

STAY NEEDED BY DECEMBER 4, 2015

No. 15-17318

In the United States Court of Appeals for the Ninth Circuit

**In re The Center for Medical Progress, BioMax Procurement Services,
LLC, David Daleiden, and Troy Newman,**

Defendants-Petitioners,

v.

United States District Court for the Northern District of California,

Respondent,

National Abortion Federation,

Real Party in Interest.

On Appeal and on Petition for a Writ of Mandamus from the
United States District Court for the Northern District of California,
No. 3:15-cv-3522-WHO (William Horsley Orrick, III, J.)

Petitioners' Emergency Motion for Temporary Stay

December 3, 2015

James Bopp, Jr.,
Ind. No.2838-84
Randy Elf,
New York No.2863553
Corrine Purvis,
Ind. No. 32725-49
The Bopp Law Firm, P.C.
1 South Sixth Street
Terre Haute, Ind. 47807
Telephone (812) 232-2434
Facsimile (812) 235-3685
JBoppjr@aol.com

Steven N.H. Wood,
Calif. No. 161291
Bruce A. McIntosh,
Calif. No. 175607
Stephen C. Seto,
Calif. No. 175458
Bergquist Wood McIntosh Seto
LLP
1470 Maria Lane, Suite 300
Walnut Creek, Calif. 94596
Telephone (925) 938-6100
Facsimile (925) 938-4354
wood@wcjuris.com
Counsel for Petitioners
The Center for Medical Progress
and BioMax Procurement
Services, LLC

*Counsel for Petitioner
The Center for Medical Progress*

Catherine W. Short,
Calif. No. 117442
Life Legal Defense Foundation
Post Office Box 1313
Ojai, Calif. 93024
Telephone (707) 337-6880
Facsimile (805) 640-1940
LLDFOjai@earthlink.net

Thomas Brejcha
Peter Breen
Corrine Konczal
Thomas More Society
19 S. La Salle Street, Suite 603
Chicago, Ill. 60603
Telephone (312) 782-1680
TBrejcha@ThomasMoreSociety.o
rg

*Counsel for Petitioner
David Daleiden*

Edward L. White III,
Mich. No. P62485
Erik M. Zimmerman,
Mich. No. P78026
American Center for Law &
Justice
3001 Plymouth Road, Suite 203
Ann Arbor, Mich. 48105
Telephone (734) 680-8007
Facsimile (734) 680-8006
EWhite@aclj.org

Brian R. Chavez-Ochoa,
Calif. No. 190289
Chavez-Ochoa Law Offices, Inc.
4 Jean Street, Suite 4
Valley Springs, Calif. 95252
Telephone (209) 772-3013
Facsimile (209) 772-3090

Vladimir F. Kozina, Calif. No.
95422
Mayall Hurley, P.C.
2453 Grand Canal Boulevard
Stockton, Calif. 95207
Telephone (209) 477-3833
Facsimile (209) 473-4818

Jay Alan Sekulow, D.C. No.
496335
Carly F. Gammill, Tenn. No.
28217
Abigail A. Southerland,
Tenn. No. 022608
Joseph Williams, Tenn. No.
033626
American Center for Law &
Justice
201 Maryland Avenue, N.E.
Washington, D.C. 20002
Telephone (202) 546-8890
Facsimile (202) 546-9309

*Counsel for Defendant Troy
Newman*

Motion for Temporary Stay

Petitioners move for a temporary stay of the discovery order herein for 14 days to apply for a stay of discovery and writ of mandamus from Supreme Court Justice Anthony Kennedy, Circuit Justice for the U.S. Court of Appeals for the Ninth Circuit. A temporary stay is needed by December 4, 2015, when the district court's discovery order goes into effect or Petitioners will suffer the very harms that they seek relief from in this emergency motion for a temporary stay of the discovery order.

