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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Kristin M. Perry, et al.,
Plaintiffs,
v.
Arnold Schwarzenegger, et al.,
Defendants.

NO. C 09-02292 JW
ORDER SETTING HEARING ON MOTION

On April 27, 2011, the Ninth Circuit transferred Appellants’ (Intervenor-Defendants) Motion for Order Compelling Return of Trial Recordings and Plaintiffs’ Opposition and Cross-Motion to this Court. (See Docket Item Nos. 770, 771.) Upon review, the Court finds good cause to set a hearing on Intervenor-Defendants’ Motion that coincides with the hearing on the Motion to Vacate Judgment. However, the Court finds good cause to bifurcate Plaintiffs’ Cross-Motion to lift the protective order until it has the opportunity to resolve the underlying Motion. The Court will set a hearing on Plaintiffs’ Cross-Motion in its Order addressing Intervenor-Defendants’ Motion.

Accordingly, the Court sets **June 13, 2011 at 9 a.m.** for a hearing on Intervenor-Defendants’ Motion. Although it appears that the Motion has been fully briefed at the circuit level,¹ the Court invites anyone who wishes to file further responses to the Motion to do so in compliance with the following briefing schedule:

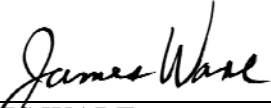
- (1) On or before **May 13, 2011**, any party desiring to do so shall file their Opposition;
- (2) On or before **May 23, 2011**, any party desiring to do so shall file their Reply.

¹ On or before **May 9, 2011**, each party shall lodge with the Court two chambers’ copies of their briefs and all supporting papers as filed with the Ninth Circuit.

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All participants in the trial, including the presiding judge (now retired), who are in possession of a recording of the trial proceedings, are ordered to appear at the hearing on **June 13, 2011**, to show cause as to why the recordings should not be returned to the Court's possession.

Dated: April 28, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: April 28, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Sue Imbriani
Courtroom Deputy