

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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**CIVIL MINUTES - GENERAL**

Case No.	CV 07-5696 CAS (MANx)	Date	January 6, 2009
Title	Carolyn Robb Hootkins, et al. v. Michael Chertoff, et al.		

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Present: The Honorable **CHRISTINA A. SNYDER**

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Catherine Jeang	Not Present	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:  
Not Present

Attorneys Present for Defendants:  
Not Present

**Proceedings:**      **(In Chambers:) Motion for Order Lifting Stay** (filed 12/12/2008)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of January 12, 2008, is hereby vacated, and the matter is hereby taken under submission.

Plaintiffs filed the instant action on August 30, 2007. On August 21, 2008, pursuant to a stipulation filed by the parties, the Court issued an order staying the action. The stipulation was based on the fact that the enactment of either S. 3369, a bill introduced in the Senate of July 30, 2008, or H.R. 6034, a bill amended by the House Committee on the Judiciary on July 16, 2008, would resolve all or some of the issues being litigated in this action. On October 15, 2008, the parties filed a joint status report, in which they stated that “[n]either party sees any significant movement in the immediate future on either H.R. 6034 or S. 3369.”

On December 12, 2008, plaintiffs filed a motion for an order lifting the stay in the instant action. Plaintiffs argue that Congress will adjourn the 110th Congress on January 3, 2009, and that “plaintiffs foresee a need to litigate the instant case to final judgment.” Mot. at 2. On December 24, 2008, defendants filed a notice of non-opposition to

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plaintiffs' motion. Accordingly, the Court GRANTS plaintiffs' motion and hereby lifts the stay in the instant action.<sup>1</sup>

IT IS SO ORDERED

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<sup>1</sup> Plaintiffs also request that the Court enter a final order on class certification. Plaintiffs filed a motion for class certification on November 28, 2007. On January 28, 2008, the Court held a hearing on plaintiffs' motion for class certification, and requested that the parties file supplemental briefing. On June 30, 2008, the Court held a hearing on plaintiffs' motion, and issued a tentative order. The Court ordered the parties to file proposed class definitions in light of the tentative ruling. Plaintiffs filed their proposed class definition on July 2, 2008. Defendants filed their proposed class definition on July 3, 2008. The instant action was stayed prior to the issuance of a final order on class certification. Because the stay in the instant action is hereby lifted, the Court will issue the final ruling on class certification based on the briefs submitted by the parties prior to the issuance of the stay.