



Arizona Christian University v. Washington Elementary School District No. 6 et al

2023 | Cited 0 times | D. Arizona | April 12, 2023

WO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

On April 11, 2023, the parties appeared before the Court for a Preliminary Injunction Hearing. Plaintiff Arizona Christian University (Plaintiff or ACU) seeks a preliminary injunction ordering Defendants to renew the Student Teacher Placement Agreement with ACU for the 2023 24 school year. (See Doc. 10, 24). Defendants oppose the issuance of a preliminary injunction. (See Doc. 21). The Court has fully reviewed and considered the briefing, the arguments at the Hearing, and all the documents filed in this matter. Assuming, without deciding, that injunctive relief is appropriate, the Court finds that such relief could not be granted without fully addressing the merits of Plaintiff s claims. Therefore, the Court is inclined to accelerate a merits-based decision in this case by advancing a trial on the merits, pursuant to Federal Rule of Civil Procedure 65(a)(2). This would likely involve setting an expedited briefing schedule for any motion to dismiss that is filed by Defendants and a trial on the merits thereafter, with the opportunity for supplemental briefing following the trial. See , 4 F.4th 747, 759 760 (9th Cir. Arizona Christian University,

Plaintiff, vs. Washington Elementary School District No. 6, et al.,

Defendants.

No. CV-23-00413-PHX-SPL

ORDER 2021) (finding consolidation under Rule 65(a)(2) proper where district court gave clear notice of its intent to consolidate and allowed supplemental submissions, where no additional factual development was needed, and where the parties had a full opportunity to present their cases).

Before proceeding on this course, the Court will set a Status Conference to give the parties the opportunity to set forth their positions on the best way to resolve Plaintiff s Motion and whether consolidation may be appropriate. See Michenfelder v. Sumner, 860 F.2d 328, 337 (9th Cir. 1988) (alteration in original) (quoting Univ. of Tex. v. Camenisch, 451 U.S. 390, 395 (1981)) (Before a consolidation order may issue, the court must give the parties clear and unambiguous notice [of the



Arizona Christian University v. Washington Elementary School District No. 6 et al

2023 | Cited 0 times | D. Arizona | April 12, 2023

court's intent to consolidate the trial and the hearing] either before the hearing commences or at a time which will still afford the . The parties shall also be prepared to discuss the following, along with any related matters:

(i) If the Court were to rule on and grant Plaintiff for a Preliminary Injunction now, is there a form of

injunctive relief that would not result in the creation of a contract? 1 (ii) Do either of the parties request a jury trial in this matter? (iii) If the Court were to consolidate Plaintiff's motion with

a trial on the merits pursuant to Rule 65(a)(2) would the parties need time for discovery or further fact development prior to the trial? (iv) Briefing schedules and trial dates, should the Court

determine that consolidation is appropriate The Court notes that the decision to consolidate Plaintiff's Motion with a trial on the merits

1 See *Diversified Mortg. Invs. v. U.S. Life Title Ins. Co. of N.Y.*, 544 F.2d 571, 576 (2d Cir. 1976) (internal citations omitted) (The purpose of a preliminary injunction is to maintain the status quo pending a final determination on the merits. It provides relief which is interlocutory, tentative, provisional, ad interim, impermanent, mutable, not fixed or final or conclusive, characterized by its for-the-time-beingness. It should not be used as a device for creating a new contract between the parties or deciding questions of contract breach, properly determinable after trial. It is not an adjudication on the merits, and it should not grant relief properly awarded only in a final judgment.). is See *Slidewaters*, 4 F.4th at 759.

Accordingly, IT IS ORDERED that a Status Conference is set for April 18, 2023 at 9:00 a.m. before the Honorable Judge Steven P. Logan, United States District Judge, in the Sandra Day O es Courthouse, located at 401 West Washington Street, Phoenix, Arizona 85003, 5th Floor, Courtroom 501. Dated this 12th day of April, 2023.

Honorable Steven P. Logan United States District Judge

