

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MARY CUMMINS

VS.

AMANDA LOLLAR, et al.

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CIVIL ACTION NO. 4:12-CV-560-Y

ORDER DENYING MOTION TO STAY

Before the Court is Plaintiff's Motion for Stay of the Proceedings for Medical Emergency (doc. 136). After review, the Court DENIES the motion.

By her motion, Plaintiff seeks a stay of the proceedings for a period of six to nine months so that she can undergo surgery for an alleged back injury that serves as the basis for her lawsuit. Plaintiff claims that her back injury prevents her from sitting or standing for more than a few minutes at a time. Plaintiff, who is proceeding pro se, claims that the limitation on her ability to sit or stand for prolonged periods of time prevents her from being able to adequately pursue her case because it impedes her ability to perform legal research, draft legal documents, respond to discovery, or attend depositions.

Defendants note that Plaintiff has provided no evidence from a medical professional supporting her claim of a "medical emergency." Defendants also note that in the time leading up to the present motion, Plaintiff has maintained an active internet presence, which includes numerous posts to a public Twitter account and blog. This Court's own review of Plaintiff's publicly available Twitter account and blog reveals numerous tweets and posts around

the time Plaintiff sought a stay based on a claimed medical emergency up until the date of this order.

Plaintiff's internet activity contradicts her claim that she is unable to participate in the litigation of her case due to a sitting limitation. Another federal court refused to grant a stay to a litigant's attorney based on a claimed medical condition, despite a note from a physician, where the evidence showed that the attorney made numerous phone calls and sent numerous emails to other attorneys, made a statement to a local newspaper criticizing a federal investigation into his client, filed a federal lawsuit, and was arrested for disrupting a city council meeting. *Williams v. Johanns*, 518 F. Supp. 2d 205, 210 (D.D.C. 2007).

Without any evidence from a medical professional attesting to Plaintiff's claimed physical limitations, the Court is left with Plaintiff's declaration, which contains only hearsay statements from unnamed medical providers regarding medical treatment Plaintiff may need in the future. Accordingly, Plaintiff's motion to stay this case is DENIED.

SIGNED June 16, 2015.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE