

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

CRUISE LINES INTERNATIONAL )  
ASSOCIATION ALASKA and CRUISE )  
LINES INTERNATIONAL ASSOCIATION, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THE CITY AND BOROUGH OF JUNEAU, )  
ALASKA, a municipal corporation, and )  
RORIE WATT, in his official capacity as )  
City Manager, )  
Defendants. )  
\_\_\_\_\_ )

No. 1:16-cv-0008-HRH

ORDER

Stay of Proceedings on Motion for Summary Judgment

Defendants have combined a motion to determine the law of the case with a motion to stay briefing schedule and decision on plaintiffs' motion for summary judgment.<sup>1</sup> The motions should have been filed separately. D. Ak. L.R. 7.1(l). At this time, the court takes up only the motion for stay, which has been opposed by plaintiffs and as to which both a reply and a sur-reply have been filed. Oral argument has not been requested on the motion for stay and is not deemed necessary.

Defendants argue that the court should determine the law to be applied in connection with plaintiffs' motion for summary judgment as a predicate to taking up the motion for summary judgment. Defendants argue that taking up their motion to

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<sup>1</sup>See Docket No. 81.

determine the law of the case first will narrow the issues to be decided and save time and expense.

The court is unpersuaded that it should decline to take up both the motion for summary judgment and motion for a determination of law applicable to the case simultaneously. Defendants seem to ask the court to consider their motion to determine the law of the case in a factual vacuum. The parties' respective motions are the substantial equivalent of cross-motions for summary judgment, which are typically treated concurrently. The court is unpersuaded that there will be any significant time or expense saving. Indeed, the court fears having to rethink a decision on the law applicable to the case if that decision is divorced from the facts of the case.

Defendants' motion for stay of proceedings with respect to plaintiffs' motion for summary judgment is denied.

Concurrent herewith, the court is addressing the parties' joint motion for stay of all pretrial deadlines.<sup>2</sup>

DATED at Anchorage, Alaska, this 30th day of November, 2017.

/s/ H. Russel Holland  
United States District Judge

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<sup>2</sup>Docket No. 83.