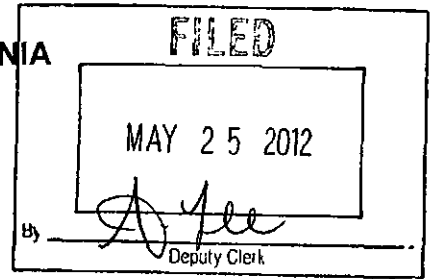


**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO**



**WARD CONNERLY, a citizen and taxpayer,
and AMERICAN CIVIL RIGHTS FOUNDATION,
a nonprofit public benefit corporation,**

Plaintiffs and Petitioners,

vs.

**STATE OF CALIFORNIA, ELAINE M. HOWLE,
in her official capacity as the STATE AUDITOR
OF CALIFORNIA, and the CALIFORNIA
CITIZENS REDISTRICTING COMMISSION,**

Defendants and Respondents.

**ORDER POSTPONING
HEARING ON
DEMURRER TO
HEARING ON MERITS OF
PETITION FOR WRIT OF
MANDATE**

**Case No. 34-2011-80000966-
CU-WM-GDS**

A hearing on demurrers to the petition for writ of mandate is scheduled for Friday, June 1, 2012 at 9:00 a.m. in Department 31. A hearing on an application for leave to file an amicus brief has been calendared for the same date and time.

The Court's "Guide to the Procedures for Prosecuting Petitions for Prerogative Writs", page 6, states:

"Motions addressing the merits of the petition in whole or in part should be calendared for a hearing at the same time as the hearing on the merits. Motions directed at resolving issues preliminary to and distinct from the issues related to the merits of the petition, such as untimeliness of the petition under an applicable statute of limitations, should be calendared before the hearing on the merits of a writ petition. The court, in the exercise of its discretion to control the order of litigation before it, may advance the hearing on a motion to a date before the hearing on the merits or may postpone a motion to the hearing on the merits when such advancement or postponement will promote the efficient conduct and disposition of the proceeding."

In this case, the petition asserts a facial challenge to a statute, Government Code section 8252(g), on the ground that it is in conflict with Article I, Section 31 of the California Constitution. The demurrers address the merits of the petition, i.e., whether the challenged statute is facially valid, rather than issues preliminary to and distinct from the merits, such as the timeliness of the petition.

The Court therefore finds this to be an appropriate case to exercise its discretion to postpone the hearing on the demurrers to the hearing on the merits.

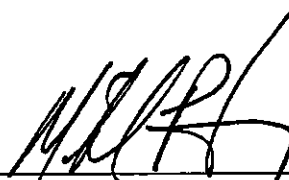
Case Number: 34-2011-80000966-CU-WM-GDS

Case Title: WARD CONNERLY, et al., v. STATE OF CALIFORNIA, et al.

A postponement will promote the efficient conduct and disposition of the proceeding by avoiding the potential for multiple hearings on the same or similar issues.

The hearing on the demurrers is therefore postponed to the hearing on the merits of the petition. Counsel for the parties are directed to meet and confer and contact the Clerk of this Department regarding a hearing date for the demurrers and the merits of the petition. The application for leave to file an amicus brief will remain on calendar for June 1, 2012, as scheduled.

DATED: May 25, 2012



HON. MICHAEL P. KENNY
Judge of the Superior Court of California,
County of Sacramento

Case Number: 34-2011-80000966-CU-WM-GDS

Case Title: WARD CONNERLY, et al., v. STATE OF CALIFORNIA, et al.

CERTIFICATE OF SERVICE BY MAILING
(C.C.P. Sec. 1013a(4))

I, the undersigned deputy clerk of the Superior Court of California, County of Sacramento, do declare under penalty of perjury that I did this date place a copy of the above-entitled **ORDER POSTPONING HEARING ON DEMURRER TO HEARING ON MERITS OF PETITION FOR WRIT OF MANDATE** in envelopes addressed to each of the parties, or their counsel of record as stated below, with sufficient postage affixed thereto and deposited the same in the United States Post Office at Sacramento, California.

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Dated: May 25, 2012

Superior Court of California,
County of Sacramento

By: 
S. LEE,
Deputy Clerk