

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STORMANS, INCORPORATED, et al,

Plaintiffs,

v.

MARY SELECKY, Secretary of the
Washington State Department of Health, et
al,

Defendant.

and

JUDITH BILLINGS, et al,

Defendant-Intervenors.

Case No. C07-5374RBL

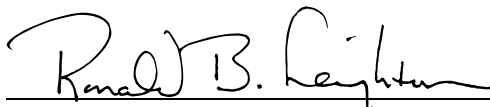
ORDER

THIS MATTER comes before the Court upon a stipulated motion of plaintiffs and defendants for a trial continuance [Dkt. #441]. Trial is currently scheduled for July 26, 2010. The intervenor-defendants oppose the motion. The Court has reviewed all materials filed for and against said motion. Oral argument is unnecessary in order to resolve the issue presented by this motion. For the following reasons the stipulated motion is **GRANTED**, the trial date is stricken and a stay of proceedings is entered pursuant to the terms of the stipulated order which is being signed by the Court contemporaneous to the signing of this order and is

1 incorporated herein by this reference.

2 This matter has been pending before this Court or the Court of Appeals for over three years. The
3 nature of the issue presented in this case guarantees that a final judicial resolution will come only from an
4 appellate court. The Board of Pharmacy has begun a rule-making process that if completed as currently
5 contemplated would resolve the legal issues in this case. Rather than consume the time and resources of the
6 Court and the parties in a trial which may prove to be unnecessary, the Court will strike the trial date, stay
7 the proceedings and await the outcome of the rule-making process. The Court finds that the terms and
8 conditions suggested by the stipulating parties are reasonable and therefore the order is signed without
9 modification.
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11 Dated this 12th day of July, 2010.
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17 RONALD B. LEIGHTON
18 UNITED STATES DISTRICT JUDGE
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