Breyer, 41 F.3d 884, 893 (3d. Cir. 1994) citing Gold v. Johns-Manville Sales Corp., 723 F.2d 1068, 1077 (3d Cir.1983). However, the moving party “must demonstrate ‘a clear case of hardship or inequity’ if there is ‘even a fair possibility’ that the stay would work damage on another party.” Gold v. Johns-Manville Sales Corp., 723 F.2d at 1075 citing Landis v. North American Co., 299 U.S. 248, 255 (1936).

Regardless of its merits, defendants’ motion is belated in terms of case management. The PCHR claim was pending for nearly two years at the time this action was filed some nine months ago, and trial was scheduled in January of this year for two months from now. Moreover, defendants have not shown significant hardship or inequity as a basis for a stay. Accordingly, the objections are sustained, and the motion, as stated at the outset, is denied.

---

Edmund V. Ludwig, J.