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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD M. GILMAN, et al.,

Plaintiffs,

v.

J. DAVIS., et al.,

Defendants.

NO. CIV. S-05-830 LKK/GGH

O R D E R

On January 30, 2009, this court heard plaintiffs' motions for leave to amend, to certify a class, and for a preliminary injunction, as well as defendant's motion to strike. The court granted leave to amend and class certification (Orders of Feb. 25, 2009, Doc. 181, and March 4, 2009, Doc. 182), denied the motion to strike (Order of March 4, 2009, Doc. 183), and retained the motion for a preliminary injunction under submission. Defendants then filed a motion to dismiss, which was heard on May 18, 2009, and which was also taken under submission.

On May 28, 2009, the Ninth Circuit granted defendants' petition for permission to appeal this court's order granting class

1 certification. Doc. 192, see also Ninth Circuit case no. 9-80052.


2 The court hereby directs the parties to submit briefing not
3 to exceed fifteen (15) pages regarding the effect of the Ninth
4 Circuit's grant of permission on this court's jurisdiction over
5 this case, and regarding the effect of that decision on the motions
6 currently under submission. Such additional briefing shall be
7 filed within fifteen court days of the date of this order.

8 The court further grants the parties' stipulation of August
9 5, 2009, Doc. 202. Service of process of the Fourth
10 Amended/Supplemental Complaint on behalf of the Commissioners and
11 Deputy Commissioners in their official capacities has been
12 completed, and responsive pleading by those defendants to the
13 Fourth Amended/Supplemental Complaint shall be filed on or before
14 20 days from the Court's ruling on defendant's motion to dismiss.

15 IT IS SO ORDERED.

16 DATED: August 11, 2009.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT