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19 **UNITED STATES DISTRICT COURT**  
20 **SOUTHERN DISTRICT OF CALIFORNIA**

21 JAMES FAHR, et al.,  
22 Plaintiffs,

23 v.

24 CITY OF SAN DIEGO,  
25 CALIFORNIA, et al.,  
26 Defendants.

Case No.:  
21-CV-1676-BAS-BGS

**JOINT STATUS REPORT**

Judge: Hon. Cynthia Bashant  
Courtroom: 4B  
Trial: Not Set

1 This matter was stayed for a period of 90 days effective July 25, 2022, pending  
2 further proceedings in the appeal from the judgment in *Roger Palmer, et al. v.*  
3 *Stephen Sisolak, et al.*, 3:21-cv-02680-MMD-CSD (D. Nev.), Ninth Circuit Case  
4 No. 22-15645. The appeal is progressing in due course. The appellants' opening  
5 brief was filed on October 7, 2022. The current due date for the appellees' brief is  
6 November 7, 2022, although it is customary for parties on appeal to require and be  
7 granted at least one 30-day extension of time to file their respective briefs. Thus, the  
8 appellees' brief likely will not be filed until at least early December. Once that brief  
9 is filed, the appellants will have 21 days in which to file a reply, although some  
10 additional time (e.g., another couple of weeks) is often required and granted for reply  
11 briefs. Thus, most likely, the case will be fully briefed by early to mid-January of  
12 2023. Oral argument is normally held within three to six months of the close of  
13 briefing. The decision normally issues within one to three months of the argument.  
14 Foreseeably then, this case should be fully resolved by sometime next summer.

15 The parties agree that the stay should remain in effect until the decision in  
16 *Palmer* has issued, for the same reasons that the case was stayed in the first instance.

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18 Dated: October 17, 2022

19 Respectfully submitted,

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*Attorneys for Plaintiffs*

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22 /s/ Raymond M. DiGuiseppe

/s/ John W. Dillon

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### CERTIFICATION

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21 I certify that I have obtained authorization to affix to this document the  
22 electronic signatures of the above-listed signatories, pursuant to Section 2(f)(4) of  
23 the Electronic Case Filing Administrative Policies and Procedures Manual.

24 DATED: October 17, 2022

/s/ Raymond M. DiGuiseppe

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Raymond M. DiGuiseppe

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