

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

United States of America,

Plaintiff,

v.

State of South Carolina,

Defendant.

C/A. No. 3:24-7125-CMC

Order

This matter is before the court on motion of Defendant State of South Carolina (“South Carolina”) for stay of all deadlines for 60 days from Inauguration Day. ECF No. 9. Defendant also filed a motion for extension of time to answer, as its responsive pleading was due before the motion to stay would be fully briefed. ECF No. 10. Due to the tight timeline, the court ordered the United States to respond to South Carolina’s motion for extension of time no later than January 15, 2025. ECF No. 11. Plaintiff United States of America (“United States”) filed a response in opposition to the motion to stay as well as the motion for extension. ECF No. 12. South Carolina filed a reply. ECF No. 13. For the following reasons, South Carolina’s motion for stay is denied.

**STANDARD**

“A court has the power to stay proceedings, which 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.’” *Stratton v. Merck & Co.*, No. 2:21-CV-2211-RMG, 2022 WL 18584351, at \*1 (D.S.C. May 25, 2022); *see also Doe v. Bayer Corp.*, 367 F. Supp. 2d 904, 914 (M.D.N.C. 2005) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). In exercising its authority to grant a discretionary stay, the court “must weigh competing interests and maintain an

even balance.” *Landis*, 299 U.S. at 254, 255 (internal quotation omitted). Furthermore, “[t]he party seeking a stay must justify it by clear and convincing circumstances outweighing potential harm to the party against whom it is operative.” *Williford v. Armstrong World Indus., Inc.*, 715 F.2d 124, 127 (4th Cir. 1983). “When considering a motion to stay, the district court should consider three factors: ‘(1) the interests of judicial economy; (2) hardship and equity to the moving party if the action is not stayed; and (3) potential prejudice to the non-moving party.’ *Stratton*, 2022 WL 18584351, at \*1.

The motion for extension of time for an unexpired deadline may be granted “for good cause.” Fed. R. Civ. P. 6(b).

### **DISCUSSION**

The court finds South Carolina has not met the standard of justifying its request for a stay “by clear and convincing circumstances.” The stay is not in the interest of judicial economy because there is no indication such a delay would expedite resolution of the case, but would merely postpone the beginning of proceedings. At this point, regardless of whether a stay is imposed or not, the incoming administration will take over control of the case and set forth its position. The United States has not requested a stay to allow for such a transition, and in fact opposes a delay. South Carolina has failed to show hardship if the action is not stayed, as its responsive pleading or motion is just as likely to assist with resolution. Finally, there is potential prejudice to the non-moving party here if courts stay enforcement actions by the Department of Justice whenever there is a change of administration.

However, the court will allow an extension of time to respond to the Complaint, given the competing deadlines for the motions filed. South Carolina's responsive pleading will be due 10 days after the Order on the motion to stay is entered.

### **CONCLUSION**

For the reasons above, the court denies South Carolina's motion to stay (ECF No. 9). However, the motion for extension of time to file a responsive pleading (ECF No. 10) is granted, and South Carolina's response to the Complaint shall be due 10 days from the date of entry of this Order.

**IT IS SO ORDERED.**

s/Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge

Columbia, South Carolina  
January 15, 2025