

AUG 22 2022

IN THE THIRD JUDICIAL DISTRICT COURT  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

Salt Lake County

Deputy Clerk

LEAGUE OF WOMEN VOTERS OF UTAH,  
MORMON WOMEN FOR ETHICAL  
GOVERNMENT, STEFANIE CONDIE,  
MALCOLM REID, VICTORIA REID,  
WENDY MARTIN, ELEANOR  
SUNDWALL, JACK MARKMAN, and  
DALE COX,

Plaintiffs,

v.

UTAH STATE LEGISLATURE; UTAH  
LEGISLATIVE REDISTRICTING  
COMMITTEE; SENATOR SCOTT  
SANDALL, in his official capacity;  
REPRESENTATIVE BRAD WILSON, in his  
official capacity; SENATOR J. STUART  
ADAMS, in his official capacity; and  
LIEUTENANT GOVERNOR DEIDRE  
HENDERSON, in her official capacity,

Defendants.

**RULING AND ORDER DENYING  
DEFENDANTS' JOINT MOTION TO  
STAY**

Case No. 220901712

Judge Dianna M. Gibson

On July 21, 2022, Defendants filed a Joint Motion to Stay the above-entitled action pending the United States Supreme Court's review of *Moore v. Harper*, No. 21-1271, 2022 WL 2347621 (U.S. June 30, 2022). Defendants have also requested this Court hear this matter during the previously-scheduled August 24, 2022 hearing, instead of the Motion to Dismiss. Plaintiffs oppose the stay and request the Court hear both matters during the August 24, 2022 hearing. Having considered the Motion to Stay, and the memoranda submitted both in support and opposition to it, the Court has determined that oral argument is unnecessary. Based on the parties' written submissions, the Court hereby DENIES Defendants' Motion to Stay.

The Utah Rules of Civil Procedure govern court procedure in civil cases. These rules “shall be liberally construed and applied to achieve the just, speedy, and inexpensive determination of every action,” Utah R. Civ. P. 1, and “to afford litigants every reasonable opportunity to be heard on the merits of their cases.” *Bunting Tractor Co. v. Emmett D. Ford Contractors*, 272 P.2d 191, 192 (Utah 1954). To this end, trial courts are given broad discretion to manage their dockets, which includes the “inherent power” to stay proceedings. *See Lewis v. Moultrie*, 627 P.2d 94, 96 (Utah 1981); *Stichting Mayflower Mountain Fonds v. United Park City Mines Co.*, 2017 UT 42, ¶ 57, 424 P.3d 72, 83 (“Trial courts have broad discretion in managing the cases assigned to their courts.” (citation omitted)). While grounds justifying a stay may vary by case, “[a] common ground for a stay is the pendency of another action involving identical parties and issues and where a decision in one action settles the issues in another, or when the decision in an action is essential to the decision in another.” *Lewis*, 627 P.2d at 96. When a stay is opposed, courts should consider the impact of a stay on the opposing party. *See, e.g., Bunting Tractor Co.*, 272 P.2d at 192-93 (applying rules and considering impact to parties).

Defendants request a stay based on the United States Supreme Court’s decision to grant certiorari in *Moore v. Harper* to decide whether the Elections Clause of the United States Constitution bars state courts from reviewing and replacing congressional districting maps drawn by state legislatures.<sup>1</sup> Defendants argue that, in the interest of judicial economy, the Court should stay this action pending a decision from the Supreme Court in *Moore* because that decision would dispose of “most, if not all” of Plaintiffs’ claims. Delaying these proceedings until the

---

<sup>1</sup> The theory advanced in *Moore*, also known as the independent state legislature theory, posits that the Elections Clause of the U.S. Constitution prohibits judicial review of congressional districting maps because the power to determine “the Times, Places and Manner of holding Elections for Senators and Representatives” rests exclusively with the state legislature. U.S. Const. art. I, § 4, cl. 1.

