

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

JOHN DOE I-XIX and JOHN ELLIOTT,

Plaintiffs,

v.

BOY SCOUTS OF AMERICA, a
congressionally chartered corporation
authorized to do business in Idaho;
CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, a
foreign corporation sole registered to do
business in Idaho; and CORPORATION
OF THE PRESIDENT OF THE
CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS AND
SUCCESSORS, a foreign corporation
registered to business in Idaho,

Defendants.

Case No. 1:13-cv-00275-BLW

ORDER TO SHOW CAUSE

Pursuant to the Court's Order, Dkt. 324, Doe I's claim against the LDS Church is currently stayed, and there is no motion yet pending by the Church Defendants for summary judgment against Doe I. Under Rule 56(f), however, the Court may "consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute." Fed. R. Civ. P. 56(f). Before granting summary judgment

against a party *sus sponte*, however, the Court must give the party notice and opportunity to respond. *Id.*

In the Memorandum and Decision Order issued concurrently herewith, the Court found that Doe I knew the facts underlying his claim for constructive fraud in 2007, and thus that his claim is barred by the statute of limitations. As such, the Court directs Doe I to show cause why, in the absence of a genuine issue of fact as to whether his claim is barred by the statute of limitations, the Court should not grant summary judgment to the Church Defendants. Accordingly,

IT IS ORDERED that Doe I must show cause within ten (10) days of the issuance of this Order why the Church Defendants are not entitled to summary judgment on the grounds that his claim is barred by the statute of limitations.



DATED: August 31, 2018

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief U.S. District Court Judge