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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEANNA SYKES, ANDREW
WITHAM, ADAM RICHARDS,
SECOND AMENDMENT FOUNDATION,
INC., and THE CALGUNS
FOUNDATION, INC.,

No. 2:09-cv-01235-MCE-KJM

Plaintiffs,

v.

ORDER

JOHN MCGINNESS, COUNTY OF
SACRAMENTO, ED PRIETO, and
COUNTY OF YOLO,

Defendants.

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The Court is in receipt of the request by Defendants County of Sacramento and John McGinness for an additional order pertaining to the stay on adjudication of any summary judgment motion, as previously imposed pursuant to the Court's Order of September 1, 2009. Defendants point out that linking the stay to the Ninth Circuit's pending en banc decision in Nordyke v. King, 563 F.3d 439 (9th Cir. 2009) is no longer appropriate since Nordyke, in turn, has been stayed awaiting the Supreme Court's decision in McDonald v. City of Chicago, 130 S.Ct. 48 (2009).

1 Defendants also ask that the stay on refiling a motion for
2 summary judgment after a decision on McDonald has been rendered
3 remain in effect for a period of sixty (60) additional days.
4 According to Defendants, that additional stay is appropriate so
5 that the Plaintiffs in this matter can be deposed in accordance
6 with the substantive and legal guidelines to be established by
7 the Supreme Court. Defendants maintain that deposing the
8 Plaintiffs prior to a decision being rendered may be both
9 premature and potentially futile.

10 Although Plaintiffs have opposed Defendants' request in this
11 regard, the Court believes that refraining from the subject
12 discovery at this time is proper since the McDonald decision may
13 narrow and/or eliminate the issues which will need to be
14 addressed in Plaintiffs' depositions. Consequently, Defendants'
15 Request (Docket No. 38) is GRANTED. The stay on filing any
16 Motion for Summary Judgment/Adjudication in this matter will
17 remain in effect for a period of sixty (60) days following the
18 Supreme Court's issuance of a decision on McDonald v. City of
19 Chicago, supra, absent specific leave from this Court to the
20 contrary.

21 IT IS SO ORDERED.

22 Dated: April 13, 2010

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25 MORRISON C. ENGLAND, JR.
26 UNITED STATES DISTRICT JUDGE
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