

KUMONAWANNAJUDGEY A - 9TH CIRCUIT HAS POST PERRY LUAU FEST!

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Okay, the title may be a tad unfair to the fine folks in the 9th Circuit, some of whom I know, and almost all of whom I appreciate greatly (there is the Bybee thing). But this just flat out cracked me up. Now, as you know, Judge Vaughn Walker of the NDCA little more than a week ago issued his landmark decision in Perry Prop 8 case and just yesterday issued the much awaited decision to deny the Defendant-Intervenors' Motion for Stay Pending appeal.

There is news on the briefing on the motion to stay in the 9th Circuit, the following advisory and order was issued by the 9th today:

Filed order (EDWARD LEAVY, MICHAEL DALY HAWKINS and SIDNEY R. THOMAS)
Appellants' motion to exceed page limitations is granted and the motion for stay pending appeal is deemed filed. Appellees' response to the motion for stay pending appeal, not to exceed 35 pages, is due by 11:00 p.m. Pacific Time on August 13, 2010. Appellants reply, not to exceed 15 pages, is due by 9:00 a.m. Pacific Time on August 16, 2010. IT IS SO ORDERED.

So, they have accepted DIs ridiculously overlong 73 page stay motion, restricted Plaintiffs/Appellees Perry to a 35 page answer and accelerated the briefing schedule to be completed by Monday at the latest. Clearly the motion panel in the 9th is going to decide the stay before Walker's one week stay extension till next Wednesday expires.

All well and good. But what will the 9th Circuit be up to as they ponder this weighty issue? Ah, well, Sunday through next Thursday, they will be partying in Hawaii at the annual summer 9th Circuit Judicial Conference! Here are a few plum highlights:

- * Annual 9th Circuit Golf Tournament Sunday the 15th.

- * Judge Vaughn Walker presiding over the annual Chief Judges' Breakfast meeting on Tuesday the 17th.

- * Wednesday night is the Drums of the Pacific: Private Ninth Circuit Lu'au

The Ninth Circuit Judicial Conference will enjoy a special evening in the Hyatt Regency's Sunset Terrace Lu'au Grounds. A Hawaiian trio will provide background music while you stroll among traditional arts and crafts demonstrations and displays and observe the impressive torch-lighting ceremony. After the all-you-can-eat buffet, the lu'au show, renowned throughout the islands, will feature authentic dances and music of old Hawai'i, Samoa, Tahiti and other Pacific islands.

- * And the closing festivities Thursday are highlighted by Ninth Circuit Chief Judge Alex Kozinski introducing this year's keynote speaker and guest of honor, Justice Anthony M. Kennedy!

That's right boys and girls, the 9th Circuit motions panel should have no problem getting together to consider the big stay motion that has to be decided by Wednesday, they can just pull their beach recliners together and order up a pitcher a pitcher of Mai Tais. And if they

have any questions, they can call Vaughn Walker over. If they are concerned about how it might play on appeal to the critical Supreme Court swing judge, just order him a daiquiri and chat him up. Oh, and one more thing, if 9th Circuit motions panel of Mike Hawkins, Sid Thomas and Ed Leavy happen to deny the DI's request for stay, the DIs will seek an emergency stay from the Supreme Court hot justice for the 9th Circuit. Yep, that would be Anthony Kennedy! Sweet!

Oh, one last parting gift for you: Captain Jack "He of the Law of the Sea" Goldsmith will be on hand Tuesday to lead a panel on "Trying Alleged Terrorists: Constitutional and Practical Problems in Article III Courts and Military Tribunals". Even judges get tortured I guess....

Now, in all honesty, this is all a coincidence and the Federal judges out here work hard and deserve their annual judicial conference break. It is a good thing that they do these things. But the timing this year in relation to the Perry goings on is simply hilarious. And Anthony Kennedy being present for the festivities? Priceless!

[h/t Dale Carpenter]