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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DAVID WISE, an individual;
CHRISTINA WISE, an individual,

Plaintiff,

vs.

CASE NO. 12cv1209-GPC(BGS)

**ORDER LIFTING STAY AND
SETTING BRIEFING SCHEDULE**

DANIEL NORDELL, in his individual
and official capacity; JIM KOERBER,
in his official capacity; BONNIE
DUMANIS, in her official capacity;
THE SAN DIEGO DISTRICT
ATTORNEY'S OFFICE; ANGELA
CHANG, in her individual and official
capacity; THE COUNTY OF SAN
DIEGO; THE CALIFORNIA BOARD
OF MEDICAL EXAMINERS; DOES
1-50,

Defendants.


On July 6, 2017, Defendants County of San Diego, District Attorney Bonnie Dumanis, Deputy District Attorney Jim Koerber and District Attorney Investigator Daniel Nordell filed a status report updating the Court on the status of the state court criminal proceedings against Plaintiffs David Wise and Christina Wise. (Dkt. No. 84.) On July 10, 2017, Defendant Angela Chang also filed a status report. (Dkt. No. 85.) Defendants indicated that on May 10, 2017, the California Supreme Court denied David Wise's petition for review after the Court of Appeal's affirmance of judgment and restitution orders and there are no known challenges to Plaintiffs' convictions

1 pending in California state court or any other court at this time. (Dkt. Nos. 84, 85.)

2 On March 22, 2013, the Court stayed the case pursuant to Younger v. Harris, 401
3 U.S. 37 (1971) until conclusion of the pending state court criminal case . (Dkt. No.
4 44.) Since the pending criminal state court case has been fully adjudicated, the Court
5 LIFTS the stay. In that order, the Court, *inter alia*, denied Defendants' motion to
6 dismiss the first amended complaint subject to refileing once the stay has been lifted.
7 (Id. at 5.) Accordingly, the Court directs Defendants to file a motion to dismiss the
8 first amended complaint on or before **August 11, 2017.** Plaintiffs shall file an
9 opposition on or before **September 1, 2017.** Defendants shall file a reply on or before
10 **September 8, 2017.** A hearing is set on **September 15, 2017 at 1:30 p.m.** At the
11 time set for hearing, the Court will consider Defendants' motion as fully briefed as
12 submitted on the papers. Unless otherwise ordered, no appearances are required on the
13 date set for hearing and no oral argument will be heard. See Local Civil R. 7.1.d.1.

14 IT IS SO ORDERED.

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16 DATED: July 20, 2017

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18 HON. GONZALO P. CURIEL
19 United States District Judge
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