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6	IN THE UNITED STATES DISTRICT COURT	
7	FOR THE DISTRICT OF ARIZONA	
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9	Ronald Cooke, et al.,	No. CV-10-08105-PCT-JAT
10	Plaintiffs,	ORDER
11	v.	
12	Town of Colorado City, et al.,	
13	Defendants.	
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15	Pending before the Court is Movant United Effort Plan Trust ("UEP")'s Renewed	
16	Motion for Order to Show Cause, (Doc. 749), in which UEP argues that the Court need	
17	not abstain from holding an evidentiary hearing to determine whether Colorado City has	
18	"continu[ed] religious discrimination in violation" of the injunction issued on November 26, 2014 (Dec. 723). LIEP's renewed filing follows the Court's February 16, 2016	
19	26, 2014. (Doc. 723). UEP's renewed filing follows the Court's February 16, 2016, denial of UEP's motion without projudice in light of questions over whether abstantion	
20	denial of UEP's motion without prejudice in light of questions over whether abstention doctrines applied. (Id. at 8-9). Having considered the parties' filings, the Court now rules	
21	on the motion.	
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23 24	I.	
24	As the Court did in its February 16, 2016, Order, the recitation of facts is restricted	
25 26	to those pertinent to UEP's pending motion. Interested parties will find a full recounting	
20 27	of the matter's factual background in the Court's February 13, 2013, and September 4,	
27	2015, Orders. (See Doc. 318 at 2-10, Doc. 703).	
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Following a jury trial in which Plaintiffs Ron and Jinjer Cooke (collectively, the "Cookes") and Plaintiff-Intervenor the State of Arizona (the "State") prevailed over Defendants,¹ the Court entered the Amended Judgment and Permanent Injunction (hereafter the "injunction"). (Doc. 724 at 1). The injunction, in part, enjoined the following:

During the ten-year period beginning from the date of this Judgment, Defendants and their agents shall not (1) discriminate because of religion against any person in the terms, conditions, or privileges of the provision of services or facilities in connection with the sale or rental of a dwelling; or (2) coerce, intimidate, threaten, interfere with, or retaliate against any person in the enjoyment of his or her dwelling because of religion or because that person has asserted rights, or encouraged others to assert their rights, protected by the federal Fair Housing Act or the Arizona Fair Housing Act.

(Doc. 724 at 2). The injunction shall "remain in place for ten years from the date of th[e] Judgment," and the Court "retain[ed] jurisdiction to enforce it." (Id. at 2-3).

On December 14, 2015, UEP, "on behalf of itself and its beneficiaries who possess occupancy agreements to reside on UEP property," moved this Court to find Colorado City in contempt of the aforementioned injunction "for continuing religious discrimination." (Doc. 738 at 1). UEP sought a "limited period of discovery," and an evidentiary hearing to establish that: (1) Colorado City passed a 2007 Land Division Ordinance (hereafter the "Subdivision Ordinance") with the "express intent" of discriminating against individuals who do not belong to the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS); (2) the passage and application of the Subdivision Ordinance resulted in religious discrimination against UEP and its beneficiaries; and (3) Colorado City "has engaged in disparate treatment in applying the Subdivision Ordinance to residents of the city" on the basis of their affiliation with the FLDS. (Id. at 7-8).

¹ Colorado City is a named defendant in this matter. The pending motion addresses only Colorado City's actions. The Court need not set forth the other named defendants.

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The Court denied UEP's motion, without prejudice, on February 16, 2016. (Doc. 748). The Court was unable to determine, based on the record before it, whether any of a number of abstention doctrines precluded this Court from hearing UEP's claim, on account of ongoing litigation in both state and federal court. (Id. at 8-9). On May 5, 2016, UEP renewed its motion, arguing that the Younger, Pullman, Burford, and Colorado River² abstention doctrines did not apply, and that this Court was "clearly in the best position to determine the limited issues presented here." (Doc. 749 at 3-10). Colorado City raised several arguments in opposition. (Doc. 750).

II.

11 A district court has the inherent power to stay proceedings before it. See Landis v. 12 North Am. Co., 299 U.S. 248, 254 (1936); see also Leyva v. Certified Grocers of Cal., 13 Ltd., 593 F.2d 857, 863 (9th Cir. 1979) ("A trial court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an 14 15 action before it, pending resolution of independent proceedings which bear upon the 16 case."). The power to stay proceedings "is incidental to the power inherent in every court 17 to control disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." Landis, 299 U.S. at 254. "This rule applies whether 18 19 the separate proceedings are judicial, administrative, or arbitral in character, and does not 20 require that the issues in such proceedings are necessarily controlling of the action before 21 the court." Leyva, 593 F.2d at 863 (citing Kerotest Mfg. Co. v. C-O-Two Fire Equipment 22 Co., 342 U.S. 180 (1952)). Staying an action "may be appropriate to avoid duplicative 23 litigation and inconsistent results, even when the stay requires one litigant to stand aside 24 while a litigant in another case settles the rule of law that will define the rights of both." 25 Williams v. Godinez, 2016 U.S. Dist. LEXIS 23115, at *2 (D. Nev. Feb. 25, 2016) (citing

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 ²⁷ Although the Colorado River doctrine is at times referred to as an abstention doctrine, the Supreme Court has rejected this characterization. See Nakash v. Marciano, 882 F.2d 121, 1415 n.5 (9th Cir. 1989).

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Landis, 299 U.S. at 254).

2 In light of ongoing litigation before Judge Holland in United States v. Town of 3 Colorado City et al, No. 3:12-CV-08123-HRH, the Court finds that a temporary stay in 4 this action is appropriate. On April 29, 2016, in the case before Judge Holland, the United 5 States filed a post-trial brief seeking, among other injunctive relief, an order that would 6 require Colorado City to approve the United Effort Plan ("UEP") Trust's subdivision 7 proposal." (Doc. 750-1 at 11). In support of its proposed injunctive relief, the United 8 States alleged that "Colorado City continues to oppose subdivision," and that their 9 "continued rejection of the UEP's subdivision proposal comes despite the significant 10 expenditures the UEP made to comply with what can only be described as an onerous and 11 ill-suited subdivision ordinance, the Land Division Ordinance, which Colorado City 12 adopted following the UEP's submission of its subdivision application." (Id. at 25 13 (emphasis in original)).

14 Although the United States seeks more robust injunctive relief in its case, on the 15 issue of Colorado City's utilization of the Subdivision Ordinance and UEP's efforts to 16 propose and enact a subdivision ordinance, there is complete overlap between the two 17 actions. A favorable ruling for the United States in No. 3:12-CV-08123-HRH on this 18 issue will moot UEP's action. Colorado City would be ordered to abandon its Subdivision 19 Ordinance-the tool which it has allegedly used to discriminate against citizens-and 20 would be required to adopt UEP's proposed subdivision ordinance. The Court, were it 21 justified, could not fashion a more favorable remedy for UEP in the instant action.

Furthermore, the litigation in No. 3:12-CV-08123-HRH is at a significantly advanced stage. A jury verdict was delivered on March 7, 2016. On April 29, 2016, the United States submitted its proposed injunctive relief. An evidentiary hearing, expected to last between three and four days, is set for October 24, 2016. After that, Judge Holland will deliver his findings of fact and conclusions of law. Staying the instant action will impose a minimal burden on the parties, will be relatively short in length, and may resolve the issue without any further expenditure of time and resources by the parties.

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1 CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir. 1962) (citation omitted) (noting that in 2 evaluating whether a stay is appropriate, courts should consider (1) the possible damage 3 which may result, (2) the hardship imposed on the parties, and (3) whether the stay will 4 complicate or simplify the matter before the court). And a stay will not cause "even a fair 5 possibility" of harm." Id. (internal quotation marks omitted). 6 To conclude, the Court finds that a stay will promote efficiency, avoid duplicative 7 litigation, promote "the interest of wise judicial administration," Silvaco Data Sys., Inc. v. 8 Tech. Modeling Assocs., Inc., 896 F. Supp. 973, 975 (N.D. Cal. 1995), and is the "fairest 9 course for the parties" before the Court. Leyva, 593 F.2d at 863. Accordingly, the Court 10 will stay consideration of UEP's Renewed Motion for Order to Show Cause, (Doc. 749), 11 pending the issuance of findings of fact and conclusions of law by Judge Holland in 12 United States v. Town of Colorado City et al, No. 3:12-CV-08123-HRH. 13 III. 14 15 Based on the forgoing, 16 **IT IS ORERED** that UEP's Renewed Motion for Order to Show Cause, (Doc. 17 749), is **STAYED** pending the issuance of Findings of Fact and Conclusions of Law by 18 Judge Holland in United States v. Town of Colorado City et al, No. 3:12-CV-08123-19 HRH. 20 IT IS FURTHER ORDERED that the parties shall file a status report with the 21 Court within ten (10) days after the above-mentioned issuance. 22 Dated this 5th day of August, 2016. 23 24 25 James A. Teilborg 26 Senior United States District Judge 27 28 - 5 -