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 15

16 **UNITED STATES DISTRICT COURT**  
 17 **EASTERN DISTRICT OF CALIFORNIA**

18 THE UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 THE STATE OF CALIFORNIA;  
 22 EDMUND GERALD BROWN JR.,  
 Governor of California, in his Official  
 23 Capacity; and XAVIER BECERRA,  
 Attorney General of California, in his  
 24 Official Capacity,

25 Defendants.  
 26  
 27  
 28

Case No. 2:18-cv-490-JAM-KJN

**JOINT STATUS REPORT**

1 In response to the Court's order (ECF 197), the parties provide their following positions on  
2 how this case should proceed.

3 **I. Plaintiff's Position**

4 Plaintiff the United States hereby respectfully requests an order staying the case while the  
5 parties determine whether to appeal this Court's order granting in part and denying in part the United  
6 States' motion for preliminary injunction (ECF 193). The United States believes that a stay is  
7 appropriate because, should either party appeal, resolution of that appeal will impact ongoing  
8 proceedings in the district court, such that a stay will preserve this Court's and the parties' resources.  
9 Plaintiff proposes that the Court order the parties to provide a status update on September 4, 2018,  
10 the date on which notices of appeal are due, that addresses the propriety of continuing any such stay.

11 **II. Defendants' Position**

12 Defendants the State of California, Edmund Gerald Brown Jr., and Xavier Becerra hereby  
13 respectfully request an order continuing the filing of a joint status report with suggested dates for  
14 discovery cut-off, expert witness disclosure, filing of dispositive motions, pretrial conference and trial  
15 (ECF 197). A brief continuance of the joint status report is needed while the parties determine whether  
16 to appeal this Court's order granting in part and denying in part the United States' motion for  
17 preliminary injunction (ECF 193) and how a potential appeal would impact ongoing proceedings in  
18 the district court. Defendants believe that a brief continuance is appropriate at this juncture to preserve  
19 this Court's and the parties' resources. Defendants propose that the parties provide a joint status  
20 report on September 4, 2018, the date on which notices of appeal are due, that addresses how they  
21 anticipate this case will proceed in this Court and if appropriate, suggest dates for discovery cut-off,  
22 expert witness disclosures, filing of dispositive motions, pretrial conference and trial. Lastly,  
23 Defendants intend to request from the Court the unsealing of non-confidential portions of facility  
24 contracts designated by Plaintiff as confidential under the Court's Protective Order and the parties are  
25 currently meeting and conferring with respect to that issue.

26  
27 DATED: July 31, 2018

Respectfully Submitted,

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