

United States District Court  
For the Northern District of California

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

BULL, et al.,

No. C 03-01840 CRB

Plaintiffs,

**ORDER FOR SUPPLEMENTAL  
BRIEFING**

v.

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendants.

The Court would like the parties to address, in not more than 6 pages, the following two issues of potential relevance to Plaintiffs’ Motion to Alter or Amend. Dkt. 322.

- (1) Did the interlocutory appeal as to qualified immunity divest this Court of jurisdiction as to the entire case or only those aspects related to the qualified immunity issue?; and
- (2) If the interlocutory appeal did not divest this Court of jurisdiction over the entire case, was a stay in effect as to any aspect of the case over which the Court continued to have jurisdiction?<sup>1</sup>

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<sup>1</sup> The Court understands that, in its September 8, 2010 Order at issue, it stated in the Background section that Defendants’ notice of appeal “result[ed] in a stay of proceedings in this Court.” Dkt. 314 at 2. That statement was not a legal determination. Rather, the Court was merely describing the fact that, after Defendants’ second notice of appeal on March 27, 2006, no substantive filings were made with this Court until the appellate process was completed.

Thus, in asking whether a stay was in place, the Court is interested in Orders or agreements between the parties roughly contemporaneous with Defendants’ notices of appeal.

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Counsel shall file their briefs on or before November 12, 2010.

**IT IS SO ORDERED.**



Dated: November 4, 2010

CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE