

1 UNITED STATES DISTRICT COURT  
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
3 EASTERN DIVISION

4 LOG CABIN REPUBLICANS,

5 Plaintiff,

6 v.

7 UNITED STATES OF AMERICA AND  
8 ROBERT M. GATES, Secretary of  
9 Defense, in his official capacity,

10 Defendants.

) Case No. CV 04-8425 VAP (Ex)

) ORDER GRANTING  
) DEFENDANTS' MOTION TO  
) CERTIFY ORDER FOR  
) INTERLOCUTORY APPEAL AND  
) REQUEST FOR STAY OF  
) PROCEEDINGS PENDING  
) RESOLUTION OF MOTION AND  
) APPEAL

11  
12  
13 The Court amends its June 9, 2009 Order denying the Defendants' motion to  
14 dismiss and certifies the order for interlocutory appeal. Interlocutory appeal is  
15 warranted because the Court's order "involves a controlling question of law as to  
16 which there is substantial ground for difference of opinion" and because "an  
17 immediate appeal from the order may materially advance the ultimate termination  
18 of the litigation." 28 U.S.C. § 1292(b).

19 All proceedings, including discovery, are stayed pending resolution of this  
20 motion and appeal.

21  
22 It is so Ordered this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

23  
24  
25 \_\_\_\_\_  
26 Hon. Virginia A. Phillips  
27 United States District Judge  
28