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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 AMERICAN FEDERATION OF LABOR AND)
 14 CONGRESS OF INDUSTRIAL)
 15 ORGANIZATIONS, et al.,)

16 Plaintiffs,)

17 SAN FRANCISCO CHAMBER)
 18 OF COMMERCE, et al.,)

19 Plaintiffs-Intervenors,)

20 and)

21 UNITED FOOD AND COMMERCIAL)
 22 WORKERS INTERNATIONAL UNION, et al.,)

23 Plaintiffs-Intervenors,)

24 v.)

25 MICHAEL CHERTOFF, Secretary of Homeland)
 26 Security, et al.,)

27 Defendants.)
 28)

Case No. 07-4472 CRB

**MOTION TO STAY
 PROCEEDINGS PENDING
 NEW RULEMAKING**

Date: December 28, 2007

Time: 10:00 a.m.

Place: Courtroom 8, 19th Floor
 Hon. Charles Breyer

1 a stay of an action before it, pending resolution of independent proceedings which bear upon the
2 case,” including proceedings in an administrative forum. Lockyer v. Mirant Corp., 398 F.3d 1098,
3 1111 (9th Cir. 2005), quoting Leyva v. Certified Grocers of Calif., 593 F.2d 857, 863-64 (9th Cir.
4 1997). See also Ethicon, Inc. v. Quigg, 849 F.2d 1422, 1426-27 (Fed. Cir. 1988) (reasonable to stay
5 proceedings pending a Patent and Trademark Office reexamination of a patent).
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7 5. Plaintiffs will not be harmed by a stay, as the preliminary injunction barring implementation
8 or enforcement of the Safe Harbor rule will remain in effect.
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12 DATED: November 23, 2007

Respectfully submitted,

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Certificate of Service

I hereby certify that on November 23, 2007, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted below:

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