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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 ESPANOLA JACKSON, PAUL
COLVIN, THOMAS BOYER,
12 LARRY BARSETTI, DAVID
GOLDEN, NOEMI MARGARET
13 ROBINSON, NATIONAL RIFLE
ASSOCIATION OF AMERICA,
14 INC. SAN FRANCISCO VETERAN
POLICE OFFICERS
15 ASSOCIATION,

16 Plaintiffs

17 vs.

18 CITY AND COUNTY OF SAN
19 FRANCISCO, MAYOR GAVIN
NEWSOM, IN HIS OFFICIAL
20 CAPACITY; POLICE CHIEF
HEATHER FONG, in her official
21 capacity, and Does 1-10,

22 Defendants.
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) **CASE NO.: CV-09-2143-RS**
) **[PROPOSED] ORDER GRANTING**
) **MOTION FOR RELIEF FROM STAY**

1 This matter came on for hearing on July 22, 2010, on Plaintiffs duly noticed Motion for
2 Relief from Stay on the grounds that the resolution of the incorporation of the Second
3 Amendment, an issue in *Nordyke v. King* by which the above captioned case was stayed pending
4 its Ninth Circuit decision, will be resolved by the United States Supreme Court in *McDonald v.*
5 *City of Chicago* (No. 08-1521) by the end of this Term. The Court has read the papers submitted
6 in support of [and in opposition to] the motion, and considered the arguments of counsel and the
7 authorities cited to the Court.

8 The Court has concluded that the Second Amendment incorporation issue will be
9 sufficiency resolved by the United States Supreme Court in *McDonald v. City of Chicago*,
10 causing the need for the *Nordyke* decision to be moot.

11 IT IS ORDERED THAT:

- 12 1. The Motion of Plaintiff for Relief from Stay is GRANTED and the Stay is to be Lifted.
- 13 2. The Defendants shall have 20 days to respond Plaintiffs Amended Complaint

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Dated: _____

UNITED STATES DISTRICT JUDGE

