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**Admitted pursuant to Ariz. Sup. Ct. R. 38(f)

15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE DISTRICT OF ARIZONA**

17 ANTIGONE BOOKS L.L.C., et al.
18 Plaintiffs,

19 -v-

20 TOM HORNE, in his capacity as Attorney
21 General of the State of Arizona; et al.
22 Defendants.

Civil Case No.
2:14-cv-02100-PHX-SRB

**JOINT MOTION FOR STAY OF
PROCEEDINGS AND STAY OF
ENFORCEMENT OF
A.R.S. § 13-1425**

23 Plaintiffs and Defendant Horne, in his capacity as Attorney General of the State of
24 Arizona, agree and jointly move the Court to stay proceedings in this matter pending
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1 further Order of this Court to be issued after any party notifies the Court of either (1)
2 enactment by the Arizona State Legislature of an amendment to or substitute for House
3 Bill 2515, 51st Leg., 2nd Reg. Sess. (Ariz. 2014), as codified at Ariz. Rev. Stat. § 13-
4 1425, and signature by the Governor; or (2) adjournment sine die of the 52nd Arizona
5 State Legislature, First Regular Session (the “Legislature’s First Regular Session”), which
6 commences on January 12, 2015, and is estimated to adjourn in mid-April 2015.

7 This Court has discretion to stay proceedings in accordance with its inherent power
8 to control its docket and calendar, and in the interests of efficiency and fairness. *Leyva v.*
9 *Certified Grocers of California, Ltd.*, 593 F.2d 857, 864 (9th Cir. 1979).

10 Plaintiffs filed this lawsuit on September 23, 2014, in order to challenge the
11 constitutionality of Ariz. Rev. Stat. § 13-1425. Plaintiffs have moved for a preliminary
12 injunction. Plaintiffs assert that Ariz. Rev. Stat. § 13-1425 is unconstitutional for the
13 reasons set forth in the Complaint.

14 Counsel for the State has learned that the Sponsor of House Bill 2515 intends to
15 introduce for consideration various modifications to Ariz. Rev. Stat. § 13-1425 in the
16 Legislature’s First Regular Session, which might impact or address the claims and/or
17 issues in this action. The requested stay conserves judicial resources by relieving the
18 Court of the burden of doing work that may ultimately be unnecessary if Ariz. Rev. Stat. §
19 13-1425 is modified in a manner which impacts or addresses the issues raised in this
20 action, while similarly sparing the parties from spending unnecessary time and expense
21 continuing to litigate whether Ariz. Rev. Stat. § 13-1425 is constitutional, only for it to be
22 modified in the upcoming legislative session.

23 On behalf of the State of Arizona, Defendant Horne further agrees and stipulates to
24 stay enforcement of Ariz. Rev. Stat. § 13-1425 (both in its current form, and as it may be
25 amended or substituted) pending Order of this Court to be issued after: any party notifies
26 the Court of either (1) amendment of Ariz. Rev. Stat. § 13-1425 and signature by the
27 Governor, or (2) adjournment sine die of the Legislature’s First Regular Session; and such
28 proceedings, if any, that the Court deems appropriate.

1 The parties stipulate and agree that, upon the Legislature's enactment of an
2 amendment to or substitute in place of Ariz. Rev. Stat. § 13-1425 and signature by the
3 Governor, or adjournment sine die of the Legislature's First Regular Session, the Parties
4 shall confer and jointly report to the Court on the actions, if any, taken by the Legislature.

5 The parties further stipulate and agree that upon filing such report, if Plaintiffs
6 deem it appropriate, (1) Plaintiffs may amend their complaint (2) Plaintiffs may either file
7 an amended Motion for Preliminary Injunction or reassert their original Motion for
8 Preliminary Injunction.

9 The parties further move the Court to vacate (1) the deadlines set forth in the
10 Court's October 24, 2014 standard case management Order, (2) the Pretrial Scheduling
11 Conference scheduled for December 8, 2014, (3) the oral argument set for January 20,
12 2015, and (4) the briefing schedule re: Plaintiffs' Motion for Preliminary Injunction. If
13 and when necessary, new dates shall be established by further Order of this Court.

14 The parties further stipulate and agree that Plaintiffs reserve their right to seek an
15 award of attorneys' fees and costs.

16 This Court has previously entered Orders which provide that each of the defendant
17 County Attorneys, except Yuma County, shall be bound by any Stipulation entered into
18 by the Attorney General, and shall be bound by all Orders of this Court. And, while
19 counsel for Defendant Yuma County Attorney is unavailable to consent to this final
20 Motion until after the Thanksgiving holiday, he participated in the parties' joint Rule 26(f)
21 conference on November 14, 2014, and raised no objection to the substance of the
22 Motion, which was discussed. Furthermore, Defendant Yuma County Attorney has filed
23 an Answer stating that, while he "does not contend the law is illegal or unconstitutional,"
24 he "does not intend to take any action to defend the legality of H.B. 2515," and agrees to
25 be bound by any orders of this Court concerning the provisions of the law. (Dkt. 76, ¶¶ 3-
26 4.) Plaintiffs and Defendant Horne thus agree that all defendants shall be bound by this
27 Stipulation and any Order entered by the Court hereon.

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A proposed Order accompanies this Joint Motion.

Dated: November 25, 2014

Respectfully submitted,

s/ Lee Rowland (w/permission)

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CERTIFICATE OF SERVICE

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I hereby certify that on November 25, 2014, I electronically transmitted the attached Joint Motion for Stay of Proceedings and Stay of Enforcement of A.R.S. § 13-1425 to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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