

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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BRUCE T. MORGAN and  
BRIAN P. MERUCCI,

Plaintiffs,

Case No. 1:14-CV-632

v.

HON. GORDON J. QUIST

RICK SNYDER and  
MARY HOLLINRAKE,

Defendants.

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**ORDER GRANTING MOTION TO STAY**

Plaintiffs, Bruce Morgan and Brian Merucci, ask the Court to order the State of Michigan to recognize their marriage, which was performed in New York last year. Defendant Rick Snyder has moved to stay the instant case in light of several cases before the Sixth Circuit Court of Appeals, which were argued last week, that present issues related to the legality and recognition of same-sex marriage. Because the Sixth Circuit's rulings in those cases will likely be dispositive in the instant case, the Court will stay this case pending those decisions.

A district court "has broad discretion to stay proceedings as incident to its power to control its own docket." *Clinton v. United States*, 520 U.S. 681, 706, 117 S. Ct. 1636, 1650 (1997). Courts considering a motion to stay have weighed the following factors: (1) the potential that another case would have a dispositive effect on the case to be stayed; (2) judicial economy; (3) the public welfare; and (4) any hardship or prejudice to the party opposing the stay. *See Monaghan v. Sebelius*, No. 12-15488, 2013 WL 3212597, at \*1 (E.D. Mich. June 26, 2013).

There is a strong likelihood that one of the same-sex marriage cases before the Sixth Circuit will have a dispositive effect on the instant case. One of those cases, *DeBoer v. Snyder*, 973 F. Supp. 2d 757 (E.D. Mich. 2014), involves the legality of Michigan's voter-approved ban on same-sex marriage. Another case, *Henry v. Himes*, --- F. Supp. 2d ---, No. 1:14-cv-129, 2014 WL 13183955 (S.D. Ohio Apr. 14, 2014), presents the same issue presented in the instant case — namely, whether a state may refuse to recognize same-sex marriages performed in other states. It is likely that the Sixth Circuit's ruling in at least one of those cases will be dispositive in deciding the issues in the instant case.

Staying the instant case will promote judicial economy and the public welfare. Deferring a ruling in the instant case will save the Court and the parties from guessing at how the Sixth Circuit will rule, and from expending the time and resources required to do so. Moreover, it will prevent needless confusion regarding the state of the law.

Finally, Plaintiffs have not demonstrated that a stay would cause them to suffer hardship or prejudice. Plaintiffs argue that they cannot afford to wait on a ruling from this Court, given Plaintiff Merucci's illness. While the Court is sympathetic to Plaintiffs' plight, their professed need for an immediate ruling is belied by their actions in this case. Plaintiffs did not file the instant action until almost 6 months after they were married, and almost three months after the district court issued its ruling in *DeBoer*. They never sought a preliminary injunction, and have requested an extension of time to respond to Defendant's motion to dismiss. In short, Plaintiffs' actions do not demonstrate a need for immediate relief. Moreover, it is likely that the Sixth Circuit will issue a ruling in a reasonable time, and thus a stay will not cause undue delay in this case.

THEREFORE,

**IT IS HEREBY ORDERED** that Defendant's Motion to Stay (dkt. #11) is **GRANTED**.

The instant case is stayed pending a ruling from the Sixth Circuit in *DeBoer v. Snyder*, 973 F. Supp. 2d 757 (E.D. Mich. 2014) and *Henry v. Himes*, --- F. Supp. 2d ---, No. 1:14-cv-129, 2014 WL 13183955 (S.D. Ohio April 14, 2014).

**IT IS FURTHER ORDERED** that Defendant's Motion for Leave to File Reply (dkt. #22) is **DENIED as moot**.

Dated: August 11, 2014

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE