

IN THE UNITED STATES DISTRICT COURTS
FOR THE EASTERN DISTRICT OF CALIFORNIA
AND THE NORTHERN DISTRICT OF CALIFORNIA
UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

RALPH COLEMAN, et al.,
Plaintiffs,

v.

ARNOLD SCHWARZENEGGER,
et al.,
Defendants.

NO. CIV S-90-0520 LKK JFM P

THREE-JUDGE COURT

MARCIANO PLATA, et al.,
Plaintiffs,

v.

ARNOLD SCHWARZENEGGER,
et al.,
Defendants.

NO. C01-1351 TEH

THREE-JUDGE COURT

**ORDER SETTING BRIEFING
SCHEDULE ON DEFENDANTS'
AUGUST 15, 2008 MOTION FOR
RECONSIDERATION**

The Court is in receipt of Defendants' August 15, 2008 motion for reconsideration of the magistrate judge's August 14, 2008 order requiring Governor Arnold Schwarzenegger, Chief of Staff Susan Kennedy, and Senior Deputy Cabinet Secretary Robert Gore to submit to deposition by Plaintiffs. Given the serious nature of the parties' dispute, as well as the trial schedule in this case, IT IS HEREBY ORDERED that:

1. Any opposition to Defendants' motion shall be filed on or before **August 25, 2008**. In their opposition, Plaintiffs shall address the following issues, along with any other issues they believe to be relevant to deciding this motion: (1) whether Plaintiffs intend to call the three named individuals as witnesses at trial; (2) to what extent Plaintiffs' position regarding

depositions is affected by whether the witnesses are called and allowed to testify at trial; and
(3) what testimony Plaintiffs seek to elicit from the three identified witnesses that could not
be obtained through other means, including, for example, requests for admission or
interrogatories.

2. Defendants' reply shall be filed on or before **September 2, 2008**, at 12:00 noon.

3. No oral argument will be heard unless otherwise ordered by the Court.


4. The depositions of the three individuals at issue shall not proceed unless and until
this Court issues an order denying Defendants' motion for reconsideration of the magistrate
judge's August 14, 2008 order. If necessary, the Court will allow a brief extension of the
discovery cut-off in this case for the limited purpose of completing any depositions ordered
by this Court.

IT IS SO ORDERED.


Dated: 08/19/08

/s/
STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

Dated: 08/19/08


LAWRENCE K. KARLTON
SENIOR UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF CALIFORNIA

Dated: 08/19/08


THELTON E. HENDERSON
SENIOR UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA