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Attorneys for Plaintiffs

7 **IN THE UNITED STATES DISTRICT COURT**  
 8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
 9 **FRESNO BRANCH COURTHOUSE**

10 BARRY BAUER, STEPHEN  
 11 WARKENTIN, NICOLE FERRY,  
 12 LELAND ADLEY, JEFFREY  
 13 HACKER, NATIONAL RIFLE  
 ASSOCIATION OF AMERICA,  
 14 INC., CALIFORNIA RIFLE AND  
 PISTOL ASSOCIATION  
 FOUNDATION, HERB BAUER  
 SPORTING GOODS, INC.,

Plaintiffs

vs.

17 KAMALA HARRIS, in Her Official  
 18 Capacity as Attorney General For the  
 State of California; STEPHEN  
 19 LINDLEY, in His Official Capacity  
 as Acting Chief for the California  
 20 Department of Justice, and DOES 1-  
 10,

Defendants.

CASE NO. 1:11-cv-01440-LJO-MJS

**STIPULATION TO EXTEND  
 PLEADING DEADLINES AND  
 ORDER**

(Fed. R. Civ. P. 6(b)(1)(A), 15(a)(1)(B);  
 Local Rules 143-144)

1 **I.**

2 **INTRODUCTION**

3 The parties, Plaintiffs Barry Bauer, Stephen Warkentin, Nicole Ferry, Leland  
4 Adley, Jeffrey Hacker, National Rifle Association of America, Inc., California  
5 Rifle and Pistol Association Foundation, Herb Bauer Sporting Goods, Inc.  
6 (collectively “Plaintiffs”) and Defendants Kamala Harris and Stephen Lindley  
7 (collectively “Defendants”), through their respective attorneys of record, hereby  
8 jointly stipulate to extend the deadline for Defendants’ submission of a responsive  
9 pleading in this matter, and request an order from the Court for an extension of  
10 Plaintiffs’ deadline to file a First Amended Complaint in accordance with the  
11 stipulated schedule set forth herein.

12  
13 **II.**

14 **RECITALS/GROUNDS FOR RELIEF**

15 WHEREAS, Plaintiffs filed their initial Complaint in this matter on August  
16 25, 2011;

17 WHEREAS, Plaintiffs effected service upon Defendants on December 22,  
18 2011 because they were awaiting resolution of California Senate Bill 819 (Leno,  
19 2011-2012) (“SB 819”), due to its potential to impact Plaintiffs’ claims;

20 WHEREAS, Plaintiffs intend to file an Amended Complaint in this matter due  
21 to the passage of SB 819;

22 WHEREAS, Defendants’ Answer to the initial Complaint in this matter or  
23 other responsive pleading must be filed on or before January 12, 2012;

24 WHEREAS, under Federal Rule of Civil Procedure (“FRCP”) 15(a), Plaintiffs  
25 are required to file their Amended Complaint by January 12, 2012 – the same day  
26 by which Defendants’ Answer or other responsive pleading to the initial Complaint  
27 is due – or, Plaintiffs must wait until 21 days after service of Defendants’ response  
28 to the initial Complaint in this matter to file their Amended Complaint unless

1 written consent of the opposing party or the Court is obtained;

2 WHEREAS, Local Rule 144(a) of this Court allows a 28-day extension of  
3 time for responding to complaints and certain other documents, and all parties  
4 agree that Defendants should be allowed this extension;

5 WHEREAS, Local Rule 144(a) also provides that “[a]ll other extensions of  
6 time must be approved by the Court;”

7 WHEREAS, FRCP 6(b)(1)(A) allows for the extension of time for good cause,  
8 “with or without motion or notice if the court acts, or if a request is made, before  
9 the original time or its extension expires;”

10 WHEREAS, neither party has obtained an extension of time relating to any  
11 matter for which this extension is sought;

12 WHEREAS, both parties to this action seek to conserve judicial resources and  
13 time by attempting to avoid the need for this court to consider future amendments  
14 to pleadings;

15 WHEREAS, both parties to this action likewise seek to keep the costs of  
16 litigation low;

17 AND WHEREAS, THE PARTIES STIPULATE AND AGREE TO THE  
18 FOLLOWING:

19 1. Defendants shall be allowed a 28-day extension of time to file their Answer  
20 or other responsive pleading in accordance with Local Rule 144(a) whether to  
21 Plaintiffs’ Complaint or Amended Complaint.

22 2. Plaintiffs shall file their Amended Complaint on or before Thursday,  
23 February 9, 2012, or as the court otherwise deems convenient.

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25 ///

26 ///

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28 ///

1 3. Defendants shall file their Answer or other responsive pleading to  
2 Plaintiffs' Amended Complaint within 28 days of it being filed, or as the court  
3 otherwise deems convenient.

4 The parties hereby jointly request that this Court grant the relief sought by this  
5 stipulation.

6 Dated: January 10, 2012

**MICHEL & ASSOCIATES, P.C.**

7  
8 /s/ C. D. Michel

C. D. Michel

9 Attorney for Plaintiffs

10 Dated: January 10, 2012

**Deputy Attorney General**

11  
12 /s/Kimberly Granger

(as approved on 1/10/12)

13 Attorney for Defendants

14 **ORDER**

15  
16  
17        The stipulation of the parties is approved.

18  
19 IT IS SO ORDERED.

20 Dated: January 11, 2012

/s/ *Michael J. Seng*

UNITED STATES MAGISTRATE JUDGE