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

THE UNITED STATES OF AMERICA,
Plaintiff,

v.

THE STATE OF CALIFORNIA, et al.,
Defendants.

2:18-cv-02660-JAM-DB
2:18-cv-02684-JAM-DB

**ORDER REGARDING RESUMPTION OF
LITIGATION AND SCHEDULING
(AS MODIFIED BY THE COURT)**

Judge: The Hon. John A. Mendez
Actions Filed: Sept. 30, 2018; Oct. 3, 2018

**AMERICAN CABLE ASSOCIATION,
CTIA – THE WIRELESS ASSOCIATION,
NCTA – THE INTERNET & TELEVISION
ASSOCIATION, and USTELECOM – THE
BROADBAND ASSOCIATION, on behalf of
their members,**

Plaintiffs,

v.

**XAVIER BECERRA, in his official capacity
as Attorney General of California,**

Defendant.

The Court previously entered Orders temporarily staying *United States v. California*, No. 2:18-cv-2660-JAM-DB, and *American Cable Association et al. v. Becerra*, No. 2:18-cv-2684-JAM-DB, pending the entry of a final and non-appealable decision in *Mozilla Corp. v. FCC*, Nos. 18-1051 *et al.* (D.C. Cir.) (ECF Nos. 17 and 36, respectively). The parties in both actions,

1 Plaintiffs the United States of America, American Cable Association, CTIA – The Wireless
2 Association, NCTA – The Internet & Television Association, and USTelecom – The Broadband
3 Association (collectively, “Plaintiffs”), and Defendants the State of California, Governor Gavin
4 C. Newsom,¹ and Attorney General Xavier Becerra (“Defendants”), submitted a Stipulation
5 Regarding Resumption of Litigation and Scheduling, in which they informed the Court that the
6 D.C. Circuit’s decision in *Mozilla Corp.* became final and non-appealable on July 6, 2020.
7 Plaintiffs also intend to amend their complaints and to renew their motions to preliminarily enjoin
8 the California Internet Consumer Protection and Net Neutrality Act of 2018 (“Senate Bill 822”),
9 which Plaintiffs had filed in October 2018, but withdrew without prejudice in connection with
10 this Court’s temporary stay of the litigation. Defendants have consented to the filing of the
11 Amended Complaints, and the Parties have proposed an agreed-upon briefing schedule and
12 format for resolution of the renewed preliminary injunction motions. Having considered the
13 stipulation, the Court sets the following schedule:

14 1. Plaintiffs shall file their Amended Complaints and renewed Motions for Preliminary
15 Injunction on or by August 5, 2020. Plaintiffs’ renewed Motions for Preliminary Injunction shall
16 be limited to thirty (30) pages per brief.

17 2. Any amicus briefs in support of Plaintiffs or no party shall be filed on or by August
18 19, 2020, and shall be limited to fifteen (15) pages per brief.

19 3. On or by September 16, 2020, Defendants shall file one brief in opposition to
20 Plaintiffs’ motions, limited to fifty (50) pages, or separate briefs in opposition to each motion,
21 limited to thirty (30) pages each.

22 4. Any amicus briefs in support of Defendants shall be filed on or by September 30,
23 2020, and shall be limited to fifteen (15) pages per brief.

24 5. Plaintiffs may each file their own reply brief in support of their respective motions,
25 limited to fifteen (15) page per brief, on or by October 14, 2020.

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28 ¹ Governor Newsom is automatically substituted for originally named defendant Governor
Edmund G. Brown, Jr. *See* Fed. R. Civ. P. 25(d).

1 6. The hearing on the renewed motions for a preliminary injunction shall be held on **a**
2 **date and time to be determined.**

3 7. Defendants' time to answer or respond to the Amended Complaints in *United States*
4 *v. California*, No. 2:18-cv-2660-JAM-DB, and *American Cable Association et al. v. Becerra*, No.
5 2:18-cv-2684-JAM-DB, shall be extended to thirty (30) days after the Court enters an order
6 resolving the respective motions for a preliminary injunction filed in those matters.

7 8. The Parties' shall submit to the Court a joint status report including a Rule 26(f)
8 discovery plan in each of the above-captioned cases thirty (30) days after the Defendants answer
9 or respond to the Amended Complaints.

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11 **IT IS SO ORDERED AS MODIFIED BY THE COURT:**

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13 Dated: July 30, 2020

/s/ John A. Mendez

14 Hon. John A. Mendez

15 U. S. District Court Judge

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