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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Michael Angelo MORALES,
Plaintiff,

v.

James E. TILTON, Secretary of the California
Department of Corrections and Rehabilitation, and
Robert L. Ayers Jr., Warden of San Quentin State
Prison,
Defendants.

Case Number C 06 219 JF RS
Case Number C 06 926 JF RS

DEATH-PENALTY CASE

ORDER DENYING WITHOUT
PREJUDICE JOINT MOTION FOR A
PROTECTIVE ORDER

[Docket Nos. 294 & 311]

Defendants and the Office of Governor Arnold Schwarzenegger, a nonparty, have filed a joint motion for a protective order in the present action. Plaintiff, the Pacific News Service (which is the plaintiff in the related action of *Pacific News Service v. Tilton*, No. C 06 1793 JF RS), and Intervenor The Los Angeles Times, The San Francisco Chronicle, and McClatchy Newspapers, Inc., oppose the motion. Sally J. Lieber, the Speaker pro Tempore of the California State Assembly, seeks leave to intervene to file a brief as amicus curiæ in opposition to the motion. The Court heard argument on the motion on February 23, 2007.

For the reasons discussed by the Court at oral argument, the motion is denied without prejudice. The parties and Intervenor agree that no new discovery requests of any kind may be propounded in the instant action prior to May 15, 2007, or the date Defendants' revisions to the

1 lethal-injection protocol are filed, whichever is earlier, without prior Court approval.

2 This order does not affect any discovery pending in the instant action as of December 15,
3 2006, that remains outstanding as of the date of this order, nor does it affect any ongoing or
4 future discovery proceedings in California State courts.

5 Good cause appearing therefor, Assemblymember Lieber's request to intervene as amicus
6 curiæ is granted.

7 IT IS SO ORDERED.

8
9 DATED: March 6, 2007

10 
11 JEREMY FOGEL
12 United States District Judge