## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

HENRY HILL, et al.,

Plaintiffs,

Case No. 10-14568

v.

Hon. John Corbett O'Meara

RICK SNYDER, et al.,

Defendants.

**ORDER DENYING MOTION FOR STAY** 

Before the court are Defendants' motions for stay pending appeal and for immediate consideration, filed December 6, 2012. Plaintiff filed a response on December 13, 2013. Defendant submitted a reply on December 17, 2013.

Defendants are appealing several of the orders entered in this case, including the court's most recent order dated November 26, 2013. In determining whether a stay should be granted pending appeal, the court considers the same four factors that are traditionally considered in analyzing a motion for preliminary injunction. <u>See Hilton v. Braunskill</u>, 481 U.S. 770, 776 (1987); <u>Michigan Coalition of</u> <u>Radioactive Material Users, Inc. v. Griepentrog</u>, 945 F.2d 150, 153 (6<sup>th</sup> Cir. 1991).

These well-known factors are: (1) the likelihood that the party seeking the stay will prevail on the merits of the appeal; (2) the likelihood that the moving party will be irreparably harmed absent a stay; (3) the prospect that

others will be harmed if the court grants the stay; and (4) the public interest in granting the stay.

<u>Michigan Coalition</u>, 945 F.2d at 153. The Sixth Circuit has emphasized that these "factors are not prerequisites that must be met, but are interrelated considerations that must be balanced together." <u>Id.</u>

The court finds that Defendants have neither demonstrated a sufficient likelihood of success on the merits nor irreparable harm. <u>See Michigan Coalition</u>, 945 F.2d at 154 ("Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough."). Absent a showing on these key factors, a stay is unwarranted.

## **ORDER**

IT IS HEREBY ORDERED that Defendants' motion for immediate consideration is GRANTED.

IT IS FURTHER ORDERED that Defendants' motion for stay pending appeal is DENIED.

<u>s/John Corbett O'Meara</u> United States District Judge

Date: December 19, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, December 19, 2013, using the ECF system.

<u>s/William Barkholz</u> Case Manager