

1

2

3

4

5

6

7

UNITED STATES DISTRICT COURT

8

FOR THE EASTERN DISTRICT OF CALIFORNIA

9

RICHARD M. GILMAN, et al.,

10

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

11

Plaintiffs,

12

v.

O R D E R

13

EDMUND G. BROWN, JR., et al.,

14

Defendants.

15

16

The California Supreme Court has now decided In re Vicks, ___

17

Cal. 4th ___, 2013 WL 781496, ___ Cal. LEXIS ___ (March 4, 2013),

18

rejecting an ex post facto challenge to Proposition 9 under the

19

California Constitution. This court's stay on Claim 8, an ex post

20

facto challenge to Proposition 9 under the U.S. Constitution is

21

therefore lifted.¹

22

The court will therefore postpone the following upcoming court

23

dates so that the cross-motions for summary judgment on all

24

25

¹ It appears that Vicks also rejected the ex post facto challenge under the U.S. Constitution. However, this court is still required to make an independent ruling on that issue.

26

1 surviving claims can be decided together:


2 1. The in limine motions, currently scheduled to be heard
3 on March 8, 2013, are hereby **CONTINUED** to the court's regular Law
4 and Motion Calendar of May 13, 2013 at 10:00 a.m.; and

5 2. The trial in this matter, currently scheduled for April
6 23, 2013, is hereby **CONTINUED** to June 25, 2013 at 10:30 a.m.

7 IT IS SO ORDERED.

8 DATED: March 5, 2013.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT