UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

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

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

PRESENT:

HON. GARY L. TAYLOR, JUDGE

Lisa Bredahl
Deputy Clerk

CIVIL MINUTES GENERAL

Date: June 16, 2005

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA OFFICE
BY None Present DEPUTY
Court Reporter (DP)

ATTORNEY(S) PRESENT FOR PLAINTIFF(S):
None Present

ATTORNEY(S) PRESENT FOR DEFENDANT(S):
None Present

PROCEEDINGS: ADMINISTRATIVE MATTERS CONCERNING FILED ORDER AND JUDGMENT

[In Chambers]

The Court has filed its order and judgment in this case, for publication. The following administrative matters are considered not suitable for inclusion in the published order, and are stated separately in this minute order:

 In their briefing, Plaintiffs cited due process and equal protection interests conferred by the Fourteenth Amendment. Plaintiffs' federal DOMA challenge should have been brought under the Fifth Amendment instead of the Fourteenth Amendment, which only

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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.
- During the stay, the Clerk's office is instructed to de-activate this matter for 3. administrative processing. If it becomes necessary, any party may move to restore the matter to the active calendar at the appropriate time.
- The Court finds that, overall, Defendants are the prevailing parties. Defendants shall 4. recover their costs from Plaintiffs.

