

Hopkins, 490 U.S. 228 (1989).” 139 S. Ct. 1599. Oral argument is to be heard by the Supreme Court on October 8, 2019.

Because the parties’ cross-motions for summary judgment raise the exact question that is before the Supreme Court in R.G. & G.R. Harris Funeral Homes, it is this court’s perception that the best use of judicial resources at this point would be to hold any decision on the pending cross-motions for summary judgment in abeyance until the Supreme Court has issued a decision in R.G. & G.R. Harris Funeral Homes. This perception is largely based on the court’s belief that its decision on the cross-motions for summary judgment would likely generate an appeal.

Before deciding whether to hold the cross-motions for summary judgment in abeyance, the court would like to hear from the parties on this issue. On or before October 21, 2019, the parties shall separately or jointly inform the court as to whether they are or are not in agreement that the cross-motions should be held in abeyance pending the Supreme Court’s decision in R.G. & G.R. Harris Funeral Homes. If the parties agree that the cross-motions for summary judgment should be held in abeyance, the court will provide them with an opportunity to submit supplemental briefing once the Supreme Court issues its decision in R.G. & G.R. Harris Funeral Homes.

DATED at Anchorage, Alaska, this 7th day of October, 2019.

/s/ H. Russel Holland
United States District Judge