UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

EMILIE JACKSON-EDNEY, et al.,

Plaintiffs,

v.

RAÚL LABRADOR, in his official capacity as Attorney General of the State of Idaho, et al.,

Defendants.

Case No. 1:26-cv-00261-AKB

ORDER GRANTING STAY

Pending before the Court is Defendants' Motion for Stay of Proceedings Pending Appeal (Dkt. 59). Based upon Defendants' motion, and for the reasons discussed below, the Court finds good cause to grant the motion.

I. BACKGROUND

In 2025, the Idaho Legislature enacted House Bill 752 (H.B. 752), which became effective on July 1, 2025. H.B. 752 criminalizes the act of "knowingly and willfully enter[ing] a restroom or changing room in a government-owned building or a place of public accommodation . . . that is designated for use by the opposite biological sex." Idaho Code § 18-4117(1). The first offense is a misdemeanor and a second offense is punishable as a felony. *Id.* Plaintiffs filed suit, alleging claims under the Due Process and Equal Protection Clauses of the Fourteenth Amendment, and sought declaratory and injunctive relief barring enforcement of H.B. 752 (Dkt. 1). Defendants include Idaho Attorney General Raúl Labrador and the elected prosecuting attorneys for Idaho's forty-four counties (CP Defendants) (Dkt. 1).

On June 16, 2026, the Court granted Plaintiffs' motion for a preliminary injunction, motion for class certification, and motion for leave to proceed under a pseudonym, and it issued an order enjoining enforcement of H.B. 752 as against all transgender people who seek to use a restroom in a government-owned building or place of public accommodation in Idaho consistent with their gender identity wherever: (1) the covered restroom designated for use by sex is a single-user facility; or (2) when a single-user restroom is not available because no single-user restroom exists on the same floor as the multi-user facilities or all single-user restrooms on the same floor as the multi-user facilities are occupied or not in service (Dkt. 58). Defendants appealed the Court's order and now move to stay proceedings pending resolution of their appeals (Dkt. 59; Dkt. 62).

II. LEGAL STANDARD

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the cause on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co*., 299 U.S. 248, 254 (1936). In reviewing a motion for a stay of proceedings, a court may consider the following factors: (1) "the possible damage which may result from the granting of a stay"; (2) "the hardship or inequity which a party may suffer [if the case is allowed] to go forward"; and (3) "the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay." *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).[1]

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[1] The Court acknowledges some disagreement amongst district courts within this circuit regarding whether the *Landis* test or "*Nken* test" applies to a party's request to stay proceedings pending appeal. As one district court explained, "courts have reasoned that the *Nken* test 'is applicable when there is a request to stay a district court's judgment or order pending an appeal of the same case,' while *Landis* applies to the decision to stay proceedings, regardless [of] whether

III. ANALYSIS

Defendants request a stay pending the appeal of the Court's Order, believing that a ruling from the Ninth Circuit will provide guidance on Plaintiffs' claims (Dkt. 59-1 at 1). Plaintiffs counter that a blanket stay is not warranted because a stay will result in ongoing harm and significantly delay the case's final resolution (Dkt. 64 at 5). To resolve Defendants' motion, the Court considers the *Landis* factors.

Under the first two factors, "the Court must balance the hardships of the parties if the action is stayed or if the litigation proceeds." *Flores v. Bennett*, 675 F. Supp. 3d 1052, 1060 (E.D. Cal. 2023) (quoting *Calvillo Manriquez v. DeVos*, No. 17-CV-07210, 2018 WL 5316174, at *2 (N.D. Cal. Aug. 30, 2018)). Plaintiffs argue that granting a stay of the proceedings will cause a delay in obtaining final and complete relief and prevent them from "fully vindicating their rights" regarding their unresolved Equal Protection and informational-privacy claims (Dkt. 64 at 3, 6). This delay, according to Plaintiffs, will result in "ongoing and future harm" beyond the scope of the injunction, "including harm resulting from being forced to use separate restroom facilities where a single-user option is available" (*id.* at 6). Defendants respond that the preliminary injunction already provides relief in the circumstances in which Plaintiffs were most concerned about—using restrooms inconsistent with their gender identity—so further proceedings need not be expedited (Dkt. 59-1 at 3; Dkt. 65 at 2–3).

The Court acknowledges Plaintiffs' concern that a stay delays final resolution of the case. Nonetheless, the Court's preliminary injunction order, although narrower than the relief requested

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the stay is based on a direct appeal or an independent case." *Kuang v. United States Dep't of Def.*, No. 18-CV-03698, 2019 WL 1597495, at *3 (N.D. Cal. Apr. 15, 2019) (internal citations omitted). As the parties agree that *Landis* applies, the Court declines to address which test is proper (Dkt. 59-1 at 3; Dkt. 64 at 6).

in the complaint, provides substantial interim relief. Plaintiffs' remaining requests for declaratory and permanent injunctive relief are important, but Plaintiffs have not identified a concrete harm likely to result from delaying further proceedings, such as the loss of evidence or fading witness memories. Accordingly, the Court finds that any potential damage to Plaintiffs resulting from a stay is minimal.

