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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 AUGUSTA MILLENDER, BRENDA  
12 MILLENDER, WILLIAM JOHNSON,

13 Plaintiffs,

14 vs.

15 COUNTY OF LOS ANGELES, ET. AL.,

16 Defendants.

Case No. CV 05-2298 DDP  
(RZx)

**PLAINTIFFS' OPPOSITION  
TO DEFENDANTS' EX  
PARTE APPLICATION TO  
STAY PROCEEDINGS  
PENDING THEIR PETITION  
FOR CERTIORARI**

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18 Plaintiffs request the status conference goes forward and oppose defendants'  
19 request to stay this case for several reasons.

20 First, Plaintiff Augusta Millender, who is about to be 79 years old, is not in good  
21 health. She filed this case in March 2005 after the deputies broke into her home on  
22 November 6, 2003. After five long years, an *en banc* panel of the Ninth Circuit Court of  
23 Appeals affirmed the decision of this Court. Given Mrs. Millender's health and age, it  
24 would be in her interest to see this case move along as quickly as possible.

25 Second, no stay at this point is necessary. Defendants' cert petition is due in  
26 November. Most likely, the Court will make its decision whether to grant the petition  
27 sometime in early 2011, perhaps January. In the meantime, the case should get on track  
28 for resolution (whether by settlement or trial). Going ahead with the October 14 status

