

**N E N ED A E CO R OF APPEAL
FOR E ELE EN C RC**

CA E NO

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a stay will not cause any substantial hardship to State Defendants. As such, a stay of the litigation is unwarranted and should be denied.

LE AL ANDARD

A stay of proceedings is an extraordinary request, especially where the issue on appeal is whether to affirm or reverse the denial of a preliminary injunction. Granting a stay while an appeal of a denial of a preliminary injunction is pending is tantamount to a temporary affirmation of the denial of the preliminary injunction—but without any consideration of the merits of the case. *Cf. Hines v. D’Artois*, 531

Furthermore, “the suppliant for a stay *must* make out a clear case of hardship or inequity in being required to go forward, if there is even a fair possibility that the stay for which he prays will work damage to someone else.” *Landis*, 299 U.S. at 255 (emphasis added). In the instant case, harm to HICA and class members is clear. *See* HICA Blue Br. at 64-68. State Defendants can point to no hardship or inequity, and consequently their motion should fail. *Landis*, 299 U.S. at 255.

PLAINTIFF AND CLASS MEMBER CONNECTION

D).⁴ The risk to Plaintiffs and class members of private discrimination and lack of recourse in the courts due to the implementation of Section 27 is on-going.

Section 30 is also causing irreparable harm as it “puts aliens who are unable to verify their lawful residency between a rock and a hard place.” *Cent. Ala. Fair Housing Ctr. v. Magee* (“CAFHC”), No. 11-cv-982, 2011 U.S. Dist. LEXIS 142788, at *15, 2011 WL 6182334, at *3 (M.D. Ala. Dec. 12, 2011). Section 30

THE DEFENDANT HAS DENIED ANY
FACTS OR NEGATIVE FACTS BY PROCEEDING

Arizona cannot be expected to dispose of consideration of the other four provisions of HB 56 that this Court will consider in the instant appeal.⁶

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