

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

SUSAN SOTO PALMER, *et al.*,  
Plaintiffs,  
v.  
STEVEN HOBBS, *et al.*,  
Defendants,  
and  
JOSE TREVINO, *et al.*,  
Intervenor-Defendants.

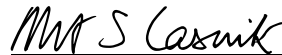
NO. C22-5035RSL  
ORDER DENYING STAY

This matter comes before the Court on “Intervenor-Defendants’ Motion to Stay Proceedings.” Dkt. # 97. Intervenor seek to stay all proceedings in the above-captioned matter pending resolution of *Merrill v. Milligan*, No. 21-1086 (U.S.), a case involving a vote dilution claim under Section 2 of the Voting Rights Act. Following the grant of certiorari in *Merrill*, the Supreme Court stayed a preliminary injunction order requiring Louisiana to create a remedial redistricting plan. *Ardoin v. Robinson*, 142 S. Ct. 2892 (2022). The Middle District of Louisiana cited to *Robinson* when staying another Section 2 case, *Nairne v. Ardoin*, No. 22-CV-0178-SDD-SDJ (M.D. La. Aug. 30, 2022). However, a three-judge panel in the Western District of Texas declined to issue a stay based on *Merrill*, *League of United Latin American*

1 *Citizens v. Abbott*, No. EP-21-CV-0259-DCG-JES-JVB (W.D. Tex. Apr. 22, 2022), a decision  
2 that was affirmed on appeal, *League of United Latin American Citizens v. Abbott*, No. 22-  
3 50407 (5th Cir. May 20, 2022). *Merrill* was argued before the Supreme Court on October 4,  
4 2022. Plaintiffs and the State of Washington oppose the motion to stay, with defendant Hobbs  
5 taking no position.

6 While the Court has discretionary power to stay proceedings, the party seeking a stay  
7 “must make out a clear case of hardship or inequity in being required to go forward[] if there  
8 is even a fair possibility that the stay for which he prays will work damage to someone else.  
9 Only in rare circumstances will a litigant in one cause be compelled to stand aside while a  
10 litigant in another settles the rule of law that will define the rights of both.” *Landis v. North*  
11 *American Co.*, 299 U.S. 248, 254-55 (1936). Having considered the memoranda of the parties  
12 and the factors discussed in *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109-13 (9th Cir. 2005),<sup>1</sup>  
13 the Court DENIES the motion to stay without prejudice to its being refiled after discovery has  
14 been completed.

15  
16 Dated this 26th day of October, 2022.

17 

18 Robert S. Lasnik  
19 United States District Judge

20  
21  
22  
23 

---

<sup>1</sup> Among the factors and interests that must be weighed when determining whether to grant or deny a stay  
24 are (a) the possible damage which may result from the granting of a stay, (b) any hardship or inequity which may  
25 result from moving forward other than simply having to defend the pending suit, (c) the prospect of narrowing the  
26 factual or legal issues through the other proceeding, (d) whether a stay will simplify or complicate discovery,  
(e) the court’s interest in the uniform treatment of like suits, (f) the prompt and efficient determination of pending  
cases, and (g) whether the other proceedings will conclude within a reasonable time in relation to the urgency of  
the claims presented to the court. *Lockyer*, 398 F.3d at 1110-12.