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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD M. GILMAN, et al.,

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

Plaintiffs,

v.

O R D E R

J. DAVIS., et al.,

Defendants.

_____ /

On February 4, 2010, this court issued a preliminary injunction enjoining defendants from enforcing certain provisions of the "Victims' Bill of Rights Act of 2008: Marsy's Law" as to the named plaintiffs in this case. (Dkt. No. 217). Defendants appeal this injunction, and move to stay enforcement of the injunction pending resolution of an appeal. (Dkt. No. 228).


In connection with the above, defendants have filed an application to shorten time for hearing on the motion for a stay. As the court understands defendants' motion, in order to comply with the briefing schedules adopted by the Ninth Circuit, defendants require resolution of the motion to stay by this court

1 prior to April 12, 2010. Absent an order shortening time, a motion
2 must be noticed for hearing at least 28 days after the day the
3 motion was filed. E.D. Cal. Local Rule 230(b). Defendants wrongly
4 contend that the first ordinary law and motion date before this
5 court that would satisfy Local Rule 230(b) is April 15, 2010, and
6 thereby request that an order allowing the matter to be heard on
7 March 25, 2010 (twenty-three days after the motion for a stay was
8 filed).

9 Contrary to defendants' understanding of this court's
10 calendar, this court will hear law and motion matters on Monday,
11 April 5, 2010. The undersigned is thoroughly familiar with the
12 issues implicated by the present motion, and if the matter is heard
13 on that date, an order will issue prior to April 12, 2010.
14 Accordingly, the court DENIES WITHOUT PREJUDICE defendants' ex
15 parte application to shorten time. Defendants may either re-notice
16 the motion for a stay for April 5, 2010, or defendants may file a
17 renewed application to shorten time explaining why an April 5, 2010
18 hearing date will be inadequate.

19 IT IS SO ORDERED.

20 DATED: March 3, 2010.

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