

***NORTH CAROLINA A. PHILIP RANDOLPH INSTITUTE et al v.
THE NORTH CAROLINA STATE BOARD OF ELECTIONS, et al***

North Carolina Middle District Court

Case no. 1:20-cv-00876-LCB-JLW (M.D.N.C.)

Filed date: October 24, 2022

Docket entry no.: N/A

Docket text:

TEXT ORDER Denying 69 DA Defendants' Motion to Stay. The DA Defendants seek to stay proceedings in this matter pending resolution of the state court action Community Success Initiative v. Moore, (Case No. 19-CVS-15941) (hereinafter "CSI") in the North Carolina appellate courts which relates to the review of the constitutionality and interpretation of N.C.G.S. § 13-1. (See Docket Entry 69.) The DA Defendants argue that "[t]his Court's resolution of this matter is dependent upon the interpretation of N.C.G.S. § 13-1, which is incorporated by the challenged statute in this case, N.C.G.S. § 163-275(5), [therefore,] it would be prudent for this Court to stay this matter pending the outcome" in CSI. (Id. at 1-2.) In general, "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." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); see also *Williford v. Armstrong World Indus., Inc.*, 715 F.2d 124, 127 (4th Cir. 1983) (noting that district courts have the well-recognized and inherent power to grant discretionary stays "under their general equity powers and in the efficient management of their dockets to grant relief"). In determining whether a stay is warranted, the district court must exercise judgment by "weigh[ing] competing interests and maintain[ing] an even balance." *Landis*, 299 U.S. at 254-55. Courts have applied a three-factor analysis in deciding whether to grant or deny a motion to stay: "the interests of judicial economy; (2) the hardship and equity to the moving party in the absence of a stay; and (3) the potential prejudice to the non-moving party in the event of a stay." *N. Carolina State Conf. of NAACP v. Cooper*, 397 F. Supp. 3d 786, 797 (M.D.N.C. 2019) (internal quotations and citation omitted). "The party seeking a stay must justify it by clear and convincing circumstances outweighing potential harm to the party against whom it is operative." *Williford*, 715 F.2d at 127. Upon careful consideration, the motion is denied. The DA Defendants argue that the interests of judicial economy weigh in favor of a stay because "[t]he final resolution of CSI has the potential to moot this case" and that one of Plaintiffs' claims "rests wholly upon the interpretation of N.C.G.S. § 13-1." (Docket Entry 70 at 6-7.) However, the issue in CSI is not a direct challenge to the constitutionality of the challenged statute in this case, N.C.G.S. § 163-275(5). In any event, even assuming the interests of judicial economy would warrant a stay as the final resolution of CSI may potentially have some impact on this action, when balanced against the remaining factors, it should give way. The DA Defendants assert that they face considerable hardship by having to file an Answer and engage in discovery. (See Docket Entry 70 at 7-8.) However, the Answer has now been filed (see Docket Entry 75), and the DA Defendants' concerns with the potential of "extremely onerous" discovery are no more than the usual burdens of litigation that do not present a clear case of hardship or inequity supporting a stay. See *Kadel v. Folwell*, 446 F. Supp. 3d 1, 19 (M.D.N.C. 2020) ("[T]he 'harm' to Defendants of not staying this case appears to be nothing more than the inconvenience of having to begin discovery."); *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1112 (9th Cir. 2005) ("[B]eing required to defend a suit, without more, does not constitute a 'clear case of hardship or inequity' within the meaning of *Landis*"). Lastly, the undersigned finds that Plaintiffs will be prejudiced by a stay in this action. The instant matter has already been pending for over two years, and at this juncture, delaying further proceedings including the commencement of discovery during the entire pendency of CSI (of which the estimated final resolution is unknown given its procedural posture) would be harmful to Plaintiffs given the nature of this action, see e.g. *N. Carolina State Conf. of NAACP*, 397 F. Supp. 3d at 797 ("A stay of this action

pending the resolution of the state court proceedings... will likely cause delay that may significantly prejudice Plaintiffs' attempt to resolve their federal constitutional and statutory claims in advance of the upcoming election."); League of Women Voters of Michigan v. Johnson, No. 2:17-CV-14148, 2018 WL 10483912, at *1 (E.D. Mich. Mar. 14, 2018) (unpublished) ("Defendant's argument incorrectly minimizes... the prejudice to Plaintiffs and the public interest that would arise if this case were to persist through [multiple] election cycles."), and the unknown duration of the stay could also create case management issues in the future, see Gibbs v. Plain Green, LLC, 331 F. Supp. 3d 518, 528 (E.D. Va. 2018) ("Granting a stay would further delay a resolution in this case and could significantly delay proceedings, causing undue prejudice to Plaintiffs."). For these reasons, the DA Defendants' Motion to Stay (Docket Entry 69) is DENIED. IT IS FURTHER ORDERED that the Clerk shall schedule this matter for an Initial Pretrial Conference Hearing on Tuesday, November 15, 2022 at 9:30 a.m. in Durham, Courtroom Second Floor. Issued by MAG/JUDGE JOE L. WEBSTER on 10/24/2022.(Lee, Pedra) (Entered: 10/24/2022)

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