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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATIONAL ASSOCIATION OF
OPTOMETRISTS & OPTICIANS;
LENSCRAFTERS, INC; and EYE
CARE CENTERS OF AMERICA, INC.,

NO. CIV. S-02-1464 LKK/DAD

Plaintiffs,

v.

O R D E R

EDMUND G. BROWN, JR., in his
official capacity as Attorney
General of the State of
California; and CARRIE LOPEZ
in her official capacity as
Director of the Department of
Consumer Affairs,

Defendants.

_____ /
Plaintiffs in this case challenge various California statutes
under the dormant commerce clause. The Ninth Circuit has remanded
this case to this court for an evaluation of whether the statutes
place a burden on interstate commerce that outweighs their
benefits. Nat'l Ass'n of Optometrists & Opticians Lenscrafters,
Inc. v. Brown, 567 F.3d 521, 528-29 (9th Cir. 2009) (citing Pike

1 v. Bruce Church, Inc., 397 U.S. 137, 142 (1970)).


2 Although the parties have previously briefed this issue, the
3 court finds that renewed briefing is appropriate. The court adopts
4 the parties' stipulation as to the following briefing schedule:

- 5 1. Plaintiffs SHALL file and serve a motion for summary
6 judgment on the Pike issue not later than January 20,
7 2010.
- 8 2. Defendants SHALL file cross-motion and opposition not
9 later than February 17, 2010.
- 10 3. Plaintiffs SHALL file an opposition and reply not later
11 than March 10, 2010.
- 12 4. Defendants MAY file a reply not later than March 31,
13 2010.
- 14 5. Hearing on this matter is SET for April 19, 2010, at
15 10:00 a.m. in Courtroom Four.

16 IT IS SO ORDERED.

17 DATED: October 15, 2009.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT