

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Christine DeMaria, et al. v. Robert Middleman, et al.

DeMaria v. Middleman · No. 2:23-cv-01798-KJM-CSK · Decided May 16, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Defendant Robert Middleman’s motion to stay the case under the Servicemembers Civil Relief Act, 50 U.S.C. § 3932. The court held that his commanding officer’s memorandum satisfied the statutory documentation requirements and stayed the action until February 1, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 16, 2025
DOCKET	2:23-cv-01798-KJM-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Robert Middleman moved to stay the civil action under the Servicemembers Civil Relief Act, 50 U.S.C. § 3932, based on his involuntary mobilization for active military service. The district court granted the motion without oral argument.
STANDARD OF REVIEW	The court applied the mandatory-stay requirements of 50 U.S.C. § 3932(b)(2) and construed the statute liberally in favor of protecting servicemembers.
PRECEDENTIAL VALUE	unpublished
PARTIES	Christine DeMaria, et al. v. Robert Middleman, et al.

TOPICS

- servicemembers civil relief act
- military law
- civil procedure
- statutory interpretation

PRACTICE AREAS

- civil procedure
- military law
- servicemembers civil relief act

QUESTIONS PRESENTED

1. Whether Middleman satisfied the documentation requirements for a mandatory stay under 50 U.S.C. § 3932(b)(2).
2. Whether the court could deny or limit the stay because the commanding officer's memorandum did not expressly address remote participation in a video deposition or because of potential prejudice to the plaintiffs.

HOLDINGS

1. Middleman was entitled to a mandatory stay because his submissions stated how his current military duties materially affected his ability to appear and stated that military leave was not authorized.
2. The absence of an express statement that remote video participation was infeasible and the plaintiffs' asserted prejudice did not defeat the stay.

KEY QUOTATIONS

“Section 3932 requires only that the attached documentation include “facts stating the manner in which current military duty requirements materially affect the servicemember’s ability to appear,” 50 U.S.C. § 3932(b)(2)(A) (emphasis added), not facts demonstrating no appearance is feasible.” (at 2)

FACTUAL BACKGROUND

Robert Middleman had been selected for involuntary mobilization to fill a critical position in the U.S. Navy Reserves. His commanding officer stated that Middleman would undergo extensive training beginning in January 2025, be overseas for six months beginning in April 2025, return from mobilization in January 2026, and be denied military leave because of the intensity of the training cycle and mission requirements. Plaintiffs raised concerns about remote participation and potential prejudice because both parties were in their seventies.

PROCEDURAL HISTORY

The case was pending before the Eastern District of California when Middleman moved for a stay, supported by a memorandum from his commanding officer. Plaintiffs opposed the motion, arguing that the memorandum did not address remote participation in a video deposition and that a stay would cause prejudice. After briefing, the court took the motion under submission and granted a stay through February 1, 2026.

DISPOSITION

other

CASES CITED

- Brewster v. Sun Tr. Mortg., Inc., 742 F.3d 876, 878 (9th Cir. 2014)
- Boone v. Lightner, 319 U.S. 561, 575 (1943)

