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15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE EASTERN DISTRICT OF CALIFORNIA  
17 SACRAMENTO DIVISION

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19 **WILLIAM WIESE, et al.,**  
20  
Plaintiff,  
21  
v.  
22  
**XAVIER BECERRA, et al.,**  
23  
Defendant.  
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2:17-cv-00903-WBS-KJN

**[PROPOSED] ORDER**

Courtroom: 5, 14th Floor  
Judge: Hon. William B. Shubb  
Trial Date: None Set  
Action Filed: April 28, 2017

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1 This Court, having reviewed the Joint Status Report of the parties filed on November 14,  
2 2018, hereby orders as follows:

3 In light of the Order of the Ninth Circuit Court of Appeals in *Duncan v. Becerra*, Ninth  
4 Circuit Case No. 17-56081, informing the parties that the request for a vote on whether to rehear  
5 the appeal en banc has been withdrawn, and in accordance with the agreement of the parties in  
6 this case, the stay currently in place is hereby lifted to permit Defendants to file a motion to  
7 dismiss Plaintiffs' Third Amended Complaint.

8 A Scheduling Conference is set for **January \_\_\_\_, 2019** at 1:30 p.m.

9 In addition, and in accordance with the parties' proposal, the Court hereby sets the  
10 following dates and deadlines for Defendants' motion to dismiss Plaintiffs' Third Amended  
11 Complaint: (i) Defendants' notice of motion and supporting papers shall be filed by January 21,  
12 2019; (ii) Plaintiffs' opposition and supporting papers shall be filed by February 5, 2019;  
13 (iii) Defendants' reply shall be filed by February 12, 2019; and (iv) the hearing on Defendants'  
14 motion to dismiss will be held on **February 19, 2019** at 1:30 p.m.

15 Discovery in this action shall remain stayed pending resolution of Defendants' motion to  
16 dismiss, in accordance with this Court's Order issued on March 12, 2018 (Dkt. No. 80).

17 SO ORDERED.

18  
19 Dated: \_\_\_\_\_

\_\_\_\_\_  
20 Hon. William B. Shubb  
21 United States District Judge  
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## CERTIFICATE OF SERVICE

Case Name: **William Wiese, et al. v. Xavier** Case No. **2:17-cv-00903-WBS-KJN**  
**Becerra, et al.**

I hereby certify that on November 14, 2018, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

### [PROPOSED] ORDER

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 14, 2018, at Los Angeles, California.

\_\_\_\_\_  
Colby Luong  
Declarant

\_\_\_\_\_  
/s/ Colby Luong  
Signature

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