Petitioners filed an Emergency Motion for Stay of Discovery Order Pending Appeal and Pending Writ of Mandamus to the Ninth Circuit on November 25, 2015, regarding Civil Action No. 3:15-cv-3522-WHO, currently pending in the United States District Court for the Northern District of California, to protect their First Amendment rights. *See Perry v. Schwarzenegger*, 591 F.3d 1147 (9th Cir.), *cert. dismissed*, 559 U.S. 1118 (2010). This Court has denied the Emergency Motion for Stay of Discovery and Pending Writ of Mandamus.

Wherefore, Petitioners move the Court to allow them 14 days from the date of this Court's grant of this motion to seek the relief described above.

December 3, 2015

Respectfully submitted,

Catherine W. Short,
Calif. No. 117442
LIFE LEGAL DEFENSE
FOUNDATION
Post Office Box 1313
Ojai, Calif. 93024
Telephone (707) 337-6880
Facsimile (805) 640-1940
LLDFOjai@earthlink.net
Counsel for Defendant
David Daleiden

/s/ James Bopp, Jr.
James Bopp, Jr., Ind. No. 2838-84
Corrine Purvis, Ind. No. 32725-49
THE BOPP LAW FIRM, P.C.
1 South Sixth Street
Terre Haute, Ind. 47807
Telephone (812) 232-2434
Facsimile (812) 235-3685
JBoppjr@aol.com

Counsel for Defendant
The Center for Medical Progress

Steven N.H. Wood, Calif. No.
161291
Bruce A. McIntosh, Calif. No.
175607
Stephen C. Seto, Calif. No.
175458
BERGQUIST WOOD
MCINTOSH SETO LLP
1470 Maria Lane, Suite 300
Walnut Creek, Calif. 94596
Telephone (925) 938-6100
Facsimile (925) 938-4354
wood@wcjuris.com

Thomas Brejcha
Peter Breen
Corrine Konczal
THOMAS MORE SOCIETY
19 S. La Salle Street, Suite 603
Chicago, Ill. 60603
Telephone (312) 782-1680
TBrejcha@ThomasMoreSociety.org

Counsel for Petitioner
David Daleiden

Counsel for Petitioners
The Center for Medical Progress
and BioMax Procurement
Services, LLC

Edward L. White III,
Mich. No. P62485
Erik M. Zimmerman,
Mich. No. P78026
AMERICAN CENTER FOR LAW &
JUSTICE
3001 Plymouth Road, Suite 203
Ann Arbor, Mich. 48105
Telephone (734) 680-8007
Facsimile (734) 680-8006
EWhite@aclj.org

Vladimir F. Kozina, Calif. No.
95422
MAYALL HURLEY, P.C.
2453 Grand Canal Boulevard
Stockton, Calif. 95207
Telephone (209) 477-3833
Facsimile (209) 473-4818

Brian R. Chavez-Ochoa,
Calif. No. 190289
CHAVEZ-OCHOA LAW OFFICES,
INC.
Jay Alan Sekulow, D.C. No. 496335
Carly F. Gammill, Tenn. No. 28217
Abigail A. Southerland,
Tenn. No. 022608
Joseph Williams, Tenn. No. 033626
AMERICAN CENTER FOR LAW & JUSTICE
201 Maryland Avenue, N.E.
Washington, D.C. 20002
Telephone (202) 546-8890
Facsimile (202) 546-9309

Counsel for Defendant Troy Newman

Certificate of Service

I certify that today I electronically filed the foregoing with the clerk of court using the CM/ECF system with copies by e-mail as indicated:

Linda E. Shostak, Calif. No. 64599
Derek F. Foran, Calif. No. 224569
Christopher L. Robinson, Calif. No. 260778
Nicholas S. Napolitan, Calif. No. 51762
LShostak@mofocom
DForan@mofocom
ChristopherRobinson@mofocom
NNapolitan@mofocom

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/s/ James Bopp, Jr.
James Bopp, Jr.