

Case No. 10-15152

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Before the En Banc Panel
(Opinion filed February 23, 2012)

ELIZABETH AIDA HASKELL, REGINALD ENTO, JEFFREY PATRICK LYONS, JR., and AAKASH DESAI, on behalf of themselves and others similarly situated,

Plaintiffs-Appellants,

v.

KAMALA D. HARRIS, Attorney General of California; EVA STEINBERGER, Assistant Bureau Chief for DNA Programs, California Department of Justice,

Defendants-Appellees.

**PLAINTIFFS-APPELLANTS' REQUEST FOR
ADDITIONAL BRIEFING**

On Appeal from the United States District Court
for the Northern District of California
The Honorable Charles R. Breyer
Case No. C 09-04779 CRB

Peter C. Meier
PAUL HASTINGS LLP
55 Second Street
Twenty-Fourth Floor
San Francisco, CA 94105
Telephone: (415) 856-7000
Facsimile: (415) 856-7100

Michael T. Risher
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493
Facsimile: (415) 255-8437

Attorneys for Plaintiffs-Appellants
ELIZABETH AIDA HASKELL, REGINALD ENTO, JEFFREY PATRICK LYONS, JR., and AAKASH DESAI, on behalf of themselves and others similarly situated

This Court has deferred submission of this matter pending the Supreme Court's decision in *Maryland v. King*. Order, Dkt. 111. Now that *King* has been decided, Appellants request that this Court permit supplemental briefing on the effect of that decision on this case “[s]o that the parties have a full opportunity to address th[is] decision[] in a fuller manner than is permitted by the limited space of a Rule 28(j) letter.” Government’s Mot. to Stay Proceedings, Dkt. 82 (state’s request for supplemental briefing).

Appellants therefore ask that this Court allow supplemental briefs of 2,500 words or less be filed simultaneously 30 days from the Court’s order allowing the briefing.

Appellants raised this request with the Attorney General. The Attorney General does not believe additional briefing is necessary. The Attorney General agreed, however, that if briefing is permitted, a 2,500 word limit is sensible. The Attorney General also asked for no less than 30 days for the simultaneous briefing given the press of other matters.

Because of the importance of this case, Appellants respectfully request the Court grant their motion. Allowing the litigants to explain *King*’s effect on this Court’s analysis can only lead to a more just and fully-considered result.

Respectfully submitted,

Dated: June 6, 2013

PAUL HASTINGS LLP

By: /s/ Peter C. Meier
 Peter C. Meier

Dated: June 6, 2013

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.

By: /s/ Michael T. Risher
 Michael T. Risher

Attorneys for Plaintiffs-Appellants
Elizabeth Aida Haskell, Reginald Ento, Jeffrey
Patrick Lyons, Jr., and Aakash Desai, on behalf
of themselves and others similarly situated

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on June 6, 2013.

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

/s/ Doreen Bordessa

DOREEN BORDESSA

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