

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

MARY CUMMINS

§

VS.

§

§ CIVIL ACTION NO. 4:12-CV-560-Y

AMANDA LOLLAR, et al.

§

§

ORDER DENYING MOTION TO RECONSIDER

Before the Court is Plaintiff's motion asking the Court to reconsider its denial of her motion to stay the proceedings for medical reasons (doc. 144). After review, the Court DENIES the motion.

Plaintiff sought a stay of the proceedings for a period of six to nine months so that she could undergo surgery for a back injury that serves as the basis for her lawsuit. Plaintiff claims that her back injury limits her ability to sit or stand for prolonged periods of time and 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.

In support of her motion, Plaintiff offers an email, purportedly from one of her physicians, that states: "Due to the nature of [Plaintiff's] condition, it is advised that she refrain from any physical activities, including travel which can aggravate & prolong her recovery." (Mot. to Recons. at Ex. 1.) Plaintiff also attaches the diagnostic report from a 2010 MRI, which states that Plaintiff suffers from degenerative disc disease.

As noted in this Court's previous order denying a stay, 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).

Here, Plaintiff's claimed inability to litigate her case based on her back injury is directly contradicted by her active participation in contemporaneous litigation in numerous cases pending in Texas and California. Additionally, Plaintiff has maintained an active internet presence, and she continues to post on blogs and social media. As such, Plaintiff has failed to offer a sufficient basis for this Court to reconsider its previous order denying a stay, and her motion is DENIED.

SIGNED September 4, 2015.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE