

UNITED STATES COURT OF APPEALS April 14, 2011
FOR THE TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

FUNDAMENTALIST CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, an Association of
Individuals,

Plaintiff- Appellee,

v.

DENISE POSSE LINDBERG, Judge
of the Third Judicial District Court of
Salt Lake County, State of Utah,

Defendant- Appellant,

BRUCE R. WISAN, Special Fiduciary
of the United Effort Plan Trust;
MARK L. SHURTLEFF, Attorney
General for the State of Utah;
THOMAS C. HORNE, Attorney
General for the State of Arizona,

Defendants,

RICHARD JESSOP REAM; THOMAS
SAMUEL STEED; DON RONALD
FISCHER; DEAN JOSEPH
BARLOW; WALTER SCOTT
FISCHER; RICHARD GILBERT;
BRENT JEFFS,

Intervenors,

No. 11-4066
(D.C. No. 2:08-CV-00772-DB)
(D. Utah)

JONATHAN HARKER; HYRUM
HARKER; HARKER DAIRY FARM,

Movants.

ORDER

Before **O'BRIEN** and **HOLMES**, Circuit Judges.

This matter comes to us on the emergency motion of Defendant-Appellant, The Honorable Denise Posse Lindberg, to stay the order for preliminary injunction entered in Case No. 2:08-CV-772, by The Honorable Dee Benson of the United States District Court for the District of Utah on April 7, 2011. The motion is under active consideration. We order Plaintiff-Appellee, The Fundamentalist Church of Jesus Christ of Latter-Day Saints to file a response to the motion no later than 5:00 p.m., MDT, on Monday, April 18, 2011. The response should include any issues deemed appropriate, but should discuss at least the issues of laches, res judicata, judicial immunity, and the propriety of injunctive and/or declaratory relief against Judge Lindberg. We specifically acknowledge receipt of Defendant-Appellant's "Notice of Information Relevant to Emergency Motion to Stay and Request for Immediate Decision," which represents that a show cause hearing may be conducted in the district court in the near future. Nothing in this order shall prevent us from issuing a temporary or

permanent stay prior to or after receipt of the requested response if subsequent events indicate that such action is appropriate and justified.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

ELISABETH A. SHUMAKER, Clerk