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18 UNITED STATES DISTRICT COURT  
 19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO/OAKLAND DIVISION

20	V.L., <i>et al.</i> ,	)	Case No.: CV 09-04668 CW
21		)	
22	Plaintiffs	)	<b>STIPULATION AND ORDER</b>
23	v.	)	<b>CONTINUING THE FURTHER CASE</b>
24	WAGNER, <i>et al.</i> ,	)	<b>MANAGEMENT CONFERENCE</b>
25	Defendants	)	<b>PENDING RESOLUTION OF</b>
26		)	<b>DEFENDANTS' PRELIMINARY</b>
27		)	<b>INJUNCTION APPEAL IN THE NINTH</b>
28		)	<b>CIRCUIT</b>

1 WHEREAS defendants' preliminary injunction appeal is currently pending in  
2 the Ninth Circuit;

3 WHEREAS oral argument on that appeal was heard and the matter submitted  
4 on June 15, 2010;

5 WHEREAS the Ninth Circuit deferred resolution of the preliminary injunction  
6 appeal pending the United States Supreme Court's decision in the consolidated  
7 appeals in *Maxwell-Jolly v. Indep. Living Ctr.*, 572 F.3d 644 (9<sup>th</sup> Cir. 2009), *Maxwell-*  
8 *Jolly v. Calif. Pharmacists Ass'n*, 2010 WL 737650 (9<sup>th</sup> Cir. March 3, 2010) and  
9 *Maxwell-Jolly v. Santa Rosa Mem. Hosp.*, 2010 WL 2124276 (9<sup>th</sup> Cir. May 27, 2010),  
10 *certiorari granted*, 2011 WL 134272 (U.S. No. 09-958, Jan. 18, 2011) or upon further  
11 order of the court; and

12 WHEREAS the parties agree that it would be more efficient for the Court and  
13 the parties to continue the further case management conference pending resolution of  
14 the preliminary injunction appeal:

15 IT IS HEREBY STIPULATED between the parties through their respective  
16 counsel that, subject to Court approval:

- 17 1. The further case management conference scheduled for February 8, 2011 is  
18 taken off calendar.
- 19 2. The further case management conference will be rescheduled for April 12,  
20 2011 at 2:00 PM.
- 21 3. The parties, by filing another Stipulation and Order, may request an earlier  
22 or later date for the further case management conference depending on the  
23 date the Ninth Circuit issues its opinion.

24  
25 Dated: February 1, 2011

Respectfully submitted,

26 /s/ Frederick P. Nisen

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27 FREDERICK P. NISEN (SBN 184089)

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Dated: February 1, 2011

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Dated: February 1, 2011

Respectfully submitted,

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GENERAL ORDER 45 ATTESTATION


I, Frederick P. Nisen, am the ECF user whose ID and password are being used to file this stipulation and proposed order. In compliance with General Order 45, X.B., I hereby attest that plaintiffs' counsel and defendants' counsel have concurred in the filing of this document with their electronic signatures.

Dated: February 1, 2011

/s/ Frederick P. Nisen  
Frederick P. Nisen

GOOD CAUSE APPEARING, PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 2/3/2011

  
The Honorable Claudia Wilken  
United States District Judge

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