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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

EDMUND J. BROWN, et al.,

Defendants.

\_\_\_\_\_ /

The parties have filed cross-motions for summary judgment, plaintiffs have filed a request to seal documents, and defendants have filed a motion to decertify each plaintiff class. Those motions are currently scheduled to be heard on the court's regular Law & Motion Calendar on September 4, 2012.

Plaintiffs have now filed a motion to amend their complaint - deleting certain claims and removing certain plaintiffs - together with an ex parte application to shorten time so that the motion to amend can also be heard on September 4th. Plaintiffs assert that the proposed amendment will simplify the case by leaving only their ex post facto claims in the case. They also

1 assert that the amendment will avoid any possible preclusive  
2 effects against future individual plaintiffs who may wish to  
3 proceed on the Due Process claims.

4 Defendants oppose the application to shorten time, asserting  
5 that plaintiffs have failed to show good cause for it, and have  
6 simply failed to meet court-imposed deadlines.

7 Good cause appearing, the court orders as follows:

8 1. The application for an order shortening time (Dkt. No.  
9 433) is **GRANTED**. Defendants shall file their opposition, or a  
10 Statement of Non-Opposition, to plaintiffs' Motion for Leave to  
11 File the Fifth Amendment Complaint (Dkt. No. 432), no later than  
12 Tuesday, August 28, 2012 at 4:30 p.m. Plaintiffs shall file their  
13 reply, if any, no later than August 31, 2012 at 4:30 p.m. The  
14 motion for leave to amend is now **SCHEDULED** to be heard on September  
15 4, 2012 at 10:00 a.m. on the court's regular Law & Motion Calendar.

16 2. The cross-motions for summary judgment, the request to  
17 seal, and defendants' motion to decertify (Dkt. Nos. 425, 426 &  
18 428), are **REMOVED** from the September 4, 2012 Law & Motion Calendar.  
19 Those motions are hereby **SPECIALLY SET** to be heard on September 14,  
20 2012 at 10:00 a.m. Replies to those motions, if any, shall be  
21 filed no later than August 31, 2012 at 4:30 p.m.

22 IT IS SO ORDERED.

23 DATED: August 27, 2012.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT