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17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE EASTERN DISTRICT OF CALIFORNIA

19
20 JUAN ESPINOZA, PAUL MARQUEZ,
AARON EPPERLY and ERIC
21 SCHMIDT,

22 Plaintiffs,

23 v.

24 COUNTY OF FRESNO,

25 Defendant.

Case No. 1:07-CV-01145-OWW-SMS

**ORDER REGARDING STATUS
CONFERENCE**

DATE: APRIL 22, 2010
TIME: 12:00 P.M.

26
27 The State Conference ordered by this Court pursuant to its Order of April 8,
28 2010 took place on April 22, 2010 at 12:00 p.m. in Courtroom 3 of the above-entitled

CBM-SAC\SA076445

1 Court. James W. Henderson, Jr. and Gary M. Messing of the firm of Carroll, Burdick &
2 McDonough LLP appeared on behalf of the Plaintiffs; Michael G. Woods, Esq. of the
3 firm of McCormick, Barstow, Sheppard, Wayte & Carruth appeared on behalf of the
4 Defendant County of Fresno.

5 Counsel for the parties and the Court discussed the status of the appeal in
6 *Bamonte v. City of Mesa, Arizona* (9th Cir. Doc. 08-16206). In view of the fact that there
7 is pending a Petition for Rehearing *en banc* with the Ninth Circuit in that action, it was
8 agreed by the parties and the Court that the Defendant's Motion for Summary Judgment
9 and/or Partial Adjudication should not be heard until after a final decision is issued in
10 *Bamonte v. City of Mesa, Arizona*.

11 Accordingly, the Court hereby ORDERS as follows:

12 1. The hearing on the County of Fresno's Motion for Summary Judgment
13 and/or Partial Adjudication, which had been set by the April 8, 2010 Order for July 19,
14 2010, is hereby vacated and a new hearing date shall be set after notification to the Court
15 that the *Bamonte* appeal has concluded. Counsel for the Plaintiffs has agreed to provide
16 that notice to the Court.

17 2. Upon notification of the resolution of the *Bamonte* appeal, the Court will
18 schedule a new Status Conference which, among other things, will set a new hearing date
19 for the Motion for Summary Judgment and/or Partial Adjudication, a supplemental
20 briefing schedule for that matter, a Final Pre-Trial Conference date, a Trial date and such
21 other associated and related deadlines as may be appropriate.

22 3. That portion of the April 8, 2010 Order lifting the stay shall remain in
23 effect.

24
25 IT IS SO ORDERED.

26 Dated: April 27, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE