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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Judith R. Spielman; Thomas E.  
10 Spielman,

11 Plaintiffs,

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13 vs.

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15 Trustee Jeffrey S. Katz; et al.,

16 Defendants.

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) No. CV 10-0184-PHX-JAT

) **ORDER**

18 Plaintiffs filed a Motion for Emergency Temporary Stay Order and/or Injunction to  
19 Superior Court for the State of Arizona, Maricopa County. Doc. #10. The motion asked the  
20 Court to stay a forcible entry and detainer action pending in state court. The Court held a  
21 hearing on March 29, 2010, and denied the motion for the following reasons.

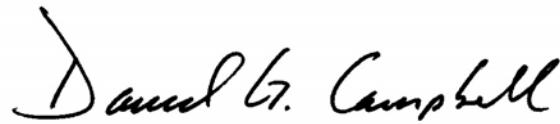
22 First, Plaintiffs failed to give notice to Defendants. Generally, a plaintiff must give  
23 notice to the opposing party of any request for emergency injunctive relief. *See* Fed. R. Civ.  
24 Pro. 65(b)(1)(A). Judge Teilborg’s order of February 11, 2010 advised Plaintiffs of this  
25 requirement. At the hearing, Plaintiffs failed to show that immediate and irreparable injury  
26 or loss would occur before the adverse party could be heard in opposition, or any other  
27 reason notice should not be required. *Id.*

28 Second, to obtain injunctive relief, Plaintiffs must show they are likely to succeed on  
the merits of their claim. *American Trucking Ass’ns, Inc. v. City of Los Angeles*, 559 F.3d  
1046, 1052 (9th Cir. 2009). Plaintiffs’ motion did not make this showing.

1 Third, “[t]he *Younger* abstention doctrine, as originally articulated by the Supreme  
2 Court, forbids federal courts from staying or enjoining pending state court proceedings.”  
3 *AmerisourceBergen Corp. v. Roden*, 495 F.3d 1143, 1147 (9th Cir. 2007) (internal quotations  
4 omitted) (*citing Younger v. Harris*, 401 U.S. 37, 41 (1971)); *see also* 28 U.S.C. § 2283.  
5 Plaintiffs failed to address this doctrine or show why it does not apply in this case.

6 **IT IS ORDERED** that Plaintiffs’ Motion for Emergency Temporary Stay Order  
7 and/or Injunction to Superior Court for the State of Arizona, Maricopa County (Doc. #10)  
8 is denied.

9 DATED this 30th day of March, 2010.

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14 David G. Campbell  
15 United States District Judge  
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