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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Wesley W. Harris, et al.,)	No. CV-12-00894-PHX-ROS-NVW-RRC
Plaintiffs,)	ORDER
vs.)	
Arizona Independent Redistricting)	
Commission, et al.,)	
Defendants.)	

The Court resolves the pending motions as follows. All three judges agree Defendants' First Motion for Judgment on the Pleadings should be granted. Therefore, Defendants Mathis, McNulty, Herrera, Freeman, and Stertz will be dismissed. Plaintiffs' Second Claim for Relief will also be dismissed. Judges Clifton and Wake agree the Motion for *Pullman* Abstention should be denied. Judge Silver would grant the motion.

Judges Clifton and Wake agree the Motion for Protective Order should be denied as presented and discovery central to the federal claims permitted. They view such discovery as focused and not burdensome. It would not extend to general questioning about the case in hopes of finding general inconsistencies, such as Plaintiffs have suggested. Witnesses can be protected from discovery that is not central to the federal claims or any other inappropriate burden under Federal Rule of Civil Procedure 26(c). Judge Silver would grant the motion in part.

1 Finally, all three judges agree the Second Motion for Judgment on the Pleadings
2 and/or Order Regarding Standard of Review should be denied without prejudice to
3 determination, if necessary, after trial. An opinion explaining these rulings will follow.

4 Accordingly,

5 **IT IS ORDERED** the First Motion for Judgment on the Pleadings (Doc. 66) is
6 **GRANTED**. Defendants Mathis, McNulty, Herrera, Freeman, and Stertz are **DISMISSED**.
7 Plaintiffs' Second Claim for Relief is also **DISMISSED**.

8 **IT IS FURTHER ORDERED** the Motion to Stay (Doc. 76) is **DENIED**.


9 **IT IS FURTHER ORDERED** the Motion for Protective Order (Doc. 85) is
10 **DENIED**.

11 **IT IS FURTHER ORDERED** the Second Motion for Judgment on the Pleadings
12 and/or Order Regarding Standard of Review (Doc. 95) is **DENIED WITHOUT**
13 **PREJUDICE**.

14 **IT IS FURTHER ORDERED** the Stipulation (Doc. 130) is **APPROVED**. The
15 Scheduling Order is modified to extend the fact discovery cut-off from February 28, 2013
16 to March 8, 2013.

17 DATED this 22nd day of February, 2013.

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Roslyn O. Silver
Chief United States District Judge