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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**VIDEO GAMING TECHNOLOGIES,
INC., dba VGT, Inc., a Tennessee
Corporation, et al.,**

Plaintiffs,

v.

**BUREAU OF GAMBLING CONTROL, a
law enforcement division of the California
Department of Justice, et al.,**

Defendants.

**CAPITAL BINGO, INC., a California
corporation, et al.,**

and

**EL CAMINO ATHLETIC BOOSTERS
CLUB, a California non-profit corporation,**

Intervenors.

2:08-CV-01241-JAM-EFB

**STIPULATION AND ORDER FOR
CONTINUANCE OF HEARING ON
DEFENDANTS' MOTIONS TO DISMISS
CLAIMS**

Date: February 11, 2009
Time: 9:00 a.m.
Courtroom: 6
Judge The Honorable John A. Mendez
Trial Date
Action Filed: June 4, 2008

1 Currently, Defendants' motions to dismiss the three amended complaints of Plaintiffs
2 United Cerebral Palsy of Greater Sacramento, WIND Youth Services, Robert Foss, and Joan
3 Sebastiani; Intervenor Capital Bingo, Inc., Haggin Grant Post No. 521, the American Legion,
4 Department of California, Casa Robles High School Ramsmen, Inc., and Mary Brown; and
5 Intervenor El Camino Athletic Boosters Club, LLC, are set to be heard before this Court on
6 February 11, 2009, at 9:00 a.m. On January 6, 2009, the docket of the Ninth Circuit Court of
7 Appeals reflected that the pending appeal from the issuance of the preliminary injunction in the
8 within matter was set for oral argument on March 10, 2009, and this was telephonically
9 confirmed with the Ninth Circuit Clerk. As the decision on the appeal may be dispositive of
10 some or all of the issues raised in the motions to dismiss, and will, in any event, be of assistance
11 to this Court and the parties in addressing the issues raised in the pending motions to dismiss, the
12 parties have agreed that a continuance of the hearing on the three motions to dismiss until a
13 reasonable time after completion of oral argument on the appeal will serve the purposes of
14 judicial economy in the prosecution and defense of this case.

15 IT IS THEREFORE STIPULATED that the hearing on the above-referenced three motions
16 to dismiss be continued to April 22, 2009, at 9:00 a.m.

17 IT IS SO STIPULATED.

18 Dated: January 15, 2009

EDMUND G. BROWN JR.
Attorney General of California
SARA J. DRAKE
Supervising Deputy Attorney General

19 /s/ WILLIAM L. WILLIAMS, JR.

20 WILLIAM L. WILLIAMS, JR.
Deputy Attorney General
Attorneys for Defendants

21 Dated: January 15, 2009

22 NOSSAMAN LLP

23 /s/ GEOFFREY A. GOODMAN

24 GEOFFREY A. GOODMAN
Attorneys for Intervenor

1 Dated: January 15, 2009

STEVENS & O'CONNELL LLP

2 /s/ ALEXANDER M. MEDINA

3 ALEXANDER M. MEDINA
4 Attorneys for Plaintiffs

5 Dated: January 15, 2009

LAW OFFICES OF K. GREG PETERSON

6 /s/ K. GREG PETERSON

7 K. GREG PETERSON
8 Attorneys for Intervenors

9
10 ORDER

11 Based upon the above stipulation of the parties and for good cause shown, the hearing on
12 Defendants' three motions to dismiss the claims in the within action is continued to April 22,
13 2009, at 9:00 a.m.

14 Dated: January 16, 2009

15 /s/ John A. Mendez

16 HONORABLE JOHN A. MENDEZ

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