UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

METROPOLITAN LIFE INSURANCE COMPANY and TRINET HR XI, INC., Plaintiffs, v. DURIN MUNDAHL, individually and as the personal representative of the Estate of Joye M. Braun, and MORGAN BRINGS PLENTY, individually, Defendants.	Case No.: 3:24-cv-03029-RAL **RESPONSE TO JOINT MOTION FOR ORDER ISSUING STAY, OR TO DISMISS ACTION, AND SUGGESTIONS IN SUPPORT**

Plaintiffs Metropolitan Life Insurance Company ("MetLife") and TriNet HR XI, Inc. ("TriNet"), through their attorney, Sarah Collins of Gordon Rees Scully Mansukhani, LLP, files this Response to the "Joint Motion for Order Issuing Stay, or to Dismiss Action, and Suggestions in Support." [Doc. 25].

I. INTRODUCTION

At the same time defendants filed their Response to the Motion for Preliminary Injunction [Doc. 23], they submitted a cursory, two-page "Joint Motion" to stay or, in the alternative, dismiss this action. Their request is procedurally improper and substantively unsupported. The Joint Motion cites no legal authority, including rule or case law, and fails to satisfy their burden of establishing any basis for the relief requested. While courts may stay proceedings in limited circumstances, such discretion must be exercised judiciously and grounded in well-established standards—none of which defendants articulate, let alone attempt to meet.

As to the request for dismissal, defendants have not referenced Fed. R. Civ. P. 12 or any other applicable authority to articulate the grounds for this relief. Instead, they simply equate a possible denial of the Motion for Preliminary Injunction to a grant of stay or dismissal. They cite no supportive legal authority or otherwise articulate how the potential denial of one relief automatically warrants the other. For these reasons, this Court should deny the "Joint Motion."

II. LEGAL ANALYSIS

The Eighth Circuit Court of Appeals has recognized, "the 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." *Cottrell v. Duke*, 737 F.3d 1238, 1248 (8th Cir. 2013) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)); *see, e.g., Armstrong v. Mille Lacs Cnty. Sheriff's Dep't*, 112 F. Supp. 2d 840, 843 (D. Minn. 2000) ("As a Federal District Court, we have the inherent power to stay the proceedings of an action, so as to control our docket, to conserve judicial resources, and to provide for the just determination of the cases which pend before us.")

The party requesting a stay bears the burden of showing its necessity. *See Parada v. Anoka Cnty.*, No. 18-795, 2020 WL 6488794, at *2 (D. Minn. Nov. 4, 2020) (quoting *Clinton v. Jones*, 520 U.S. 681, 708 (1997)). Traditionally, this includes establishing "specific hardship or inequity" that would result from proceeding with the case. *Jones v. Clinton*, 72 F.3d 1354, 1364 (8th Cir. 1996). Courts have held that "being required to defend a suit, without more, does not constitute a 'clear case of hardship or inequity.'" *Pendleton v. 1st Fin. Bank, USA*, No. CIV 16-4171, 2017 WL 4012043, *2 (quoting *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1112 (9th Cir. 2005)). When a stay of proceeding is sought, courts specifically consider the following four factors: (1) whether the applicant has made a strong showing of likelihood of success on the merits; (2) whether the

applicant will suffer irreparable injury without a stay; (3) whether issuance of the stay will substantially injure other parties; (4) where the public interest lies. *Garcia v. Target Corp.*, 276 F. Supp. 3d 921, 924 (D. Minn. 2016) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)).

Based on this legal authority, defendants' request for a stay is procedurally deficient and substantively unsupported. Their "Joint Motion" cites no legal authority, offers no legal analysis, and provides no explanation of applicable standards to support their request.[1] Such cursory, unsupported requests are procedurally defective, especially when essentially incorporating an opposition to a motion rather than filing a separately supported motion. In essence, defendants believe that a potential denial of the Motion for Preliminary Injunction necessarily equates to granting a stay, but they provide no legal authority for this binary analysis.

The "Joint Motion" similarly fails to reference any basis for dismissal under Rule 12(b) or any other provision. Indeed, defendants waived several of these defenses when they filed their Answer to the Complaint. *See* Fed. R. Civ. P. 12(h)(1). Again, defendants believe that denial of MetLife's and TriNet's request for a preliminary injunction must mean that their relief – dismissal – is somehow proper. Yet they fail to articulate any recognized support for this zero-sum proposition.

Even addressing the factual allegations asserted in the Joint Motion, defendants have not met their burden to justify a stay or dismissal. They argue that MetLife and TriNet are required to exhaust tribal remedies because of certain purported events that occurred on the reservation involving the decedent, a tribal member. However, they fail to state whether these factual allegations must be undisputed or otherwise proven. They fail to articulate an applicable standard

[1] MetLife and TriNet would object to defendants attempting to raise these issues for the first time in a reply brief, which would be improper.

of review. Even substantively, defendants concede that the dispute at issue involves an employee welfare benefit plan expressly subject to the Employee Retirement Income Security Act, not an individual policy sold directly to the decedent. Instead, the plan benefits were offered to all eligible worksite employees of TriNet and defendants provide no evidence showing that the plan somehow only affected tribal members or individuals on the reservation. Also, this current dispute does not involve the decedent, but alleged beneficiaries who fail to articulate why they are entitled to any such tribal jurisdictional preference. In fact, they chose to file an Answer to the Complaint rather than challenge either personal or subject matter jurisdiction.

Further, a mere inconvenience of defending jurisdictional arguments does not warrant halting or dismissing this proceeding. MetLife and TriNet seek to preserve the *status quo* pending a final determination by this Court of the rightful beneficiaries under the ERISA-governed plan. The tribal court has not proceeded with any action to date on defendants' filed lawsuit. A stay or dismissal results in MetLife and TriNet losing federal jurisdictional without allowing this Court to first resolve this primary issue (whether or not a preliminary injunction is granted). Resolving jurisdiction here benefits all parties by preventing potentially unnecessary tribal-based litigation. ERISA preempts tribal court jurisdiction over employee welfare benefit plans and, therefore, exhaustion of tribal remedies is not required where federal law occupies the field. *See, e.g.*, *Coppe v. Sac & Fox Casino Healthcare Plan*, 2015 WL 1137733 (D. Kan. Mar. 13, 2015); *Vandever v. Osage Nation Enters.*, 2009 WL 702776 (N.D. Okla. Mar. 16, 2009). MetLife and TriNet incorporate by reference their Motion for Preliminary Injunction and Reply thereto pursuant to Fed. R. Civ. P. 10(c).

III. CONCLUSION

For the foregoing reasons, the Joint Motion for Order Issuing Stay, or to Dismiss Action, and Suggestions in Support should be denied.

DATED this the 5th day of August, 2025.

/s/ Sarah Collins
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above and foregoing was electronically filed with the Clerk of the United States District Court using the CM/ECF system which will send notification to all counsel of record this 5th day of August, 2025:

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