

Per Curiam

INDIANA STATE POLICE PENSION TRUST ET AL. *v.*  
CHRYSLER LLC ET AL.

ON APPLICATIONS FOR STAY

No. 08A1096. Decided June 9, 2009\*

*Held:* The applications for stay are denied, and the temporary stay entered June 8, 2009, is vacated. Based on the record and proceedings, applicants have not carried the burden of showing that the circumstances here justify an exercise of the Court's discretion to grant a stay. Applications for stay denied; temporary stay vacated.

PER CURIAM.

The applications for stay presented to JUSTICE GINSBURG and by her referred to the Court are denied. The temporary stay entered by JUSTICE GINSBURG on June 8, 2009, is vacated.

A denial of a stay is not a decision on the merits of the underlying legal issues. In determining whether to grant a stay, we consider instead whether the applicant has demonstrated “(1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari or to note probable jurisdiction; (2) a fair prospect that a majority of the Court will conclude that the decision below was erroneous; and (3) a likelihood that irreparable harm will result from the denial of a stay.” *Conkright v. Frommert*, *post*, at 1402 (GINSBURG, J., in chambers) (internal quotation marks and alteration omitted). In addition, “in a close case it may be appropriate to balance the equities,” to assess the relative harms to the parties, “as well as the interests of the public at large.” *Ibid.* (internal quotation marks omitted).

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\*Together with No. 08A1099 (08–1513), *Center for Auto Safety et al. v. Chrysler LLC et al.*, and No. 08A1100, *Pascale v. Chrysler LLC et al.*, also on applications for stay.

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“A stay is not a matter of right, even if irreparable injury might otherwise result.” *Nken v. Holder*, *ante*, at 433 (2009) (internal quotation marks omitted). It is instead an exercise of judicial discretion, and the “party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion.” *Ante*, at 433–434. The applicants have not carried that burden.

“[T]he propriety of [a stay] is dependent upon the circumstances of the particular case,” and the “traditional stay factors contemplate individualized judgments in each case.” *Ibid.* (internal quotation marks omitted). Our assessment of the stay factors here is based on the record and proceedings in these cases alone.