

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD M. GILMAN, et al.,

Plaintiffs,

v.

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

Defendants.

No. CIV. S-05-830 LKK/CKD

ORDER

This court previously entered its judgment in this case, but stayed the judgment pending the resolution of any appeal.¹ However, as plaintiffs point out in their pending Motion To Enforce Judgment, no party filed a motion requesting that this court issue a stay pending appeal under the applicable standards. In their opposition, defendants assert, among other things, that if the matter is not stayed, "Defendants agree with Plaintiffs that a 21-day stay is proper so that Defendants may seek a stay

¹ The court stated that "[t]his order is stayed for 31 days, and goes into effect immediately thereafter, unless a timely appeal is filed." ECF No. 532 at 58. Accordingly, if a timely appeal was filed, the stay would remain in effect until the appeal was resolved.

1 from the Ninth Circuit." ECF No. 552 at 7 n.2.

2 Accordingly,


3 1. Plaintiffs' motion (ECF No. 547) is **GRANTED**; and

4 2. That portion of the court's order and judgment (ECF
5 Nos. 532 & 533), that issued a stay pending appeal is hereby
6 **VACATED**, effective 21 days from the date of this order, so that a
7 stay may be sought from the Ninth Circuit.

8 **IT IS SO ORDERED.**

9 Dated: July 22, 2014.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT