

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bekaryan v. United States

Bekaryan · No. 2:24-cv-02574-JAM-CSK · Decided July 28, 2025

SUMMARY

The United States District Court for the Eastern District of California stayed this Federal Tort Claims Act action pending resolution of a related Ninth Circuit appeal concerning administrative exhaustion and equitable tolling. The court found that the appeal in *Perez v. United States* presented similar facts and controlling legal questions that could affect the government's motion to dismiss. The parties were ordered to file a joint status report within ten days of the Ninth Circuit's decision in *Perez* or by July 27, 2026, whichever occurs first.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	John A. Mendez
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 28, 2025
DOCKET	2:24-cv-02574-JAM-CSK
DISPOSITION	other
PROCEDURAL POSTURE	The United States moved to dismiss Plaintiff's Federal Tort Claims Act claims for lack of subject matter jurisdiction. Before resolving the motion, the court stayed the action pending the Ninth Circuit's resolution of a related appeal involving the timing and jurisdictional nature of FTCA administrative exhaustion requirements.
STANDARD OF REVIEW	Abuse-of-discretion principles govern review of a district court's docket-management stay; the court weighs potential damage from the stay, hardship or inequity from proceeding, and the orderly course of justice, including whether a stay will simplify issues and promote judicial economy.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation and metadata identifying precedential status as unknown.

TOPICS

motions to dismiss

subject matter jurisdiction

civil procedure

administrative law

appellate procedure

PRACTICE AREAS

civil procedure

administrative law

Federal Tort Claims Act

personal injury

QUESTIONS PRESENTED

1. Whether the court should stay the action pending the Ninth Circuit's resolution of *Perez v. United States*, which presented similar questions concerning the timing and jurisdictional nature of FTCA administrative exhaustion requirements.
2. Whether the potential prejudice, hardship, and judicial-economy considerations supported a docket-management stay before resolving the Government's motion to dismiss.

HOLDINGS

1. A district court may exercise its inherent docket-management authority to stay an action pending resolution of independent proceedings that may affect the case, and the relevant considerations supported staying this action pending the Ninth Circuit's resolution of *Perez*.

KEY QUOTATIONS

“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” (at 2)

“may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case.” (at 2)

FACTUAL BACKGROUND

Plaintiff alleges that she was injured after tripping over a groundwater-monitoring well lid maintained by the United States Air Force. She filed an administrative tort claim on October 24, 2023; the claim was initially denied on April 4, 2024, and she sought reconsideration on April 29, 2024. Plaintiff filed suit on September 23, 2024, before the Air Force issued its final denial of reconsideration on October 4, 2024.

PROCEDURAL HISTORY

Plaintiff filed administrative tort claims with the Department of the Air Force, received an initial denial, and requested reconsideration. She filed this action before the Air Force issued its final denial of the reconsideration request. The Government moved to dismiss for failure to satisfy the FTCA's administrative exhaustion prerequisites. The court stayed the action pending the Ninth Circuit's decision in *Perez v. United States* and ordered a joint status report.

DISPOSITION

other

CASES CITED

- Landis v. N. Am. Co., 299 U.S. 248, 254 (1936)
- Ernest Bock, LLC v. Steelman, 76 F.4th 827, 842 (9th Cir. 2023)
- Mediterranean Enters., Inc. v. Ssangyong Corp., 708 F.2d 1458, 1465 (9th Cir. 1983)
- In re PG&E Corp. Sec. Litig., 100 F.4th 1076, 1085 (9th Cir. 2024)
- Lockyer v. Mirant Corp., 398 F.3d 1098, 1110-12
- Perez v. United States, No. 2:22-CV-00941-KJM-AC, 2023 WL 4669993 (E.D. Cal. July 19, 2023)

OPINION

Bekaryan v. United States

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 GAYANE BEKARYAN, No. 2:24-cv-02574-JAM-CSK

12 Plaintiff, ORDER STAYING ACTION 13 v.

14 UNITED STATES OF AMERICA,

15 Defendant. 16

17 Before the Court is the United States’s (“Defendant” or 18 “Government”) motion to dismiss
claims for lack of subject matter 19 jurisdiction. See Mot., ECF No. 13. Plaintiff Gayane Bekaryan
20 opposed. See Opp’n, ECF No. 14. The United States replied. See 21 Reply, ECF No. 15. For
the following reasons, the Court stays 22 this action.¹

23 I. FACTUAL BACKGROUND

24 Plaintiff alleges she was injured when she tripped and fell 25 after catching her foot on a
groundwater monitoring well lid 26 27 1 This motion was determined to be suitable for decision
without oral argument. E.D. Cal. L.R. 230(g). The hearing was scheduled 28 for June 17, 2025. 1
maintained by the United States Air Force. See Compl. ¶¶ 11-14, 2 ECF No. 1. After Plaintiff’s
fall, the groundwater well lid was 3 repaired and a new United States Air Force designation label
was 4 put over the lid cover. See Compl. ¶ 12. 5 On October 24, 2023, Plaintiff filed
administrative tort 6 claims with the United States Department of Air Force. See 7 Declaration of
Rachel R. Davidson (“Davidson Decl.”) at ¶ 2 at

8 Ex. 1. Plaintiff’s administrative claim was denied on April 4,
9 2024. Id. at ¶ 3 at Ex. 2. In this initial denial, the agency 10 seemingly referenced inaccurate
facts such as a “claim for damage 11 for [a] vehicle.” See Id. Ex. 2. Plaintiff then sought 12
reconsideration in a letter dated April 29, 2024. Id. at ¶ 4.

