



June 16, 2005

Page two, Minute Order

Case No. SA CV 04-1042-GLT(MLGx)

Title: Arthur Smelt, et al., v. County of Orange, et al.,

Process Clause of the Fifth Amendment that applies to the federal government.”).

However, equal protection analysis under both amendments is identical. Weinberger v. Wiesenfeld, 420 U.S. 636, 638 n.2 (1975). For accuracy, in the DOMA discussion in the published opinion, the Court has referred to the Fifth Amendment.

2. Under the stay, the Court retains jurisdiction so a party may return to the federal court to vindicate a federal constitutional right if the matter is not resolved at the state level.
3. During the stay, the Clerk's office is instructed to de-activate this matter for administrative processing. If it becomes necessary, any party may move to restore the matter to the active calendar at the appropriate time.
4. The Court finds that, overall, Defendants are the prevailing parties. Defendants shall recover their costs from Plaintiffs.