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 7 *Attorneys for Defendant California Attorney  
 General Edmund G. Brown Jr.*

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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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 14 **THOMAS JACOBS,**

15 Plaintiff,

16 v.

17 **CITY OF SAN JOSE MAYOR CHUCK  
 REED, in both his individual and official  
 18 capacities; CITY OF SAN JOSE; COUNTY  
 OF SANTA CLARA; CITY OF SAN JOSE  
 19 POLICE CHIEF ROB DAVIS, in both his  
 individual and official capacities; COUNTY  
 20 OF SANTA CLARA SHERIFF LAURIE  
 SMITH, in both her individual and official  
 21 capacities; and STATE OF CALIFORNIA  
 ATTORNEY GENERAL EDMUND G.  
 22 BROWN, in his official capacity,**

23 Defendants.  
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2:10-cv-00913-LKK-EFB

**REQUEST FOR STAY OF  
 PROCEEDINGS PURSUANT TO  
 STIPULATION [L.Rs. 143 & 144] AND  
 [PROPOSED] ORDER**

Judge: The Hon. Lawrence K. Karlton  
 Courtroom: 4  
 Trial Date: TBD  
 Action Filed: April 16, 2010

25 Pursuant to the United States District Court, Eastern District of California, Local Rules,  
 26 Rule 143 and 144, Craig C. Weaver, co-counsel for plaintiff Thomas Jacobs, Geoffrey L.  
 27 Graybill, Deputy Attorney General, representing Defendant Edmund G. Brown Jr., sued in his  
 28 official capacity as Attorney General of the State of California (Defendant), Melissa Kiniyalocts,

1 Lead Deputy County Counsel, representing Defendants County of Santa Clara and Santa Clara  
2 County Sheriff Laurie Smith sued in her individual and official capacities, and Margo Laskowska,  
3 Deputy City Attorney, representing Defendants City of San Jose, Mayor Chuck Reed sued in his  
4 individual and official capacities and San Jose Police Chief Rob Davis sued in his individual and  
5 official capacities state:

6 They and each of them concurs with the representations and statements set forth in the  
7 declaration by Mr. Graybill submitted herewith.

8 For the reasons stated in the Graybill Declaration, the parties respectfully request that this  
9 Court vacate the order setting the status conference currently in effect for June 28, 2010 and stay  
10 all proceedings in this matter including but not limited to responses to the complaint until after  
11 the U.S. Supreme Court decides *McDonald v. City of Chicago* (Doc. No. 08-1521) and/or the  
12 related case, *National Rifle Association of America v. City of Chicago* (No. 08-1497) in which  
13 writs of certiorari have been granted with decisions expected on or before June 30, 2010, and the  
14 U. S. Court of Appeals for the Ninth Circuit decides *Nordyke v. King*, No. 07-15763, for which  
15 proceedings have been stayed pending the Supreme Court's decision in *McDonald* and/or  
16 *National Rifle Association of America*.

17 The parties agree to enlarge the time to respond to the complaint until 20 days after the  
18 stay is lifted by order of the Court. The parties further agree that by stipulating to stay the action  
19 Defendants are not waiving their right to bring a motion pursuant to 28 U.S.C. § 1404(a) to  
20 transfer the action for the convenience of the parties.

21 The parties respectfully request that the order vacating and staying proceedings remain in  
22 effect pending further order of the Court. The parties are obligated to notify this Court of  
23 decisions in *McDonald*, *Nordyke* and *Mehl* within five working days after each has been filed.

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**IT IS SO STIPULATED.**

Dated: June 8, 2010

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
DOUGLAS J. WOODS  
Supervising Deputy Attorney General

/s/ **Geoffrey L. Graybill**

GEOFFREY L. GRAYBILL  
Deputy Attorney General  
*Attorneys for Defendant California Attorney  
General Edmund G. Brown Jr.*

/s/ **Melissa Kinyalocets**

Dated: June 8, 2010

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MELISSA KINIYALOCTS  
Lead Deputy County Counsel  
County of Santa Clara  
*Attorney for Defendants Santa Clara County  
and Sheriff Laurie Smith*

Dated: June 8, 2010

RICHARD DOYLE, City Attorney

/s/ **Margo Laskowska**

By:

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MARGO LASKOWSKA  
Deputy City Attorney  
*Attorneys for Defendants City of San Jose,  
San Jose Mayor Chuck Reed, and San Jose  
Police Chief Rob Davis*

/s/ **Craig C. Weaver**


Dated: June 8, 2010

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CRAIG C. WEAVER  
*Co-Counsel for Plaintiff Thomas Jacobs*

**IT IS SO ORDERED.**

Date: June 9, 2010

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT