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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Kristin M. Perry, et al.,
Plaintiffs,
v.
Arnold Schwarzenegger, et al.,
Defendants.

NO. C 09-02292 JW
ORDER SETTING HEARING ON MOTION

On April 27, 2011, the Ninth Circuit transferred Appellants’ (Intervenor-Defendants) Motion for Order Compelling Return of Trial Recordings and Plaintiffs’ Opposition and Cross-Motion to this Court. (See Docket Item Nos. 770, 771.) Upon review, the Court finds good cause to set a hearing on Intervenor-Defendants’ Motion that coincides with the hearing on the Motion to Vacate Judgment. However, the Court finds good cause to bifurcate Plaintiffs’ Cross-Motion to lift the protective order until it has the opportunity to resolve the underlying Motion. The Court will set a hearing on Plaintiffs’ Cross-Motion in its Order addressing Intervenor-Defendants’ Motion.

Accordingly, the Court sets **June 13, 2011 at 9 a.m.** for a hearing on Intervenor-Defendants’ Motion. Although it appears that the Motion has been fully briefed at the circuit level,¹ the Court invites anyone who wishes to file further responses to the Motion to do so in compliance with the following briefing schedule:

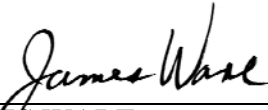
- (1) On or before **May 13, 2011**, any party desiring to do so shall file their Opposition;
- (2) On or before **May 23, 2011**, any party desiring to do so shall file their Reply.

¹ On or before **May 9, 2011**, each party shall lodge with the Court two chambers’ copies of their briefs and all supporting papers as filed with the Ninth Circuit.

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All participants in the trial, including the presiding judge (now retired), who are in possession of a recording of the trial proceedings, are ordered to appear at the hearing on **June 13, 2011**, to show cause as to why the recordings should not be returned to the Court's possession.

Dated: April 28, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: April 28, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Sue Imbriani
Courtroom Deputy