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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 **ELIZABETH AIDA HASKELL,**
15 **REGINALD ENTO, JEFFREY PATRICK**
16 **LYONS, JR., and AAKASH DESAI, on**
behalf of themselves and others similarly
17 **situated,**

18 Plaintiffs,
19

20 **v.**

21 **EDMUND G. BROWN, JR., Attorney**
General of California; EVA
22 **STEINBERGER, Assistant Bureau Chief**
for DNA Programs, California Department
of Justice,

23 Defendants.
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09-cv-04779-CRB

**STIPULATION CONTINUING DATE OF
INITIAL CASE MANAGEMENT
CONFERENCE; ~~PROPOSED~~ ORDER**

Action Filed: October 7, 2009

Defendants Edmund G. Brown Jr., Attorney General of California, Eva Steinberger, Assistant Bureau Chief for DNA Programs, California Department of Justice (State Defendants) and Plaintiffs Elizabeth Aida Haskell, Reginald Ento, Jeffrey Patrick Lyons, Jr., and Aakash Desai, on behalf of themselves and others similarly situated, by and through their counsel of record, hereby agree and stipulate as follows:

RECITALS

1. Plaintiffs filed a Class Action Complaint for Declaratory and Injunctive Relief on October 7, 2009, and a First Amended Complaint on December 1, 2009. All Defendants have been served with the operative complaint.

2. On December 1, 2009, Plaintiffs filed a Motion for Class Certification. The hearing on Plaintiffs' Motion for Class Certification is currently scheduled for January 29, 2010 at 10:00 a.m.

3. On December 17, 2009, State Defendants filed a Motion to Dismiss the First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). The hearing on State Defendants' Motion to Dismiss is currently scheduled for January 29, 2010 at 10:00 a.m.

4. On December 23, this Court issued its ruling denying Plaintiffs' request for a preliminary injunction.

5. The initial case management conference in this case is currently scheduled for January 22, 2010 at 8:30 a.m.

6. On January 4, 2010, Plaintiffs and State Defendants conducted their initial discovery conference as required by Federal Rule of Civil Procedure 26(f). Plaintiffs and State Defendants intend to file the discovery plan required by Rule 26(f) on January 15, 2010. Plaintiffs and State Defendants also intend to make their initial disclosures as required by Rule 26(a) on January 15, 2010.

7. As Plaintiffs and State Defendants will appear on January 29, 2010 for their respective Motion for Class Certification and Motion to Dismiss, and as some of the issues to be discussed at the initial case management conference may be resolved during the course of the hearing on these two motions, Plaintiffs and State Defendants jointly request that the Court move

1 the initial case management conference currently set for January 22, 2010 to January 29, 2010
2 after the conclusion of the hearing on these two motions.

3 NOW THEREFORE, Plaintiffs and State Defendants hereby stipulate and agree to the
4 following:

5 **AGREEMENT**

6 Subject to approval by this Court, all parties agree to conduct the initial case management
7 conference on January 29, 2010, following the conclusion on the hearing on the Motion for Class
8 Certification and Motion to Dismiss.

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10 DATED: January 13, 2010

PAUL, HASTINGS, JANOFSKY & WALKER LLP

11 By: /s/ Eric A. Long
Eric A. Long

12 Attorneys for Plaintiffs
13 ELIZABETH AIDA HASKELL, REGINALD ENTO,
14 JEFFREY PATRICK LYONS, JR., and AAKASH
DESAI, on behalf of themselves and others similarly
situated

15
16 DATED: January 13, 2010

OFFICE OF THE ATTORNEY GENERAL

17 By: /s/ Daniel J. Powell
Daniel J. Powell
18 Deputy Attorney General

19 Attorneys for Defendants
20 EDMUND G. BROWN JR., Attorney General of
21 California and EVA STEINBERGER, Assistant Bureau
22 Chief for DNA Programs, California Department of
23 Justice

24 I attest that concurrence in the filing of this document has been obtained from Eric A. Long,
attorney for Plaintiffs.

25 By: /s/ Daniel J. Powell
26 Daniel J. Powell
27 Deputy Attorney General
Attorneys for State Defendants

1 **IT IS SO ORDERED.**

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4 DATED: Jan. 15, 2010

