

1 Alan R. Diamante, (Cal. SBN 180149)
LAW OFFICE OF ALAN R. DIAMANTE / by
2 Brent W. Renison (Ore. SBN 96475) *pro hac vice*
PARRILLI RENISON LLC
3 5285 SW Meadows Rd., Ste 175
Lake Oswego, Oregon 97035
4 Telephone: (503) 597-7190
Facsimile: (503) 726-0730
5 brent@entrylaw.com

6 Attorneys for Plaintiffs-Petitioners and
Class Members
7

8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
11

12 CAROLYN ROBB HOOTKINS, et. al.,) Case No. CV07-5696 CAS (MANx)
13)
14 Plaintiffs-petitioners,) Date: January 12, 2009
15 vs.) Time: 10:00 a.m.
16) Courtroom: 5
MICHAEL CHERTOFF, U.S. Department) Honorable Christina A. Snyder
17 of Homeland Security, et. al.,) MEMORANDUM IN SUPPORT OF
18) MOTION FOR ORDER LIFTING STAY
19 Defendants-respondents.) CLASS ACTION
20)
21)
22)
23)
24)
25)

1 Plaintiffs respectfully move the Court for an Order Lifting the Stay in this
2 case. This motion is made following the conference of counsel pursuant to L.R. 7-3,
3 which took place on December 12, 2008. Defendants will not join this motion, and have
4 communicated to undersigned counsel that any opposition to this motion will be filed on
5 or before December 24, 2008.
6
7

8 The Court issued an Order (Dkt. # 102) staying the case, based on a
9 stipulation of the parties requesting abeyance. The stipulation was based upon the fact
10 that enactment of either S. 3369, as introduced in the Senate on July 30, 2008, or H.R.
11 6034, as amended by the House Committee on the Judiciary Committee on July 16, 2008,
12 would resolve all or part of the issues being litigated in this case. The parties filed a Joint
13 Status Report with the Court on October 15, 2008 stating, "Neither party sees any
14 significant movement in the immediate future on either H.R. 6034 or S.3369." (Dkt. #
15 103). Congress will adjourn the 110th Congress on January 3, 2009, and plaintiffs
16 foresee a need to litigate the instant case to final judgment. Pursuant to L.R. 16-2.9, the
17 plaintiffs have exhausted all possibilities of settlement.
18
19
20
21

22 Plaintiffs respectfully request that the Court lift the Order Granting
23 Stipulation to Stay Proceedings (Dkt. # 102), and enter a final Order on Class
24 Certification accordingly. Because the Court previously issued a Tentative on the Class
25 Certification motion, Plaintiffs waive oral argument pursuant to L.R. 7-15.
26
27
28

1 Plaintiffs further intend to renew the Motion for Summary Judgment, and
2 note that significant briefing has previously occurred on the Motion. Should the Court
3 issue an Order lifting the Stay, plaintiffs respectfully request that the Court direct the
4 parties regarding the Court's preference for briefing guidelines and schedules as
5 appropriate.
6
7

8
9 By /s/ Brent W. Renison
10 BRENT W. RENISON, Oregon SBN. 96475
11 PARRILLI RENISON LLC
12 5285 SW Meadows Rd., Ste 175
13 Lake Oswego, Oregon 97035
14 (503) 597-7190
15 (503) 726-0730 fax
16 *Admitted pro hac vice*

17
18
19
20
21
22
23
24
25
26
27
28
Attorneys for Plaintiffs-petitioners

1 PROOF OF SERVICE

2
3 I, the undersigned, say: On December 12, 2008, true and correct copies of the
4 plaintiffs': MEMORANDUM IN SUPPORT OF MOTION FOR AN ORDER LIFTING
5 STAY, were served pursuant to the district court's ECF system as to ECF filers to the
6 following ECF filers:

7 Elizabeth Stevens
8 Office of Immigration Litigation
9 USDOJ Civil Division
10 P.O. Box 878
11 Ben Franklin Station
12 Washington, DC 20044

13 Sheri R. Glaser
14 Office of Immigration Litigation
15 USDOJ Civil Division
16 P.O. Box 878
17 Ben Franklin Station
18 Washington, DC 20044

19 I declare under penalty of perjury under the laws of the United States of America
20 that the foregoing is true and correct.

21 EXECUTED on December 12, 2008, at Lake Oswego, Oregon.

22 S/ Brent W. Renison
23 Brent W. Renison, Declarant
24
25
26
27
28