Supreme Court renders an opinion in *Moore* would, in Defendants' view, "preserve the possibility of a just, speedy, and inexpensive determination of the present matter."

Plaintiffs oppose the immediate and indeterminate stay of this case, arguing that *Moore* is different and will not unquestionably resolve all the issues in this case. *Moore* involves a different state, different state constitution, and different legal claims. In addition, *Moore* will not resolve nor have any bearing on Plaintiffs' Count Five, whether the Legislature lawfully repealed Proposition 4. Further, Plaintiffs assert they will be prejudiced by the stay, in that they will be precluded from litigating their claims and obtaining the relief requested before the 2024 election.

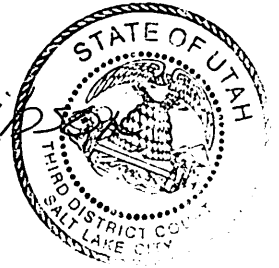
Both sides make persuasive arguments regarding the necessity and potential consequences of a stay. Notwithstanding Defendants' arguments, it is not clear to the Court that staying these proceedings would in fact "achieve the just, speedy, and inexpensive determination" of this case or promote judicial economy. The Supreme Court has granted certiorari in *Moore v. Harper*, but the willingness of a few justices to hear that case does not indicate how the Supreme Court may rule. It is possible that *Moore* "may" have an impact on this case; however, that impact is unclear. There is no timeline as to when the decision will issue. And even if the Supreme Court rules in favor of the Petitioners in *Moore*, Plaintiffs' Count Five will remain unresolved. In balancing the competing interests, the mere possibility that the Supreme Court's future decision in *Moore* may resolve some of the issues in this case does not outweigh the risk of denying Plaintiffs the opportunity to seek timely relief. As the Supreme Court has held, "[o]nly in rare circumstances will a litigant in one cause be compelled to stand aside while a litigant in another settles the rule of law that will define the rights of both." *Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936). The circumstances presented here do not justify a stay of Plaintiffs' case.

For these reasons, Defendants' Joint Motion to Stay is DENIED. The Court will hear oral arguments on Defendants' Motion to Dismiss on August 24, 2022, as scheduled.

Dated August 22, 2022.

BY THE COURT:

*Dianna M. Gibson*  
Judge Dianna M. Gibson



**CERTIFICATE OF NOTIFICATION**

I certify that a copy of the attached document was sent to the following people for case 220901712 by the method and on the date specified.

EMAIL: JOHN FELLOWS JFELLOWS@LE.UTAH.GOV

EMAIL: ERIC WEEKS EWEEKS@LE.UTAH.GOV

EMAIL: THOMAS VAUGHN TOMVAUGHN@LE.UTAH.GOV

EMAIL: MICHAEL CURTIS MICHAELCURTIS@LE.UTAH.GOV

EMAIL: LANCE SORENSON LANCESORENSON@AGUTAH.GOV

EMAIL: DAVID WOLF DNWOLF@AGUTAH.GOV

EMAIL: DAVID REYMANN DREYMANN@PARRBROWN.COM

EMAIL: BRIGGS MATHESON BMATHESON@PARRBROWN.COM

EMAIL: ASEEM MULJI amulji@campaignlegalcenter.org

EMAIL: ANNABELLE HARLESS aharless@campaignlegalcenter.org

EMAIL: HAYDEN JOHNSON hjohnson@campaignlegalcenter.org

EMAIL: J FREDERIC VOROS FVOROS@ZBAPPEALS.COM

EMAIL: TROY BOOHER TBOOHER@ZBAPPEALS.COM

EMAIL: CAROLINE OLSEN COLSEN@ZBAPPEALS.COM

EMAIL: MARK GABER mgaber@campaignlegalcenter.org

08/22/2022

/s/ JENNIFER GADBOIS

Date: \_\_\_\_\_

\_\_\_\_\_

Signature