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Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

THE DOWNTOWN SOUP KITCHEN, d/b/a, )  
DOWNTOWN HOPE CENTER, )

Plaintiff, )

vs. )

MUNICIPALITY OF ANCHORAGE, )  
ANCHORAGE EQUAL RIGHTS )  
COMMISSION, and PAMELA BASLER, )  
Individually and in her Official Capacity as )  
the Executive Director of the Anchorage )  
Equal Rights Commission, )

Defendants. )

Case No. 3:18-cv-00190-SLG

**MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF  
DEFENDANTS' MOTION FOR ABSTENTION**

Defendants, by and through the Municipal Attorney's Office, move for an order staying all proceedings in this case, pending a ruling on Defendants' concurrently filed Motion for Abstention. As articulated in the abstention motion, abstention by the Court pursuant to the *Younger* doctrine is appropriate based upon the open civil enforcement

proceeding before the Anchorage Equal Rights Commission (AERC) involving the same parties and claims. Should Defendants prevail on the abstention motion, dismissal of this action is the appropriate relief. Thus, the interests of the parties and judicial economy are best served by staying all proceedings in this case, until the Court rules on Defendants' motion for abstention.

In addition, the Hope Center recently filed a voluminous Motion for Preliminary Injunction (Docket 29), with Defendants' opposition due November 29, 2018 (Docket 41). The standards for injunctive relief include that the Hope Center is likely to succeed on the merits of the case. In order for the Court to make this finding, a full briefing by both parties on all issues is required as well as probable oral argument and review by the Court on the ultimate issues in this case. Such extensive additional briefing, argument, and decision by the Court will be rendered unnecessary if the Court grants the motion for federal abstention.

A second standard required to support injunctive relief is that the Hope Center will likely suffer irreparable harm absent the requested injunctive relief. Defendants certify no investigative, decision-making, or enforcement actions will be undertaken in the open AERC proceeding (AERC Complaint No. 18-041) pending the Court's determination of Defendants' motion for federal abstention.

A stay of proceedings will allow the parties to focus on the abstention issue and accomplish briefing more expeditiously, and will allow the Court to resolve the pending motions for abstention and for preliminary injunction in the logical order.

The undersigned certifies that the parties have met and conferred regarding this motion, and Plaintiff is aware of Defendants' motions for abstention, for stay, and for consideration on shortened time.

Respectfully submitted this 21st day of November, 2018.

REBECCA A. WINDT PEARSON  
MUNICIPAL ATTORNEY

By: /s/ Ryan A. Stuart  
Assistant Municipal Attorney  
Alaska Bar No. 0706036

**CERTIFICATE OF SERVICE**

I certify that on 11/21/2018, a copy of the foregoing document was served on the following:

Jonathan A. Scruggs  
Ryan J. Tucker  
Sonja Redmond  
Kevin G. Clarkson  
David Cortman  
Katherine Anderson

by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

/s/ Amber Cummings  
Legal Secretary

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Case No. 3:18-cv-00190-SLG

**[PROPOSED] ORDER GRANTING MOTION TO STAY PROCEEDINGS  
PENDING RESOLUTION OF DEFENDANTS' MOTION FOR ABSTENTION**

This Court has reviewed the Defendants' Motion to Stay Proceedings Pending Resolution of Defendants' Motion for Abstention, and any opposition and reply thereto;

IT IS HEREBY ORDERED that Defendants' Motion to Stay Proceedings is GRANTED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Sharon L. Gleason  
United States District Court Judge

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