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January 9, 2013

Molly C. Dwyer
Clerk of Court
United States Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

RE: *Pickup, et al. v. Brown, et al.*, Ninth Circuit, Case No. 12-17681 and *Welch, et al. v. Brown, et al.*, Ninth Circuit, Case No. 13-15023

Dear Ms. Dwyer:

We respectfully request that the Court calendar before the same panel two related appeals, *Pickup, et al. v. Brown, et al.*, Ninth Circuit, Case No. 12-17681 and *Welch, et al. v. Brown, et al.*, Ninth Circuit, Case No. 13-15023. As we previously have indicated, these cases are related, pursuant to Ninth Circuit Rule 28-2.6, in that they both challenge the constitutionality of the same state law, (Senate Bill 1172 (Cal. Stats. 2012, ch. 835, § 2)), and raise the same and/or closely related legal issues. See *Welch, et al. v. Brown, et al.*, E.D. Cal No. 2:12-cv-02484-WBS-KJN, Dkt No. 59 (Notice of Appeal). All of the legal issues presented by *Welch* are the same and a subset of those presented by *Pickup*. Specifically, both appeals will require a determination of whether Senate Bill 1172 violates the Free Speech Clause of the First Amendment.

By Order of this Court dated January 7, 2013, *Pickup, et al. v. Brown, et al.* will be calendared during the week of April 15, 2013 in San Francisco, California. In the interests of conserving judicial resources and promoting uniformity, we ask that *Welch, et al. v. Brown, et al.* also be calendared before the same panel that week.

Sincerely,
/s/ Alexandra Robert Gordon

ALEXANDRA ROBERT GORDON
Deputy Attorney General

For KAMALA D. HARRIS

CERTIFICATE OF SERVICE

Case Name: **Pickup, David, et al. v. Brown, et al.** No. **12-17681**

I hereby certify that on January 9, 2013, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

Letter RE: Pickup, et al. v. Brown, et al., Ninth Circuit, Case No. 12-17681 and Welch, et al. v. Brown, et al., Ninth Circuit, Case No. 13-15023

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 9, 2013, at San Francisco, California.

N. Newlin
Declarant

s/N. Newlin
Signature