

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

7

8

Scottsdale Capital Advisors Corp., Alpine)  
9 Securities Corp., John J. Hurry and Justine)  
Hurry,

No. CV-12-127-PHX-LOA

10

Plaintiffs,

**ORDER**

11

vs.

12

13

Brian Jones,

14

Defendant.

15

This case comes before the Court on Plaintiffs’ Notice Regarding Completion of Briefing on Defendant’s Motion to Dismiss and Plaintiff’s Motion for Ruling Summary Disposition and Motion to Consolidate Motion for Preliminary Injunction with Trial on the Merits. (Doc. 21) Plaintiffs explain that their pending motions seek an order enjoining Defendant from continuing with arbitration proceedings he initiated against Plaintiffs before Financial Industry Regulatory Authority (“FINRA”) Dispute Resolution, the dispute resolution forum administered by the FINRA. (*Id.* at 2) Plaintiffs further advise that a pre-hearing conference is scheduled before the FINRA panel on April 18, 2012.

16

17

18

19

20

21

22

23

24

25

26

27

28

Though this lawsuit was only filed on January 20, 2012, Plaintiffs advise the Court that the foregoing motions, docs. 12 and 15, are ripe for ruling and request a ruling on the pending motions. The Court is well aware that the motions are ready for ruling. Candidly, Plaintiffs’ Notice demonstrates a mistaken impression that Plaintiffs’ lawsuit and motions are entitled to a greater priority or urgency than others with lower case numbers and a

1 naivete that the judicial emergency declared for the District of Arizona in 2011 due to the  
2 dearth of federal judges is a mere fiction in the minds of the chief judges for the Ninth  
3 Circuit Court of Appeals and District of Arizona. According to the Clerk's Data Quality  
4 and Statistical Manager and based upon the AO Director's Annual Report of Judicial  
5 Business, the District of Arizona ranked **number one** of the 94 districts in the United  
6 States for volume of felony defendant filings for FY- 2011. For the last reporting period  
7 ending February 29, 2012, the District of Arizona's judges averaged 769 filings in the  
8 past 12 months (both criminal and civil combined), compared to the national average of  
9 559 filings per year per judge. Clearly, the District of Arizona's judicial emergency is  
10 real, not imaginary, and, unfortunately for civil litigants and their counsel, criminal cases  
11 take priority.

12           Although the Court's extremely full calendar prevents it from ruling on the  
13 pending motions at this time, in the interest of promoting a fair resolution of this case  
14 consistent with Fed.R.Civ.P. 1, the Court will stay the arbitration before the FINRA until  
15 the Court has ruled on the pending motions and issued an order lifting the stay.

16           The Court has previously ordered the parties to comply with the Rules of Practice  
17 for the United States District Court for the District of Arizona, including LRCiv 7.1(a)(3),  
18 which mandates that for captions, "[p]arty names must be capitalized using proper upper  
19 and lower case type[.]" LRCiv 7.1(a)(3). (A sample of proper capitalization is provided in  
20 Appendix C – LRCiv 7.1 Form). (Doc. 13 at 3) Plaintiffs' caption in its Notice Regarding  
21 Completion of Briefing violates LRCiv 7.1(a)(3) as each name is entirely in upper  
22 case type. Future violations of LRCiv 7.1(a)(3) and prior court orders will likely result in  
23 the imposition of sanctions against the offending attorney or party. *See* LRCiv.7.1(d)(5)  
24 and 83.1(f)

25           On the Court's own motion,

26 ///

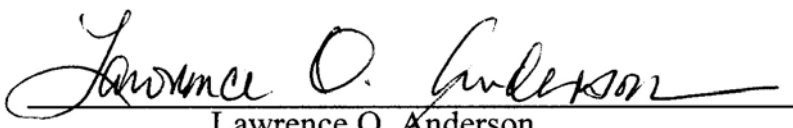
27 ///

28 ///

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  
27  
28

**IT IS ORDERED** that the arbitration proceedings between Plaintiffs and Defendant before the FINRA, including the pre-hearing conference set for April 18, 2012, are **STAYED** pending further order of this Court.

Dated this 11<sup>th</sup> day of April, 2012.



Lawrence O. Anderson  
United States Magistrate Judge