13 Under 28 C.F.R. § 14.9(b), the Air Force had six months to
14 respond to the request for reconsideration. On September 23, 15 2024, Plaintiff filed this

lawsuit. See Compl., ECF No. 1. Then 16 on October 4, 2024, the Air Force issued a final denial of 17 Plaintiff's claim. See Davidson Decl. at ¶ 5 at Ex. 4. 18 In its motion to dismiss, the Government argues that this 19 Court does not have jurisdiction to hear Plaintiff's claims 20 because Plaintiff failed to comply with the FTCA's administrative 21 exhaustion prerequisites by filing her lawsuit before her 22 reconsideration request was denied. See Mot. at 4. Plaintiff 23 argues that the FTCA's statutory requirements are subject to 24 equitable tolling and that the caselaw the Government relies on 25 is outdated. See Opp'n at 10. In their reply, the Government 26 cites to *Perez v. United States*, No. 2:22-CV-00941-KJM-AC, 2023 27 WL 4669993 (E.D. Cal. July 19, 2023) (appeal pending, 9th Cir.

28 Nos. 23-16139 and 24-7042). Notably, *Perez* is currently being

1 considered by the Ninth Circuit and shares similar material facts 2 and questions of law to the instant case.

3 II. OPINION

4 A. Legal Standard 5 A court may sua sponte stay an action against individual 6 defendants pending resolution of external proceedings which may 7 affect the outcome of a case. "[T]he power to stay proceedings 8 is incidental to the power inherent in every court to control the 9 disposition of the causes on its docket with economy of time and 10 effort for itself, for counsel, and for litigants." *Landis v. N. 11 Am. Co.*, 299 U.S. 248, 254 (1936); see also *Ernest Bock, LLC v. 12 Steelman*, 76 F.4th 827, 842 (9th Cir. 2023). A district court 13 "may, with propriety, find it is efficient for its own docket and 14 the fairest course for the parties to enter a stay of an action 15 before it, pending resolution of independent proceedings which 16 bear upon the case." *Mediterranean Enters., Inc. v. Ssangyong 17 Corp.*, 708 F.2d 1458, 1465 (9th Cir. 1983) (citation omitted). 18 The Ninth Circuit has "identified three non-exclusive 19 factors courts must weigh when deciding whether to issue a docket 20 management stay: (1) 'the possible damage which may result from 21 the granting of a stay'; (2) 'the hardship or inequity which a 22 party may suffer in being required to go forward'; and (3) 'the 23 orderly course of justice measured in terms of the simplifying or 24 complicating of issues, proof, and questions of law.'" See *In re 25 PG&E Corp. Sec. Litig.*, 100 F.4th 1076, 1085 (9th Cir. 2024) 26 (citations omitted). The Ninth Circuit has repeatedly held that 27 a district court does not abuse its discretion by staying 28 litigation for efficiency reasons pending resolution of other 1 related proceedings. See, e.g., *Lockyer v. Mirant Corp.*, 398 2 F.3d 1098, 1110–12 (discussing cases upholding stays). 3 B. Analysis 4 The first two factors of the stay analysis, possible damage 5 of a stay and hardship, balances the potential prejudice to the 6 parties. *Id.* The third factor assesses judicial economy and 7 efficiency. *Id.* Although the parties have not moved for a stay, 8 the Court finds that a stay would serve the interests of both 9 parties as to not prejudice them and that a stay would facilitate 10 the fair administration of justice. 11 Here, the pending appeal in *Perez* deals with a similar 12 timeline of events and identical controlling issues of law. Like 13 the case before this Court, *Perez* involves plaintiffs who filed a 14 lawsuit prematurely before denial of their reconsideration 15 request.

Perez, 2023 WL 4669993 at *2. Perez also raises the 16 central legal question of whether the FTCA's statutory exhaustion 17 requirements are non-jurisdictional. Id. A decision from the 18 Ninth Circuit in Perez could be dispositive of Defendant's motion 19 to dismiss in this case because it would settle whether or not 20 the FTCA's statutory requirements are subject to equitable 21 tolling in this Circuit. See Opp'n at 10. 22 The Court finds that any potential prejudice to either party 23 from a stay at this stage of the proceedings is minimal because 24 there is no risk of lost evidence and the Perez appellate case is 25 likely to resolve within a reasonable period of time. The 26 underlying facts are well-documented in the Air Force's 27 administrative record and the scheduling order in Perez indicates 28 that briefing will be completed by the end of next month. See

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1 Raul Perez, et al v. USDA, et al, Nos. 23-16139 and 24-7042, Dkt.

2 Nos. 21 and 18. Regardless of which way this Court decides

3 Defendant's motion to dismiss, a stay allows this Court and the 4] parties a means to avoid the risk that the Ninth Circuit reaches 5 an opposite legal conclusion. Accordingly, the Court exercises 6 its discretion here to stay the proceedings pending finality on 7 the existing FTCA statutory exhaustion legal question being 8 considered by the Ninth Circuit in Perez.

9 TII. ORDER

10 Based on the reasons set forth above, the Court STAYS this 11 action pending resolution of the legal questions in Perez v. 12 | United States, No. 2:22-CV-00941-KJM-AC, 2023 WL 4669993 (E.D. 13 Cal. July 19, 2023) (appeal pending, 9th Cir. Nos. 23-16139 and 14 24-7042). The parties are ordered to file a joint status report 15 | within ten days of the Ninth Circuit decision in Perez or July 16 27, 2026, whichever occurs first. 17 IT IS SO ORDERED. 18 Dated: July 25, 2025 19 cp, JOHN A. MENDEZ

21 SENIOR UNITED*STATES DISTRICT JUDGE

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