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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14 **THOMAS JACOBS,**

15 Plaintiff,

16 v.

17 **CITY OF SAN JOSE MAYOR CHUCK
18 REED, in both his individual and official
19 capacities; CITY OF SAN JOSE; COUNTY
20 OF SANTA CLARA; CITY OF SAN JOSE
21 POLICE CHIEF ROB DAVIS, in both his
22 individual and official capacities; COUNTY
23 OF SANTA CLARA SHERIFF LAURIE
SMITH, in both her individual and official
24 capacities; and STATE OF CALIFORNIA
ATTORNEY GENERAL EDMUND G.
BROWN, in his official capacity,**

25 Defendants.

2:10-cv-00913-LKK-EFB

**REQUEST FOR STAY OF
PROCEEDINGS PURSUANT TO
STIPULATION [L.Rs. 143 & 144] AND
[PROPOSED] ORDER**

Judge: The Hon. Lawrence K. Karlton
Courtroom: 4
Trial Date: TBD
Action Filed: April 16, 2010

26 Pursuant to the United States District Court, Eastern District of California, Local Rules,
27 Rule 143 and 144, Craig C. Weaver, co-counsel for plaintiff Thomas Jacobs, Geoffrey L.
28 Graybill, Deputy Attorney General, representing Defendant Edmund G. Brown Jr., sued in his
official capacity as Attorney General of the State of California (Defendant), Melissa Kiniyalocts,

1 Lead Deputy County Counsel, representing Defendants County of Santa Clara and Santa Clara
2 County Sheriff Laurie Smith sued in her individual and official capacities, and Margo Laskowska,
3 Deputy City Attorney, representing Defendants City of San Jose, Mayor Chuck Reed sued in his
4 individual and official capacities and San Jose Police Chief Rob Davis sued in his individual and
5 official capacities state:

6 They and each of them concurs with the representations and statements set forth in the
7 declaration by Mr. Graybill submitted herewith.

8 For the reasons stated in the Graybill Declaration, the parties respectfully request that this
9 Court vacate the order setting the status conference currently in effect for June 28, 2010 and stay
10 all proceedings in this matter including but not limited to responses to the complaint until after
11 the U.S. Supreme Court decides *McDonald v. City of Chicago* (Doc. No. 08-1521) and/or the
12 related case, *National Rifle Association of America v. City of Chicago* (No. 08-1497) in which
13 writs of certiorari have been granted with decisions expected on or before June 30, 2010, and the
14 U. S. Court of Appeals for the Ninth Circuit decides *Nordyke v. King*, No. 07-15763, for which
15 proceedings have been stayed pending the Supreme Court's decision in *McDonald* and/or
16 *National Rifle Association of America*.

17 The parties agree to enlarge the time to respond to the complaint until 20 days after the
18 stay is lifted by order of the Court. The parties further agree that by stipulating to stay the action
19 Defendants are not waiving their right to bring a motion pursuant to 28 U.S.C. § 1404(a) to
20 transfer the action for the convenience of the parties.

21 The parties respectfully request that the order vacating and staying proceedings remain in
22 effect pending further order of the Court. The parties are obligated to notify this Court of
23 decisions in *McDonald*, *Nordyke* and *Mehl* within five working days after each has been filed.

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IT IS SO STIPULATED.

Dated: June 8, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
DOUGLAS J. WOODS
Supervising Deputy Attorney General

/s/ **Geoffrey L. Graybill**

GEOFFREY L. GRAYBILL
Deputy Attorney General
*Attorneys for Defendant California Attorney
General Edmund G. Brown Jr.*

/s/ **Melissa Kinyalocets**

Dated: June 8, 2010

MELISSA KINIYALOCTS
Lead Deputy County Counsel
County of Santa Clara
*Attorney for Defendants Santa Clara County
and Sheriff Laurie Smith*

Dated: June 8, 2010

RICHARD DOYLE, City Attorney

/s/ **Margo Laskowska**

By:

MARGO LASKOWSKA
Deputy City Attorney
*Attorneys for Defendants City of San Jose,
San Jose Mayor Chuck Reed, and San Jose
Police Chief Rob Davis*


/s/ **Craig C. Weaver**

Dated: June 8, 2010

CRAIG C. WEAVER
Co-Counsel for Plaintiff Thomas Jacobs

IT IS SO ORDERED.

Date: June 9, 2010


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT