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 Attorneys for Plaintiffs The Gray Panthers of San Francisco;
 12 Mark Beckwith; California Foundation for Independent Living
 Centers; Independent Living Center of Southern California,
 13 Inc.; LifeLong Medical Care; and Margaret Dowling

14 **IN THE UNITED STATES DISTRICT COURT**

15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

16 The Gray Panthers of San Francisco; Mark Beckwith;
 California Foundation for Independent Living Centers;
 17 Independent Living Center of Southern California, Inc.;
 LifeLong Medical Care; and Margaret Dowling
 18 Plaintiffs,

No. C 09-2307 PJH
 Courtroom: 5
 Hon. Phyllis J. Hamilton

19 -vs.-

20 ARNOLD SCHWARZENEGGER, Governor of State of
 California; KIM BELSHE, Health and Human Services
 Agency of the State Hamilton of California; DAVID
 21 MAXWELL-JOLLY, Director of Department of Health
 Care Services State of California; JOHN CHIANG,
 Controller of State of California; BILL LOCKYER,
 22 Treasurer of State of California; and MICHAEL E.
 GENEST, Director of Finance of the State
 23 of California,

**STIPULATION AND ORDER
 RE SEPT. 17, 2009 CMC**

24 _____
 Defendants. /

1 The parties, through their attorneys of record, hereby stipulate and agree as
2 follows:

3 1. The court has scheduled a Case Management Conference for September
4 17, 2009 in the above-captioned case.

5 2. The parties agree that the Case Management Conference should be
6 continued in light of the following:

7 a. At the August 19, 2009 hearing on plaintiffs' motion for
8 preliminary injunction and defendant Maxwell-Jolly's motion to dismiss, the Court
9 stayed the parties' discovery obligations under Rule 26.

10 b. On August 19, 2009 and September 1, 2009, the court entered
11 orders (1) denying plaintiffs' motion for preliminary injunction; (2) granting defendant
12 Maxwell-Jolly's motion to dismiss the complaint under Federal Rule 12(b)(6), and (3)
13 granting defendants Schwarzenegger's and Lockyer's motion to dismiss under Federal
14 Rule 12(b)(1).

15 c. On September 1, 2009, plaintiffs appealed the court's orders
16 denying plaintiffs' motion for preliminary injunction and granting defendant Maxwell-
17 Jolly's motion to dismiss the complaint under Federal Rule 12(b)(6). Plaintiffs may
18 also appeal dismissal of defendants Schwarzenegger and Lockyer under Federal Rule
19 12(b)(1).

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1 3. Accordingly, the parties agree that the CMC hearing currently scheduled
2 for September 17, 2009 should be continued during the pendency of the appellate
3 proceedings.

4 LYNN S. CARMAN
5 STANLEY L. FRIEDMAN
6 JESSIE M. SANDOVAL

7 By: /s/
8 Attorneys for Plaintiffs

9 EDMUND G. BROWN
10 Attorney General for the State of California
11 KARIN S. SCHWARTZ
12 Supervising Deputy Attorney General

13 By: /s/
14 Attorneys for Defendants ARNOLD
15 SCHWARZENEGGER, Governor of
16 State of California; DAVID
17 MAXWELL-JOLLY, Director of
18 Department of Health Care Services State
19 of California; BILL LOCKYER, Treasurer
20 of State of California; and MICHAEL E.
21 GENEST, Director of Finance of the State
22 of California

23 EDMUND G. BROWN
24 Attorney General for the State of California
 DANIEL POWELL
 Deputy Attorney General

 By: /s/
 Attorneys for Defendant JOHN CHIANG,
 Controller of State of California

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[PROPOSED] ORDER

Upon reviewing the Stipulation entered into by and between plaintiffs and defendants, and good cause appearing therefore, it is hereby ORDERED that the Case Management Conference scheduled for September 17, 2009 be continued pending resolution of plaintiffs' appeals of the orders previously entered in this case. The parties are directed to contact the court once the appeals are resolved to schedule a date for the Case Management Conference if appropriate.

IT IS SO ORDERED.

Dated: 9/10/09

