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

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Walt Hunter, et al.,  
Plaintiffs,  
v.  
Town of Florence, et al.,  
Defendants.

No. CV-14-1304-PHX-DMF

**ORDER**

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Plaintiffs have filed a Notice indicating readiness for trial. (Doc. 289) Defendants objected and filed a Notice indicating that this matter has been stayed because they have initiated an appeal of this Court’s summary judgment order. (Doc. 290) An appeal from an adverse qualified immunity ruling will stay a trial unless the Court concludes that the claim of qualified immunity is frivolous. *Chuman v. Wright*, 960 F.2d 104, 105 (9<sup>th</sup> Cir. 1992). A frivolous claim is one that is “so baseless that it does not invoke appellate jurisdiction[.]” *Marks v. Clarke*, 102 F.3d 1012, 1017-18 n. 8 (9<sup>th</sup> Cir. 1996) (quoting *Apostol v. Gallion*, 870 F.2d 1335, 1339 (7<sup>th</sup> Cir. 1989)). The Court is inclined to stay the case because the Court is inclined to find that the issue on appeal is non-frivolous. Before staying the case pending the appeal, the Court will permit a response from Plaintiffs. Accordingly,

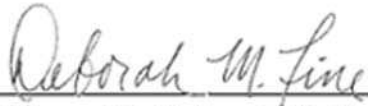
**IT IS ORDERED** vacating all pretrial deadlines.

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**IT IS FURTHER ORDERED** that within 14 days of the date of this Order, Plaintiffs shall file either an objection to the stay and a request for certification of the appeal as frivolous or, alternatively, Plaintiffs shall file a notice of non-objection.

Dated this 7th day of November, 2018.

  
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Honorable Deborah M. Fine  
United States Magistrate Judge