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 17 JEFFREY PATRICK LYONS, JR., and AAKASH DESAI,
 18 on behalf of themselves and others similarly situated

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

17 ELIZABETH AIDA HASKELL,
 18 REGINALD ENTO, JEFFREY PATRICK
 19 LYONS, JR., and AAKASH DESAI, on
 20 behalf of themselves and others similarly
 21 situated,

22 Plaintiffs,

23 vs.

24 KAMALA D. HARRIS, Attorney General
 25 of California; EVA STEINBERGER,
 26 Assistant Bureau Chief for DNA Programs,
 27 California Department of Justice,

28 Defendants.

Civil Case No. C 09-4779 CRB

CLASS ACTION

**STIPULATION AND ORDER RE:
 CONTINUANCE OF CASE
 MANAGEMENT CONFERENCE**

Date: November 1, 2013
 Time: 8:30 a.m.
 Dept.: Courtroom 8, 19th Floor

Honorable Charles R. Breyer

Complaint Filed: October 7, 2009
 First Am. Complaint Filed: December 1, 2009

1 Plaintiffs Elizabeth Aida Haskell, Reginald Ento, Jeffrey Patrick Lyons, Jr., and
2 Aakash Desai, and Defendants Kamala D. Harris, Attorney General of California, and Eva
3 Steinberger, Assistant Bureau Chief for DNA Programs, California Department of Justice, by and
4 through their counsel, hereby agree and stipulate as follows:

5 WHEREAS, the parties have a Case Management Conference (“CMC”) currently
6 scheduled for November 1, 2013 at 8:30 a.m.;

7 WHEREAS, on September 19, 2012, an en banc panel of the Ninth Circuit reheard
8 the pending appeal of this Court’s order;

9 WHEREAS, on November 9, 2012, the Supreme Court granted certiorari in
10 another case addressing whether the Fourth Amendment allows the states to collect and analyze
11 DNA from people arrested and charged with serious offenses, *King v. Maryland*, 42 A.3d 549
12 (Md. 2012), cert. granted, 81 U.S.L.W. 3127 (U.S. Nov. 9, 2012), and held argument on February
13 26, 2013;

14 WHEREAS, on November 13, 2012, the Ninth Circuit deferred submission of this
15 case pending the U.S. Supreme Court’s decision in *Maryland v. King*;

16 WHEREAS, on June 3, 2013, the Supreme Court issued its decision in *Maryland*
17 *v. King*, 133 S. Ct. 1236 (2013);

18 WHEREAS, on June 12, 2013, the Ninth Circuit ordered the parties to submit
19 supplemental briefs on the application of the Supreme Court’s decision in *Maryland v. King*;

20 WHEREAS, the parties’ supplemental briefs are currently under consideration
21 before the en banc panel;

22 WHEREAS, on August 14, 2013, the Ninth Circuit ordered that the case be re-
23 argued before the en banc court during the week of December 9, 2013;

24 WHEREAS, by agreement of the parties, counsel request a continuance of
25 approximately 99 days;

26 NOW THEREFORE, the parties, by and through their undersigned counsel,

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ORDER

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The Court has considered the above Stipulation, and good cause appearing therefore, the Court hereby ORDERS as follows: The November 1, 2013 Case Management Conference shall be continued, and a Case Management Conference shall be held on February 7, 2014 at 8:30 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _October 17, 2013

