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12 UNITED STATES DISTRICT COURT  
 13 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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15 UNITED CEREBRAL PALSY OF	)	Case No. 2:09-cv-00555-JAM-EFB
16 GREATER SACRAMENTO,	)	
17 Plaintiff,	)	<b>STIPULATION REGARDING STAY OF</b>
18 v.	)	<b>ACTION PENDING OUTCOME OF</b>
19 VIDEO GAMING TECHNOLOGIES, INC.,	)	<b>APPEAL IN RELATED ACTION;</b>
20 Defendant.	)	<b>ORDER</b>
21	)	Filed: February 26, 2009
22	)	The Hon. John A. Mendez

23 Plaintiff United Cerebral Palsy of Greater Sacramento (“UCP”) and Defendant  
 24 Video Gaming Technologies, Inc. (“VGT”), by and through their counsel of record, do hereby  
 25 stipulate and agree as follows:

26 WHEREAS on or about May 7, 2009, this Court entered a preliminary injunction  
 27 in the action *Video Gaming Technologies, Inc., et al. v. Bureau of Gambling Control, et al.*; Case  
 28 No. 2:08-cv-01241-JAM-EFB (hereafter “Related Action”);

1           WHEREAS on May 26, 2009, the State of California filed a Notice of Appeal in  
2 the Related Action;

3           WHEREAS because it is an appeal from a preliminary injunction, briefing and  
4 hearing in the Related Action will be expedited;

5           WHEREAS because many of the issues presented in the appeal in the Related  
6 Action are relevant to this action, such that decision on appeal in the Related Action may have a  
7 material impact on future proceedings in this action; and

8           WHEREAS judicial economy would be best served by waiting until completion of  
9 the appeal before continuing proceedings in this action;

10           NOW THEREFORE, the parties do hereby agree as follows:

11           1.     Upon approval of this Court, the June 23, 2009 order adopting the briefing  
12 schedule and hearing date of August 26, 2009 on the preliminary injunction is hereby  
13 VACATED.

14           2.     All further proceedings in this action are hereby STAYED until the Ninth  
15 Circuit issues its opinion in the Related Action. The Court's February 27, 2009 order granting  
16 plaintiff a temporary restraining order will remain in full force and effect while this action is  
17 stayed.

18           3.     Within ten (10) days following the issuance of the Ninth Court's opinion  
19 in the Related Action, the parties shall contact the Court with a scheduling proposal regarding  
20 setting a hearing for a preliminary injunction in this action or dissolving the temporary  
21 restraining order, or making any other scheduling proposal that would appear to be called for in  
22 light of the Ninth Circuit's decision.

23           4.     Nothing herein shall prohibit either party from moving to lift the stay and  
24 setting this matter for hearing on the Court's next available calendar, nor the Court from lifting  
25 the stay *sua sponte*.

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1 Dated: July 27, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

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By: /s/ Andrew W. Stroud  
Andrew W. Stroud  
Attorneys for Defendant Video Gaming  
Technologies, Inc.

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7 Dated: July 27, 2009

PALMER KAZANJIAN WOHL HODSON LLP

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By: /s/ Heather S. Candy  
Heather S. Candy  
Attorneys for Plaintiff United Cerebral Palsy  
Of Greater Sacramento

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IT IS SO ORDERED.

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DATED: July 28, 2009

/s/ John A. Mendez  
Judge John A. Mendez  
United States District Court  
Eastern District of California

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