

United States District Court  
For the Northern District of California

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

MICHAEL DRAGOVICH; MICHAEL GAITLEY;  
ELIZABETH LITTERAL; PATRICIA  
FITZSIMMONS; CAROLYN LIGHT; CHERYL  
LIGHT; JOANNE SCHMIDT; REIDE GARNETT;  
DAVID BEERS and CHARLES COLE, on  
behalf of themselves and all others  
similarly situated,

No. C 10-01564 CW

ORDER DENYING  
FEDERAL  
DEFENDANTS'  
MOTION FOR STAY  
(Docket No. 67)

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE  
TREASURY; TIMOTHY GEITHNER, in his  
official capacity as Secretary of the  
Treasury, United States Department of  
the Treasury; INTERNAL REVENUE  
SERVICE; DOUGLAS SHULMAN, in his  
official capacity as Commissioner of  
the Internal Revenue Service; BOARD  
OF ADMINISTRATION OF CALIFORNIA  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM;  
and ANNE STAUSBOLL, in her official  
capacity as Chief Executive Officer,  
CalPERS,

Defendants.

Federal Defendants have moved to stay the proceedings in this  
action. Docket No. 67. Plaintiffs oppose. The Court denies  
Federal Defendants' motion to stay all proceedings, but will delay  
specific deadlines as necessary to allow new counsel to  
participate.

It appears that current counsel for Federal Defendants are  
prepared to file a motion to dismiss Plaintiffs' First Amended

1 Complaint on May 2, 2011. Plaintiffs shall file their opposition  
2 on May 16, 2011. Defendants' reply would be due on May 23, 2011,  
3 but if Defendants require an extension of that deadline, they may  
4 request one at that time. Meanwhile, written discovery may be  
5 taken from Plaintiffs and the State Defendants, and document  
6 production requests may be made of the Federal Defendants. All  
7 other discovery is stayed until May 9, 2011.

8 Plaintiffs may file their motion for class certification, as  
9 scheduled, on April 14, 2011 if they are able to do so. If  
10 Plaintiffs move for class certification then, and Federal  
11 Defendants are in need of an extension of time for their response,  
12 they may request one at that time. If Plaintiffs are unable to  
13 file their motion on April 14, 2011 due to the partial stay of  
14 discovery, they may attempt to agree upon a new briefing and  
15 hearing schedule with Federal Defendants at that time, or file an  
16 administrative motion proposing a new schedule.

17 IT IS SO ORDERED.

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20 Dated: 3/17/2011



CLAUDIA WILKEN  
United States District Judge