

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:15-CV-23294-KMW

BERNARD BEBER and DIANE BEBER
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

BRANCH BANKING & TRUST CO. and
AMERICAN SECURITY INSURANCE
COMPANY,

Defendants.

**JOINT MOTION FOR STAY OF CASE PENDING APPROVAL OF
SETTLEMENT PROCEEDINGS AND NOTICE OF CLASS-WIDE SETTLEMENT**

The Parties have reached a settlement in principle in this matter. To save the Court and the Parties time and resources, the Parties jointly request a brief stay in accordance with the proposed timetable below, so that the Parties can devote their time and resources to drafting and finalizing the Settlement Agreement that memorializes their settlement. The Parties will also expeditiously seek preliminary approval of the Settlement Agreement pursuant to Rule 23(e) of the Federal Rules of Civil Procedure. In support of the requested stay and proposed time schedule, the Parties state the following:

1. On June 3, 2016, Plaintiffs and Defendants reached an agreement in principle to resolve all claims against all Defendants in these proceedings.

2. The Parties have already signed a settlement outline and are now in the process of finalizing a detailed Settlement Agreement that settles all issues in this action, eligibility of putative settlement class members for a class settlement payment and/or credit, significant

equitable relief to all putative settlement class members, and dismissal of all claims against Defendants with prejudice.

3. After execution of the Settlement Agreement, the Plaintiffs will present it to the Court and seek preliminary approval of the Parties' settlement, including the plan of notice to the settlement class, pursuant to Rule 23 of the Federal Rules of Civil Procedure.

4. It is well settled that this Court has the authority to stay proceedings to manage its docket, based upon the circumstances of a particular case. *See, e.g., Landis v. North Am. Water Works & Elec. Co.*, 299 U.S. 248, 254 (1936); *Republic of Venezuela v. Philip Morris Cos., Inc.*, No. 99-0586-Civ, 1999 WL 33911677, at *1 (S.D. Fla. Apr. 28, 1999). A class-wide settlement, if approved, will resolve all claims and issues in this action.

5. A stay also will conserve the Parties' and the Court's resources, and will allow the Parties to focus on settlement, rather than spending their efforts on motions to dismiss, class certification, discovery disputes, and any further dispositive motions or motion *in limine* that, if settlement is approved, will turn out to be unnecessary.

6. The Parties respectfully request that the Court briefly stay the case according to the proposed schedule below:

- a. Amended Complaint shall be filed by Monday, June 20, 2016;
- b. Settlement Agreement shall be executed by Friday, July 8, 2016;
- c. Motion for Preliminary Approval of the Settlement Agreement shall be filed by Friday, July 15, 2016; and
- d. If the Motion for Preliminary Approval is granted, the Court shall set a date and time for the Final Approval Hearing at the Court's discretion.

WHEREFORE, the Parties respectfully request that the Court enter the attached Order staying all claims pending the execution and approval of a class-wide Settlement Agreement and that sets specific timelines for the Parties to seek preliminary approval of the Settlement.

Respectfully submitted this 7th day of June, 2016.

<p><i>/s/ Adam M. Moskowitz</i> Adam M. Moskowitz, Esq. Florida Bar No. 984280 amm@kttlaw.com Rachel Sullivan, Esq. Florida Bar No. 815640 rs@kttlaw.com Robert J. Neary, Esq. Florida Bar No. 81712 rn@kttlaw.com KOZYAK TROPIN & THROCKMORTON 2525 Ponce de Leon Blvd., 9th Floor Coral Gables, FL 33134 Telephone: (305) 372-1800 Facsimile: (305) 372-3508 <i>Counsel for Plaintiffs</i></p>	<p><i>/s/ Frank G. Burt</i> Frank G. Burt, Esq. fburt@cfjblaw.com Farrokh Jhabvala, Esq. fjhabvala@cfjblaw.com Irma Reboso Solares, Esq. isolares@cfjblaw.com CARLTON FIELDS JORDEN BURT, P.A. 100 S.E. Second Street Suite 4200 Miami, FL 33131-2113 Telephone: (305) 530-0050 Facsimile: (305) 530-0055 <i>Counsel for American Security Insurance Company</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed on June 7th, 2016 with the Clerk by using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Robert J. Neary