

10/14

RMR

1 JOEL E. OGLE, COUNTY COUNSEL
2 By George F. Holden, Deputy
3 313 Hall of Records
4 Santa Ana, California
5 Attorney for Respondents.

FILED

OCT 8 - 1946

EDMUND SMITH, Clerk

By *E. M. Smith*
Deputy Clerk

8 IN THE DISTRICT COURT OF THE UNITED STATES
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
10 CENTRAL DIVISION

11 GONZALO MENDEZ, et al, :
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Petitioners, :

No. 4292-M

vs

NOTICE OF MOTION TO OBTAIN STAY OF
EXECUTION PENDING DECISION ON APPEAL

WESTMINSTER SCHOOL DISTRICT OF :
ORANGE COUNTY, et al, :
Respondents. :

TO THE PLAINTIFFS IN THE ABOVE ENTITLED ACTION, AND TO DAVID C. MARCUS,
THEIR ATTORNEY:

YOU AND EACH OF YOU will please take notice that the undersigned
will move the above entitled Court, in Room 8 of the United States Dis-
trict Court, Federal Building, Los Angeles, California, on Monday, the
14th day of October, 1946, at the hour of 10 o'clock A. M., that the
above entitled Court grant a stay of execution in the above entitled
action pending the determination of the appeal taken to the United States
Circuit Court of Appeals from the judgement of the District Court ren-
dered in this action, that said motion will be made upon the following
grounds:

I

That the appeal in said action challenges the jurisdiction of the
District Court to render the judgement that if execution is not stayed
it will result in multiplicity of appeals to the United States Circuit
Court of Appeals.

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II

That petitioners nor either or any of them will suffer any damage or injury by staying the execution pending decision of this case on appeal.

III

That the execution of said judgement prior to a decision of this case on appeal will work irreparable injury to respondents should the decision of the District Court be reversed on appeal.

That said motion will be based upon this notice and upon the files in said action.

DATED: October 2nd, 1946.

JOEL E. OGLE, COUNTY COUNSEL

By George F. Holden
George F. Holden, Deputy County
Counsel
Attorney for Respondents.

AUTHORITIES RELIED ON

This motion is made pursuant to Rule 62, Subsection C of Rules of Federal Practice and Procedure.