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WO NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Ed E. Alonzo,

Plaintiff,

v.

Akal Security, Inc.,

Defendant.

No. 17-CV-00836-PHX-JJT

ORDER

At issue is Defendant Akal Security, Inc.'s Motion for Temporary Stay of Proceedings (Doc. 40), to which Plaintiff Ed E. Alonzo filed a Response (Doc. 45, Resp.) and Defendant filed a Reply (Doc. 46). For the reasons set forth below, the Court will deny Defendant's Motion for Temporary Stay.

Defendant requests that this Court stay the present action until the conclusion of a trial for another case in the Southern District of Florida, *Gelber v. Akal Security, Inc.*, No. 1:16-cv-23170-FAM. Defendant argues that because *Gelber* has the same defendant company and is litigating claims similar to the types of claims in this case, the Court should wait for the resolution of *Gelber* before proceeding here. In response, Plaintiff contends that although *Gelber* presents similar issues, the facts of each case are distinguishable and the resolution of one would not necessarily aid in the resolution of the other. Plaintiff also ventilated serious concerns regarding the Southern District of Florida's ability to maintain its court schedule in the wake of Hurricane Irma. (Resp. at 3–4.)

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Although Plaintiff does not cite any case law in support of its arguments, and the Florida courts were up and running within days of the storm, the Court is not predisposed to delaying this case. The facts of this case are undoubtedly different from the facts in *Gelber*. For example, Plaintiff may perform different duties than the *Gelber* plaintiffs, work different hours and different shifts, have superiors with different internal policies, and so on. That the court in *Gelber* denied nationwide certification speaks in part to a judgment that the circumstances for Akal employees in Florida are not the same as Akal employees in, for example, Arizona. Therefore, a belief that a trial outcome in *Gelber* will affect the merits or decisions in this case is misplaced.

This is especially true because any decision in the Southern District of Florida is not binding on a case in the District of Arizona. Fellow district courts merely provide persuasive authority to one another, and the Southern District of Florida applies the law of the Eleventh Circuit, not the Ninth Circuit.

IT IS THEREFORE ORDERED denying Defendant's Motion for Temporary Stay of Proceedings (Doc. 40).

Dated this 7th day of November, 2017.

Honorable John J. Tuchi
United States District Judge