

**In the United States Court of Federal Claims**

**No. 09-515L  
(Filed: July 27, 2011)**

\* \* \* \* \*

**MACY ELEVATOR, INC.,  
et al.,**

**Plaintiffs,**

**v.**

**THE UNITED STATES,**

**Defendant.**

\* \* \* \* \*

**O R D E R**

The defendant has moved to stay proceedings in this case pending a decision from the Indiana Supreme Court on certified questions of law submitted by this court in Howard v. United States, 09-575 (Fed. Cl. filed Sept. 1, 2009). See Howard v. United States, No. 94S00-1106-CQ-333 (Ind.). The defendant contends that the decision of the Indiana Supreme Court may either warrant reconsideration of this court's prior decision in this case on the parties' cross-motions for summary judgment for liability, see Opinion, Apr. 7, 2011, ECF No. 49, or may aid in determining the extent of the government's liability, which is at issue in the current briefing on cross-motions for summary judgment regarding the measure of damages to be used in this case. The plaintiffs oppose a stay in this case, arguing that the questions before the Indiana Supreme Court are unrelated to the damages question before this court and that a stay is thus unwarranted and would cause unnecessary delay.

After consideration, the defendant's motion to stay proceedings pending disposition of the questions certified to the Indiana Supreme Court in Howard is **GRANTED**. Within ten days of the Indiana Supreme Court's ruling on the certified questions, the parties shall submit a joint status report setting forth proposed next steps for resolving the issues remaining in this litigation.

**IT IS SO ORDERED.**

s/Nancy B. Firestone  
NANCY B. FIRESTONE  
Judge