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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jessica Fidler,

10 Plaintiff,

11 v.

12 State of Arizona, et al.,

13 Defendants.
14

No. CV-22-00300-PHX-ROS

ORDER

15 This Order resolves a motion to stay, a motion to seal, and a motion for extension
16 of time.

17 **I. Motion to Stay**

18 Plaintiff Jessica Fidler, on behalf of Plaintiff E.F., seeks “to stay these proceedings
19 for 90 days to allow Plaintiff E.F. to serve an amended [notice of claim] on” various state
20 defendants. (Doc. 126 at 2). If granted a stay, E.F. plans to serve an amended notice of
21 claim, allow the response time to run, and if no settlement is reached, amend his complaint
22 in this case to include various state-law claims. According to E.F., if a stay is not granted,
23 he will have to withdraw from the present suit, complete the notice of claim process, and
24 then re-file his “state and federal claims in a separate federal court action.” (Doc. 126 at
25 5). E.F. does not explain why he will be required to pursue this convoluted process if his
26 request for a stay is denied.

27 Defendants argue there is no need for a stay. Defendants focus on their belief that
28 E.F.’s state-law claims have already been resolved in that they were dismissed based on

1 the improper notice of claim E.F. previously attempted to serve. Thus, Defendants believe
2 any attempt to amend the complaint after E.F. served another notice of claim would be
3 futile.

4 At present, there is no basis to stay this case. This does not preclude E.F. from
5 pursuing whatever course of action he believes appropriate. Thus, if E.F. wishes to prepare
6 and serve another notice of claim, he is free to do so. If, after service of a new notice of
7 claim, E.F. wishes to attempt to amend the complaint in this case to include state-law
8 claims, he must file the appropriate motion and make the requisite showings, including that
9 he was diligent. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir.
10 1992) (noting in context of seeking amendment to scheduling order “carelessness is not
11 compatible with a finding of diligence and offers no reason for a grant of relief”).

12 **II. Motion to Seal**

13 When responding to the amended complaint, Defendant Kaplan-Siekman filed a
14 Motion for Leave to File Exhibits A and B to her Motion to Dismiss Under Seal (Doc.
15 144). That motion argues “A.R.S. § 8-807(U) and Arizona Rule of Juvenile Procedure
16 313(a) require” the exhibits be filed under seal. The provisions of Arizona law regarding
17 confidentiality may not apply in federal litigation. Moreover, the lodged exhibits have
18 been redacted to remove E.F.’s name. Those redactions may eliminate the need to seal the
19 exhibits. The proper filing of this type of document may recur in this case. Therefore, the
20 parties will be required to confer and file a statement setting forth their positions on two
21 issues. First, whether Arizona’s various confidentiality laws or rules govern in federal
22 court. And second, whether redactions are sufficient to allow for documents, such as those
23 lodged by Kaplan-Siekman, to be filed on the public docket.

24 **III. Motion for Extension of Time**

25 The parties have stipulated to an extension of time for Plaintiff to respond to the
26 motion to dismiss filed by some of the defendants on January 4, 2023. Other defendants
27 filed motions to dismiss on January 10, 2023. (Doc. 143, 143, 147). To avoid additional
28 requests for extension of time, the Court will set a single deadline for all responses.

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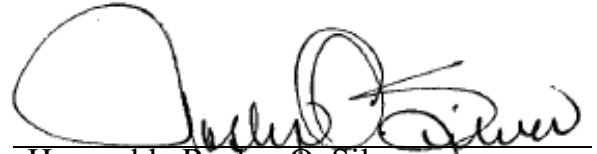
Accordingly,

IT IS ORDERED the Motion to Stay (Doc. 126) is **DENIED**.

IT IS FURTHER ORDERED the Motion for Leave to File Exhibits A and B to her Motion to Dismiss Under Seal (Doc. 144) is **DENIED WITHOUT PREJUDICE**. No later than **January 24, 2023**, the parties shall file a joint statement regarding the filing of juvenile records as set forth above.

IT IS FURTHER ORDERED the Motion for Extension of Time (Doc. 148) is **GRANTED** to the extent the response to Doc. 140, as well as the responses to Doc. 143, 146, and 147 shall be filed no later than **January 31, 2023**.

Dated this 18th day of January, 2023.



Honorable Roslyn O. Silver
Senior United States District Judge