

1 KAMALA D. HARRIS
Attorney General of California
2 PETER K. SOUTHWORTH
Supervising Deputy Attorney General
3 ROBERT D. WILSON
Deputy Attorney General
4 State Bar No. 136736
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-7870
7 Fax: (916) 324-8835
E-mail: Robert.Wilson@doj.ca.gov
8 *Attorneys for Kamala D. Harris,*
Attorney General of California

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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13 **JOHN DOE, JACK ROE, AND**
14 **CALIFORNIA REFORM SEX OFFENDER**
15 **LAWS, ON BEHALF OF THEMSELVES AND**
OTHERS SIMILARLY SITUATED,

16 Plaintiffs,

17 v.

18 **KAMALA D. HARRIS, ATTORNEY**
19 **GENERAL OF CALIFORNIA, AND CITY OF**
20 **ALAMEDA,**

21 Defendants.
22

Case No. 3:12-cv-05713-TEH

**[PROPOSED] ORDER RE EXTENSION
OF TEMPORARY RESTRAINING
ORDER AND BRIEFING AND
HEARING SCHEDULE REGARDING
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

Courtroom: 12
Judge: The Honorable Thelton E.
Henderson
Trial Date: Not Set
Action Filed: November 6, 2012

23 On November 7, 2012, this Court granted Plaintiffs' request for a temporary restraining
24 order ("TRO") pending a hearing on a motion whether a preliminary injunction should issue
25 against Defendant Kamala D. Harris, California Attorney General (the "Attorney General") in
26 this action. In issuing the order, the Court invited the parties to meet and confer to attempt to
27 reach an agreement on an extension of the TRO and a briefing and hearing schedule on the
28 Motion for a Preliminary Injunction. The parties, through their respective counsel, have met and

1 conferred and have reached an agreement regarding the continuance of the TRO, the briefing and
2 hearing schedule for Plaintiffs' Motion for Preliminary Injunction, and other issues.

3 IT IS THEREFORE ORDERED THAT:

4 CLASS CERTIFICATION

5 1. Plaintiffs' Motion for a Preliminary Injunction will be resolved without litigating the
6 issue of class certification at this time and without prejudice to the Attorney General to later
7 challenge class certification.

8 SCOPE AND EXTENSION OF TEMPORARY RESTRAINING ORDER

9 2. Pursuant to the stipulation of the parties, the TRO and any preliminary injunctive
10 relief granted by the Court will apply both to the named Plaintiffs and to all persons who are
11 required to register under California Penal Code § 290, including those whose duty to register
12 arises during the pendency of the TRO and any preliminary injunctive relief.

13 3. The application of the TRO to "all California state and local law enforcement
14 officers" shall be deleted. However, the California Department of Justice and local law
15 enforcement will not require registrants to submit the information covered by the TRO so long as
16 the TRO remains in effect.

17 4. The parties agree that the TRO, as modified by this stipulation, shall remain in effect
18 until the Court issues its ruling on Plaintiffs' Motion for a Preliminary Injunction or January 11,
19 2013, whichever occurs first.

20 PLAINTIFFS' MOTION TO PROCEED ANONYMOUSLY AND FILE UNDER SEAL

21 5. If Plaintiffs are permitted to proceed anonymously, Plaintiffs will provide the
22 Attorney General with the names and dates-of-birth of Plaintiffs Doe and Roe under a stipulated
23 protective order that prohibits her from publicizing or disseminating this information to any other
24 person or entity, including local law-enforcement agencies, or from using it for any purpose other
25 than defending this litigation, so that the Attorney General may evaluate their standing to bring
26 this case.

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FACIAL CHALLENGE TO PROPOSITION 35

6. Pursuant to the agreement of the parties, Plaintiffs will litigate this matter only as a facial challenge until further notice, in which case the Attorney General will not take any discovery from Plaintiffs Doe or Roe without leave of court. If Plaintiffs later raise an as-applied challenge to Proposition 35, they will provide the Attorney General with at least 45 days notice before filing any motion or other paper with the Court that raises such a challenge, so that the Attorney General may take any appropriate discovery.

SCHEDULING OF MOTION FOR PRELIMINARY INJUNCTION

7. The hearing on the preliminary injunction shall be set for December 17, 2012, at 10:00 a.m. The Attorney General’s opposition papers shall be filed by November 26, 2012. Plaintiffs shall file any reply papers by December 3, 2012.

8. The proponents of Proposition 35 have filed a Motion to Intervene in this action. Consistent with the requirement in the TRO that any brief by Defendant-Intervenors be filed at the same time as the Attorney General, if permitted to intervene, the proponents of Proposition 35 shall file any opposition papers by the stipulated due date of the Attorney General’s opposition papers, November 26, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: November 14, 2012

By _____
HONORABLE _____

