

1 BINGHAM McCUTCHEN LLP
 2 GEOFFREY THOMAS HOLTZ – 191370
 3 Three Embarcadero Center
 San Francisco, California 94111-4067
 Telephone: (415) 393-2000

4 PRISON LAW OFFICE
 5 DONALD SPECTER – 83925
 6 1917 Fifth Street
 Berkeley, California 94710-1916
 Telephone: (510) 280-2621
 7 Facsimile: (510) 280-2704

8 ROSEN, BIEN & GALVAN, LLP
 9 MICHAEL W. BIEN – 096891
 ERNEST GALVAN – 196065
 10 MARIA V. MORRIS – 223903
 315 Montgomery Street, 10th Floor
 San Francisco, California 94104
 Telephone (415) 433-6830

12 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

17 JERRY VALDIVIA, et al.,
 18
 19 Plaintiffs,
 20 vs.
 21 EDMUND G. BROWN, JR., et al.,
 22 Defendants.
 23

Case No. Civ. S-94-0671 LKK/GGH

**ORDER MODIFYING THE SCHEDULE
 FOR BRIEFING AND HEARING
 REGARDING PROPOSITION 9 REMAND
 PROCEEDINGS**


1 Having reviewed the relevant pleadings, and good cause appearing, the Court modifies the
2 schedule for briefing and hearing regarding Proposition 9, § 5.3 remand proceedings.

3 **IT IS HEREBY ORDERED THAT:**

- 4 1. Defendants shall file a Motion to Enforce Penal Code § 3044 and to Modify the
5 Permanent Injunction on or before August 31, 2011.
- 6 2. Plaintiffs shall file a Motion to Enforce the Injunction on or before August 31,
7 2011.
- 8 3. Opposition briefs to those motions shall be filed on or before October 3, 2011.
- 9 4. Reply briefs may be filed on or before October 18, 2011.
- 10 5. The motions shall be heard on November 4, 2011 at 10:00 a.m.
- 11 6. Parties may request discovery for the purpose of opposing the other party's motion
12 on or before September 14, 2011. Such requests will be treated in a similar manner
13 to requests for discovery in the summary judgment context. If the Court grants a
14 request for discovery, the briefing schedule will be modified.
- 15 7. Nothing in this Order or prior Orders regarding the procedures and scheduling for
16 the motions on remand regarding Proposition 9 shall be construed as limiting the
17 Plaintiffs' to monitor compliance with the Permanent Injunction in this case, as set
18 forth in ¶ 25 of the Injunction.

19
20 **IT IS SO ORDERED.**

21
22 Dated: March 17, 2011.

23
24 
25 LAWRENCE K. KARLTON
26 SENIOR JUDGE
27 UNITED STATES DISTRICT COURT
28