As to the hardship factor, Defendants argue that proceeding now could require extensive discovery and briefing that the Ninth Circuit's decision may render unnecessary or require the parties to revisit (Dkt. 59-1 at 3; Dkt. 65 at 4). Plaintiffs are correct that generally, "being required to defend a suit, without more, does not constitute a 'clear case of hardship or inequity' within the meaning of *Landis*." *Lockyer*, 398 F.3d at 1112 (quoting *Landis*, 299 U.S. at 255). But courts have also found that requiring parties to conduct "'substantial, unrecoverable, and wasteful' discovery and pretrial motions practice on matters that could be mooted by a pending appeal may amount to hardship or inequity sufficient to justify a stay." *Flores*, 675 F. Supp. 3d at 1062 (quoting *Finder v. Leprino Foods Co.*, No. 13-CV-02059, 2017 WL 1355104, at *4 (E.D. Cal. Jan. 20, 2017)).

The pending appeal challenges whether Plaintiffs have standing to sue CP Defendants, whether the Court applied the wrong legal standard in certifying the class, and whether Plaintiffs demonstrated they were entitled to preliminary relief. Although it is unclear whether the Ninth Circuit will consider anything beyond the vagueness claim, it could address Plaintiffs' Equal Protection and informational-privacy claims as alternative grounds for satisfying the likelihood-of-success prong of the preliminary-injunction analysis if it concludes Plaintiffs are not likely to succeed on their vagueness claim. Even if the Ninth Circuit does not reach those claims, its decision on vagueness could still provide useful guidance for the remaining proceedings. Further, although the standing appeal alone would not end this action because the Attorney General remains

a defendant, requiring the CP Defendants to participate in further litigation before the Ninth Circuit resolves the standing challenge could prove wasteful (Dkt. 65 at 4). Accordingly, the Court finds that Defendants have demonstrated a clear case of hardship.

Having considered the parties' arguments, the Court concludes that the potential harm to Plaintiffs from a stay is outweighed by the potential hardship and inefficiency of proceeding while the appeal is pending. The preliminary injunction provides substantial interim relief, and awaiting the Ninth Circuit's decision may avoid unnecessary discovery and briefing and provide guidance for the remaining proceedings. Accordingly, the first two *Landis* factors weigh in favor of a stay.

The last factor—the orderly course of justice—considers whether a stay pending appeal would simplify or complicate issues, proof, and questions of law. Although not dispositive, "'[c]onsiderations of judicial economy' are highly relevant in determining whether the orderly course of justice weighs in favor of a stay." *Apple Inc. v. Samsung Elecs. Co.*, No. 11-CV-01846, 2016 WL 9021536, at *2 (N.D. Cal. Mar. 22, 2016) (quoting *Gustavson v. Mars, Inc.*, No. 13-CV-04537, 2014 WL 6986421, at *3 (N.D. Cal. Dec. 10, 2014)). As a preliminary matter, the Court is mindful that the Ninth Circuit has "repeatedly admonished district courts not to delay trial preparation to await an interim ruling on a preliminary injunction." *California v. Azar*, 911 F.3d 558, 583 (9th Cir. 2018). In so holding, the Ninth Circuit has explained that "because of our limited scope of review and the paucity of the factual record on a preliminary injunction application, our disposition may provide little guidance as to the appropriate disposition on the merits and will often result in unnecessary delay to the parties and inefficient use of judicial resources." *Glob. Horizons, Inc. v. U.S. Dep't of Labor*, 510 F.3d 1054, 1058–59 (9th Cir. 2007) (citation modified) (quoting *Sports Form, Inc. v. United Press Int'l, Inc.*, 686 F.2d 750, 753 (9th Cir. 1982)).

There are, however, circumstances when "the concerns the Ninth Circuit expressed in *Azar* warning against staying an action pending an appeal of a preliminary injunction are not present." *Flores*, 675 F. Supp. 3d at 1064. For example, when the parties mainly dispute "questions of law and application of law to facts," an appellate ruling "will likely provide highly relevant guidance and possibly create dispositive authority" on controlling legal issues. *Id.*

These considerations favor a stay here. As mentioned above, Defendants' appeal challenges not only the Court's vagueness ruling, but also its consideration of Plaintiffs' Equal Protection and informational-privacy claims as well as the preliminary-injunction factors and provisional class certification. The Ninth Circuit's decision may significantly shape the course of this litigation. Furthermore, the legal questions presented in the appeal substantially overlap with the legal questions underlying Plaintiffs' remaining claims. Awaiting the Ninth Circuit's decision may therefore streamline the remaining proceedings and reduce the risk of inconsistent rulings, thereby promoting judicial economy. Accordingly, the Court finds that the third *Landis* factor weighs in favor of a stay.

The power to stay proceedings is ultimately one of discretion. *Landis*, 299 U.S. at 254. The Court exercises its discretion here based upon the limited possibility of harm in granting a stay; Defendants potential hardship should the case move forward pending appeal; and the Court's interests of judicial economy and the "orderly course of justice." *Lockyer*, 398 F.3d at 1110. The stay is effective immediately and will last for the duration of the appeal or until the Court orders otherwise.

IV. ORDER

IT IS ORDERED that:

1. Defendants' Motion for Stay of Proceedings Pending Appeal (Dkt. 59) is **GRANTED**. All proceedings and deadlines in this case are **STAYED** until issuance of the Ninth Circuit's decision in the matter. Within **fourteen (14) days** of any substantive decisions made by the Ninth Circuit Court of Appeals that materially affect this case, the parties shall file a joint status report advising the Court of the appellate disposition and addressing the status of litigation of remaining issue(s).

DATED: October 15, 2026

Amanda K. Brailsford
U.S. District Court Judge