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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Strong Communities Foundation of Arizona  
Incorporated, et al.,

Plaintiffs,

v.

Stephen Richer, et al.,

Defendants.

No. CV-24-02030-PHX-KML

**ORDER**

Plaintiffs Strong Communities Foundation of Arizona Inc. and Yvonne Cahill seek a stay pending appeal of the order denying their request for a temporary restraining order and preliminary injunction. (Doc. 108 at 2.) Defendants do not oppose a stay. (Doc. 113.) A stay is appropriate but not of the exact duration plaintiffs seek.

The Ninth Circuit has “repeatedly admonished district courts not to delay trial preparation to await an interim ruling on a preliminary injunction.” *California v. Azar*, 911 F.3d 558, 583 (9th Cir. 2018). A stay pending an interlocutory appeal often “result[s] in unnecessary delay to the parties and inefficient use of judicial resources.” *Melendres v. Arpaio*, 695 F.3d 990, 1003 (9th Cir. 2012) (quoting *Sports Form, Inc. v. United Press Int’l, Inc.* 686 F.2d 750, 753 (9th Cir. 1982)). Neither the motion for stay nor the response discusses this authority and based on present conditions, a stay pending the completion of plaintiffs’ appeal is not appropriate.

The order denying injunctive relief relied on *Arizona Alliance for Retired Americans v. Mayes*, 117 F.4th 1165 (9th Cir. 2024), in assessing whether Strong Communities

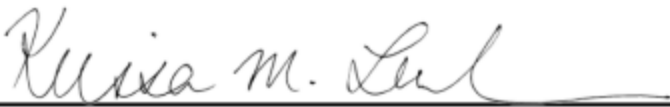
1 Foundation of Arizona had organizational standing. The appellees in *Arizona Alliance* filed  
2 a petition for rehearing en banc, appellants filed a response, and the Ninth Circuit may act  
3 soon. If rehearing is granted, the panel opinion would be withdrawn. If that were to occur,  
4 the court's prior standing analysis would need to be revisited and defendants would need  
5 to amend their pending motion for judgment on the pleadings. To avoid needless work and  
6 promote judicial efficiency, a limited stay pending resolution of the petition for rehearing  
7 in *Arizona Alliance* is merited. All other pending motions will be denied without prejudice  
8 to reinstatement after the stay is lifted.

9 Accordingly,

10 **IT IS ORDERED** the Motion to Stay (Doc. 108) is **GRANTED IN PART**. This  
11 case is **STAYED** pending resolution of the petition for rehearing en banc in *Arizona*  
12 *Alliance for Retired Americans v. Mayes*, 117 F.4th 1165 (9th Cir. 2024). Plaintiffs shall  
13 file notice within seven days of the Ninth Circuit granting or denying the petition for  
14 rehearing.

15 **IT IS FURTHER ORDERED** the Motions to Intervene (Doc. 5, 46), Motion for  
16 Judgment on the Pleadings (Doc. 95) and Motion for Extension of Time (Doc. 109) are  
17 **DENIED WITHOUT PREJUDICE**.

18 Dated this 13th day of November, 2024.

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22 **Honorable Krissa M. Lanham**  
23 **United States District Judge**  
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