

UNITED STATES COURT OF APPEALS April 15, 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,

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

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

JONATHAN HARKER; HYRUM  
HARKER; HARKER DAIRY FARM,

Movants.

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**STAY ORDER**

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

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This matter comes to us on the emergency motion (filed April 15, 2011) of Defendant-Appellant, State District Judge Denise Posse Lindberg, to stay the order to show cause (and pending hearing) entered by the United States District Court for the District of Utah in Case No. 2:08-CV-772 on April 14, 2011. We also consider the Emergency Motion to Stay Preliminary Injunction Order filed April 13, 2011. Sufficient cause has been shown for temporary stays in order to offer all parties an opportunity to respond and for this court to make a considered decision.

**IT IS ORDERED:**

The show-cause order issued by the district court in Case No. 2:08-CV-772 (Docket No. 170) on April 14 and directed to Judge Lindberg is temporarily stayed. Also stayed is the Preliminary Injunction Order (Docket No. 155) entered on April 8, 2011.

**IT IS FURTHER ORDERED:**

1) no actions shall be taken to enforce or implement either of the stayed orders until this temporary stay is lifted.

2) The Fundamentalist Church of Jesus Christ of Latter-Day Saints shall file a response to the motion to stay the show-cause order no later than 5:00 p.m., MDT, on Friday, April 22, 2011. The response may be consolidated with the response ordered on April 14, 2011, which was originally due April 18, 2011, but which is now due no later than April 22. The response to the motion to stay the preliminary injunction order, whether filed separately or in a consolidated pleading that addresses the motion to stay the show-cause order, should address at least the issues of laches, res judicata, judicial immunity, and the propriety of injunctive and/or declaratory relief against Judge Lindberg.

All other parties, including Judge Lindberg, are invited to brief the propriety of extending or vacating the temporary stays. Any such briefs must be filed no later than Friday, April 22, 2011, at 5:00 p.m., MDT.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk