

1 KAMALA D. HARRIS
 Attorney General of California
 2 SUSAN M. CARSON
 Supervising Deputy Attorney General
 3 State Bar No. 135875
 455 Golden Gate Avenue, Suite 11000
 4 San Francisco, CA 94102-7004
 Telephone: (415) 703-5580
 5 Fax: (415) 703-5480
 E-mail: susan.carson@doj.ca.gov
 6 *Attorneys for Defendants*

7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11 **LYDIA DOMINGUEZ, PATSY MILLER,**
 12 **ALEX BROWN, by and through his mother**
 13 **and next friend Lisa Brown, DONNA**
 14 **BROWN, CHLOE LIPTON, by and**
 15 **through her conservator and next friend**
 16 **Julie Weissman-Steinbaugh, HERBERT M.**
 17 **MEYER, LESLIE GORDON, CHARLENE**
 18 **AYERS, WILLIE BEATRICE SHEPPARD,**
 19 **and ANDY MARTINEZ, on behalf of**
 20 **themselves and a class of those similarly**
 21 **situated; SERVICE EMPLOYEES**
 22 **INTERNATIONAL UNION UNITED**
 23 **HEALTHCARE WORKERS WEST;**
 24 **SERVICE EMPLOYEES**
INTERNATIONAL UNION UNITED
LONG-TERM CARE WORKERS;
SERVICE EMPLOYEES
INTERNATIONAL UNION LOCAL 521;
SERVICE EMPLOYEES
INTERNATIONAL UNION CALIFORNIA
STATE COUNCIL, UNITED DOMESTIC
WORKERS OF AMERICA, AFSCME,
LOCAL 3930, AFL-CIO; and
CALIFORNIA UNITED HOMECARE
WORKERS,

Plaintiffs,

v.

26 **ARNOLD SCHWARZENEGGER,**
Governor of the State of California, et al.,

Defendants.

CV 09-2306 CW

STIPULATION AND ORDER STAYING
ALL DISTRICT COURT PROCEEDINGS
IN THIS ACTION PENDING
RESOLUTION OF RELATED
PROCEEDINGS IN THE U.S. SUPREME
COURT

1 WHEREAS the U.S. Supreme Court has granted defendants' joint petition for certiorari in
2 *Douglas v. California Pharmacists*, Case No. 09-1158, of which this case is a part;

3 WHEREAS the parties believe that there is a significant possibility that the U.S. Supreme
4 Court's decision in *California Pharmacists* could either eliminate the need for further litigation in
5 this action or significantly clarify and narrow the issues that would still need to be litigated;

6 WHEREAS the parties agree that it would be more efficient for the Court and the parties to
7 stay all district court proceedings pending the U.S. Supreme Court's resolution of *Douglas v.*
8 *California Pharmacists*;

9 IT IS HEREBY STIPULATED between the parties through their respective counsel that,
10 subject to this court's approval:

- 11 1. All district court proceedings in this action are hereby stayed.
- 12 2. The stay shall be lifted automatically upon the U.S. Supreme Court's issuance of its
13 decision in *Douglas v. California Pharmacists*, Case No. 09-1158.
- 14 3. The stay may be lifted unilaterally by any party at any time upon three (3) days' prior
15 written notice to the court and all other parties.
- 16 4. The stay may be lifted at any time by order of the court.

17
18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Dated: February 25, 2011

Respectfully submitted,

2 KAMALA D. HARRIS
3 Attorney General of California

4 /s/ SUSAN M. CARSON

5 SUSAN M. CARSON
6 Supervising Deputy Attorney General
7 *Attorneys for State Defendants*

8 Respectfully submitted,

9 Stephen P. Berzon
10 Scott A. Kronland
11 Stacey M. Leyton
12 Peder J. Thoreen
13 Anne N. Arkush
14 Altshuler Berzon LLP

15 /s/ Stacey M. Leyton
16 *Attorneys for Plaintiffs*

17 Respectfully submitted,

18 Michael G. Woods
19 Timothy J. Buchanan
20 Mandy L. Jeffcoach
21 McCormick, Barstow, Sheppard, Wayte &
22 Carruth LLP

23 /s/ Timothy J. Buchanan
24 *Attorneys for Fresno Defendants*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL ORDER 45 ATTESTATION

I, Susan Carson, am the ECF user whose ID and password are being used to file this declaration. In compliance with General Order 45, X.B., I hereby attest that counsel for Plaintiffs and Fresno Defendants have concurred in the filing of this document with their electronic signatures.

Dated: February 25, 2011

/s/ Susan M. Carson
Susan Carson

PURSUANT TO STIPULATION, IT IS SO ORDERED. However, absent a further stipulation or order of the Court, the dates set for Court appearances will remain on calendar.

Dated: March 2, 2011


Honorable Claudia A. Wilken
United States District Court Judge

SF2009403964
20412114.doc