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

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

Plaintiffs

vs.

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

Defendants.

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

**STIPULATION FOR CONTINUANCE
OF MOTION TO STAY HEARING
DATE AND EXTEND ASSOCIATED
DEADLINES AND ORDER**

(Fed. R. Civ. P. 6(b)(1)(A); Local Rules
144, 230(f))

I.

INTRODUCTION

The parties, Plaintiffs Barry Bauer, Stephen Warkentin, Nicole Ferry, Leland Adley, Jeffrey Hacker, National Rifle Association of America, Inc., California Rifle and Pistol Association Foundation, Herb Bauer Sporting Goods, Inc. (collectively "Plaintiffs") and Defendants Attorney General Kamala D. Harris and

1 Chief of the Firearms Bureau Stephen Lindley (collectively “Defendants”), through
2 their respective attorneys of record, hereby jointly stipulate to continue the date of
3 the hearing for Defendants’ Motion to Stay and to extend the remaining deadlines
4 for moving papers related to that motion in accordance with the stipulated schedule
5 set forth herein.

6 **II.**

7 **RECITALS/GROUNDS FOR RELIEF**

8 WHEREAS, Plaintiffs filed their First Amended Complaint in this matter on
9 February 9, 2012;

10 WHEREAS, Defendants filed their Answer to Plaintiffs’ First Amended
11 Complaint on March 8, 2012;

12 WHEREAS, Defendants filed a Motion to Stay Proceedings in this matter
13 pending the Ninth Circuit en banc panel’s decision in *Nordyke v. King*, 664 F.3d
14 774 (9th Cir. 2011), on March 22, 2012;

15 WHEREAS, in that Motion to Stay, Defendants state they intend to file a
16 Motion for Judgment on the Pleadings but wish to see if the anticipated *Nordyke*
17 opinion affects their legal arguments in their motion;

18 WHEREAS, based on the oral arguments that occurred on March 19, 2012 in
19 *Nordyke*, Plaintiffs believe that the en banc panel’s decision in *Nordyke* will likely
20 not address a standard of review and all parties believe that the decision will likely
21 be issued soon;

22 WHEREAS, all parties to this action likewise seek to keep the costs of
23 litigation low;

24 WHEREAS, all parties wish to conserve judicial time and resources;

25 WHEREAS, Local Rule 144(a) of this Court allows a 28-day extension of
26 time for responding to complaints and certain other documents, but states that “[a]ll
27 other extensions of time must be approved by the Court”;

28 WHEREAS, FRCP 6(b)(1)(A) allows for the extension of time for good cause,
“with or without motion or notice if the court acts, or if a request is made, before

1 the original time or its extension expires”;

2 WHEREAS, no party has obtained an extension of time relating to any matter
3 for which this extension is sought;

4 AND WHEREAS, THE PARTIES STIPULATE AND AGREE TO THE
5 FOLLOWING:

6 1. The hearing on Defendants’ Motion to Stay shall be moved to Monday,
7 May 25, 2012.

8 2. Plaintiffs’ Response to Defendants’ Motion to Stay shall be due on or
9 before April 23, 2012.

10 3. Defendants Reply in support of their Motion shall be due on or before May
11 7, 2012.

12 The parties hereby jointly request that this Court grant the relief sought by this
13 stipulation.

14 Dated: April 2, 2012

MICHEL & ASSOCIATES, P.C.

16 /s/ C. D. Michel
17 C. D. Michel
Attorney for Plaintiffs

18 Dated: April 2, 2012

Deputy Attorney General

20 /s/ Susan K. Smith
21 Susan K. Smith
(as approved on 4/2/12)
Attorney for Defendants

22 **PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO**
23 **ORDERED.**

24
25 IT IS SO ORDERED.

26 Dated: April 3, 2012

/s/ Michael L. Seng
UNITED STATES MAGISTRATE JUDGE