United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MIKESHA MARTINEZ, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

/

No. C 09-02306 CW

ORDER DENYING DEFENDANTS' MOTION FOR A STAY

Defendants move for a stay of the proceedings pending appeal. The Court does not need further briefing on this issue because the question of whether to stay the proceedings is intimately related to the question of whether to issue the preliminary injunction in the first place, and the legal standard for both is the same. The Court has already carefully considered and determined that Plaintiffs are likely to succeed on the merits of their underlying claim, that they are likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in their favor, and that an injunction is in the public interest. The Court would not have issued a preliminary injunction if it was not

of the opinion that California Welfare and Institutions Code § 12306.1(d)(6) should be enjoined before its scheduled effective date of July 1, 2009. Accordingly, the Court denies Defendants' motion.

IT IS SO ORDERED.

Dated: 6/29/09

CLAUDIA WILKEN
United States District Judge

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