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

20 DAVID OSTER, *et al.*,

21 Plaintiffs,

v.

22 WILL LIGHTBOURNE, Director of the California
 23 Department of Social Services; TOBY DOUGLAS,
 Director of the California Department of Health Care
 24 Services; CALIFORNIA DEPARTMENT OF HEALTH
 CARE SERVICES; and CALIFORNIA DEPARTMENT
 25 OF SOCIAL SERVICES,

26 Defendants.

Case No. CV 09-04668 CW

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING THE
 FURTHER CASE MANAGEMENT
 CONFERENCE PENDING
 RESOLUTION OF DEFENDANTS'
 PRELIMINARY INJUNCTION
 APPEALS IN THE NINTH
 CIRCUIT**

1 WHEREAS, a Case Management Conference is scheduled in this case for July 25, 2012.

2 WHEREAS, Defendants' preliminary injunction appeal with respect to ABX 4 4 is
3 currently pending in the Ninth Circuit, which has not yet issued its decision;

4 WHEREAS, oral argument on that appeal was heard and the matter submitted on June
5 15, 2010;

6
7 WHEREAS, the Ninth Circuit vacated the submission and deferred resolution of that
8 preliminary injunction appeal pending the United States Supreme Court's decision in the
9 consolidated appeals of *Douglas v. Indep. Living Ctr. of S. Cal., et al.*;

10 WHEREAS, the United Supreme Court has now issued its ruling in *Douglas*;

11 WHEREAS, on May 21, 2012, the Ninth Circuit ordered the parties to submit letter briefs
12 regarding the mootness impact upon the appeal, if any, of California Welfare & Institutions Code
13 §§12309(i) and 12309.2(e);

14 WHEREAS, those briefs are due to be filed on July 20, 2012;

15
16 WHEREAS, Defendants filed a preliminary injunction appeal with respect to SB 73 on
17 February 21, 2012 and March 5, 2012;

18 WHEREAS, Defendants filed their opening brief on April 3, 2102;

19 WHEREAS, Plaintiffs' answering brief is due on July 19, 2012 and Defendants' reply
20 brief is due on August 16, 2012;

21
22 WHEREAS, the parties agree that it would be more efficient for the Court and the parties
23 to continue the further case management conference pending resolution of the preliminary
24 injunction appeals;

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

- 27
28 1. The further case management conference scheduled for July 25, 2012 is taken off
calendar.

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1 Dated: July 18, 2012

Respectfully Submitted,

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11 GENERAL ORDER 45 ATTESTATION

12 I, Stacey Leyton, am the ECF user whose ID and password are being used to file this
13 stipulation. In compliance with General Order 45, X.B, I hereby attest under the penalty of
14 perjury that concurrence regarding filing this document has been obtained from each of its
15 signatories.
16

17 Dated: July 18, 2012

/s/ Stacey Leyton
18 Stacey Leyton
19

20 GOOD CAUSE APPEARING, PURSUANT TO STIPULATION, IT IS SO ORDERED.
21

22 Dated: 7/19/2012


23 Hon. Claudia Wilken
24 United States District Judge
25
26
27
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