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**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 RENEWED
MOTION TO STAY


This matter comes before the Court on “Intervenor-Defendants’ and Cross-Plaintiffs’ Renewed Motion to Stay Proceedings.” Dkt. # 123. Intervenor-Defendants again 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. The first request for a stay based on *Merrill* was denied in October 2022 without prejudice to a renewal of the motion after discovery was completed. Intervenor-Defendants now renew their motion.

Merrill was argued before the Supreme Court on October 4, 2022, and the parties expect a decision by the end of June 2023. There is no doubt that the interplay between race

1 and redistricting is being discussed at the highest judicial level. We do not, however, know
2 what the Supreme Court will decide or whether the decision will have any impact on this
3 litigation. Meanwhile, both plaintiffs and the State of Washington oppose the renewed motion
4 to stay, pointing out that a five or six month continuance of the trial date will prevent the
5 appropriate governmental entities from developing, approving, and implementing a remedial
6 plan, should plaintiffs prevail, in time for the 2024 election cycle.

7 While the Court has discretionary power to stay proceedings, the party seeking a stay
8 “must make out a clear case of hardship or inequity in being required to go forward[] if there
9 is even a fair possibility that the stay for which he prays will work damage to someone else.
10 Only in rare circumstances will a litigant in one cause be compelled to stand aside while a
11 litigant in another settles the rule of law that will define the rights of both.” *Landis v. North*
12 *American Co.*, 299 U.S. 248, 254-55 (1936). Having considered the memoranda of the parties
13 and the factors discussed in *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109-13 (9th Cir. 2005),¹
14 the Court DENIES the renewed motion to stay.

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16 Dated this 20th day of January, 2023.

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18 Robert S. Lasnik
19 United States District Judge

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¹ Among the factors and interests that must be weighed when determining whether to grant or deny a stay are (a) the possible damage which may result from the granting of a stay, (b) any hardship or inequity which may result from moving forward other than simply having to defend the pending suit, (c) the prospect of narrowing the 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.