

1                                    IN THE UNITED STATES DISTRICT COURT  
2                                    FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4 DAVID OSTER, et al.,

No. C 09-4668 CW

5                                    Plaintiffs,

ORDER DENYING  
WITHOUT PREJUDICE  
PLAINTIFFS' MOTION  
FOR ATTORNEYS'  
FEES (Docket No.  
273)

6                                    v.

7 WILL LIGHTBOURNE, Director of the  
8 California Department of Social  
9 Services; TOBY DOUGLAS, Director  
10 of the California Department of  
11 Health Care Services; CALIFORNIA  
DEPARTMENT OF HEALTH CARE  
SERVICES; and CALIFORNIA  
DEPARTMENT OF SOCIAL SERVICES,

12                                    Defendants.  
13 \_\_\_\_\_/

14                                    On November 17, 2009, Defendants filed a notice of appeal of  
15 this Court's first preliminary injunction entered in October 2009.  
16 Plaintiffs' motion for attorneys' fees has been pending since  
17 December 23, 2009. Docket No. 273.

18                                    On March 5, 2012, Defendants appealed this Court's second  
19 preliminary injunction, granted on January 19, 2012, and related  
20 interlocutory orders, including the Court's March 2, 2012  
21 preliminary injunction order. A case management conference is  
22 scheduled for this action on July 25, 2012 at 2:00 pm.

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24                                    The Court will defer ruling on the motion for attorneys' fees  
25 until after the first appeal is decided. For administrative  
26 reasons, the Court denies the motion without prejudice, subject to  
27 refiling after the appeal on the first preliminary injunction is  
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decided. If the preliminary injunction is affirmed, the Court will decide the motion on the papers. If the preliminary injunction is reversed in whole or in part, the Court will call for supplemental briefs and decide the motion on the papers.

IT IS SO ORDERED.

Dated: 4/9/2012

  
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CLAUDIA WILKEN  
United States District Judge