

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
CIVIL MINUTES - GENERAL

Send

Case No. CV 04-8425 GPS(Ex) Date: July 1, 2008

Title: Log Cabin Republicans v. United States et al.

=====PRE

SENT: THE HONORABLE GEORGE P. SCHIAVELLI, JUDGE

Jacob Yerke
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

Not Present

Not Present

**PROCEEDINGS: Order Denying Ex Parte Application
(In Chambers)**

On May 23, 2008, the Court issued a stay of this action in light of the Ninth Circuit's holding in *Witt v. Department of Air Force*, 527 F.3d 806 (9th Cir. May 21, 2008). Because the *Witt* opinion undermines the precedential impact of prior Ninth Circuit decisions applicable to the case at hand, the Court anticipated that *en banc* relief will be requested and *certiorari* possibly sought. Accordingly, the Court vacated Defendants' motion to dismiss and stayed the action pending the final disposition in *Witt*.

Plaintiff Log Cabin Republicans filed an Ex Parte Application on May 30, 2008, seeking an order to vacate the stay. Defendants opposed this application. Having reviewed the argument, the Court **DENIES** the Application for lack of sufficient showing to grant *ex parte* relief.

IT IS SO ORDERED.

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Initials of Deputy Clerk JY