

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**DEBORAH SPRINGER SUTTLAR, *et al.***

**PLAINTIFFS**

**v.**

**Case No. 4:22-cv-00368 KGB**

**JOHN THURSTON, *et al.***

**DEFENDANTS**

**ORDER**

Before the Court is a motion to stay filed by plaintiffs Deborah Springer Suttlar; Judy Green; Fred Love, in his individual and official capacity as State Representative; Kwami Abdul-Bey; Clarice Abdul-Bey; and Paula Withers (Dkt. No. 11). “Plaintiffs request that the Court stay all proceedings in this lawsuit outside of consideration of Plaintiffs’ Motion for Remand” (*Id.*, ¶ 4). Counsel for plaintiffs and defendants reached out to the Court through informal communication on June 23, 2022. During this communication, both parties’ counsel indicated that the parties do not oppose the Court granting a stay, although the Court understands based on their filings that the parties at this stage may disagree regarding the scope of the stay (*See* Dkt. Nos. 11; 19).

For good cause shown, at this stage, the Court grants plaintiffs’ motion (Dkt. No. 11). The Court stays all deadlines set forth in the Initial Scheduling Order (Dkt. No. 8) and stays all proceedings, pending the Court’s resolution of plaintiffs’ motion for remand (Dkt. Nos. 9; 11).

The Court also writes separately to address a request imbedded in the defendants’ combined response in opposition to motion for remand and response to motion for stay (“Response”) (Dkt. No. 19, at 13). In defendants’ Response, they request that the Court stay this case pending the outcome in the first-filed challenge to Arkansas’ congressional districts (*Id.*). According to defendants, the first-filed case, *Simpson v. Hutchinson*, Case No. 4:22-cv-00213-JM-DRS-DPM (E.D.Ark. Mar. 3, 2022), “challenges . . . [Arkansas’] congressional map on both

federal and state-law grounds, including Article II, section 3 of the Arkansas Constitution” (*Id.*, at 14).<sup>1</sup>

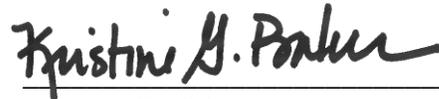
The decision to grant or deny a stay is within the discretion of a district court. *Webb v. R. Rowland & Co., Inc.*, 800 F.2d 803, 808 (8th Cir. 1986) (citations omitted). “The district court . . . has inherent power to grant a stay in order to control its docket, conserve judicial resources, and provide for a just determination of the cases pending before it.” *Id.* (citing *Contracting NW, Inc. v. City of Fredericksburg*, 713 F.2d 382, 387 (8th Cir. 1983)) (additional citation omitted). Whether the Court has subject-matter jurisdiction should be addressed before the Court decides the merits of this case. *See Dones v. Sensient Colors, LLC*, Case No. 4:12-cv-00216, 2012 WL 1802438, at \*3 (E.D. Mo. May 17, 2012) (deciding the court lacked jurisdiction on a motion to remand, which precluded ruling on a motion to dismiss (citing *Moss v. Defender Servs., Inc.*, Case No. 1:08-cf-88 CAS, 2009 WL 90136, at \*3 (E.D. Mo. Jan. 14, 2009))); *accord Moran v. Kingdom of Saudi Arabia*, 27 F.3d 169, 712 (5th Cir. 1994) (“[T]he court must find jurisdiction before determining the validity of a claim.” (quoting *Gould, Inc. v. Pechiney Ugine Kuhlman*, 853 F.2d 445, 450 (6th Cir. 1988))). In the Court’s view, it must first determine if it may exercise subject matter jurisdiction before determining whether to grant the stay requested by the defendants. For these reasons, the Court, at this stage in the litigation, denies defendants’ request that this Court stay these proceedings pending the resolution of *Simpson v. Hutchinson*, Case No. 4:22-cv-00213-JM-DRS-DPM (E.D.Ark. Mar. 3, 2022).

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<sup>1</sup> The Court acknowledges that defendants also recently filed defendants’ motion for stay pending *Moore v. Harper* (Dkt. No. 23). That motion is not yet ripe and, therefore, not addressed in this Order.

Instead, the Court grants plaintiffs' motion (Dkt. No. 11). The Court stays all deadlines set forth in the Initial Scheduling Order (Dkt. No. 8) and stays all proceedings, pending the Court's resolution of plaintiffs' motion for remand (Dkt. Nos. 9; 11).

It is so ordered this 8th day of July, 2022

A handwritten signature in black ink that reads "Kristine G. Baker". The signature is written in a cursive style with a horizontal line underneath it.

Kristine G. Baker  
United States District Judge