

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CITY OF OZARK, ARKANSAS,
a municipal corporation

PLAINTIFF

V.

Case No. 2:14-CV-02196

UNION PACIFIC RAILROAD COMPANY

DEFENDANT

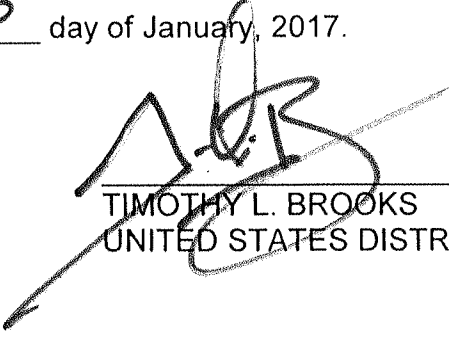
ORDER ON MOTION FOR LEAVE AND FOR ADMINISTRATIVE STAY

On January 11, 2017, the Court entered an Order (Doc. 90) allowing Plaintiff City of Ozark a period of time to request leave to petition the Surface Transportation Board ("STB") for a declaratory order to resolve any issues that might remain concerning the STB's jurisdiction over the railroad crossing dispute that is the subject of this lawsuit. On January 12, 2017, the City filed its Motion for Leave (Doc. 91), which is hereby **GRANTED**. By no later than February 10, 2017, the City shall file proof in this Court of the filing of its petition to STB.

Accordingly, **IT IS ORDERED** that, upon the City filing proof in this Court of its petition to the STB, this case be administratively stayed pending the outcome of City of Ozark's request for declaratory relief from the STB. "[T]he 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." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). "How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." *Id.* at 254–55.

IT IS FURTHER ORDERED that City of Ozark promptly file a notice on the record once the STB's review is complete and a decision has been rendered. The stay will then be lifted and the case reopened.

IT IS SO ORDERED on this 13th day of January, 2017.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE