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9 Attorneys for Plaintiffs

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

13 BARRY BAUER, STEPHEN
14 WARKENTIN, NICOLE FERRY,
15 LELAND ADLEY, JEFFREY
16 HACKER, NATIONAL RIFLE
17 ASSOCIATION OF AMERICA,
18 INC., CALIFORNIA RIFLE AND
19 PISTOL ASSOCIATION
20 FOUNDATION, HERB BAUER
21 SPORTING GOODS, INC.,

22 Plaintiffs

23 vs.

24 KAMALA HARRIS, in Her Official
25 Capacity as Attorney General For
26 the State of California; STEPHEN
27 LINDLEY, in His Official Capacity
28 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 THEREON

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

2 **INTRODUCTION**

3 The parties, Plaintiffs Barry Bauer, Stephen Warkentin, Nicole Ferry,
4 Leland Adley, Jeffrey Hacker, National Rifle Association of America, Inc.,
5 California Rifle and Pistol Association Foundation, Herb Bauer Sporting
6 Goods, Inc. (collectively "Plaintiffs") and Defendants Attorney General
7 Kamala D. Harris and Chief of the Firearms Bureau Stephen Lindley
8 (collectively "Defendants"), through their respective attorneys of record,
9 hereby jointly stipulate to continue the date of the hearing for Defendants'
10 Motion to Stay and to extend the remaining deadlines for moving papers
11 related to that motion in accordance with the stipulated schedule set forth
12 herein.

13 **II.**

14 **RECITALS/GROUNDS FOR RELIEF**

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

18 WHEREAS, in that motion, Defendants state they intend to file a motion
19 for judgment on the pleadings but wish to see if the anticipated *Nordyke*
20 opinion affects their legal arguments in their motion;

21 WHEREAS, based on the oral arguments that occurred on March 19,
22 2012 in *Nordyke*, all parties to this action filed a joint stipulation on April 2,
23 2012, asking this court to continue the hearing date on Defendants's motion
24 to stay, as well as all deadlines associated therewith, as follows:

- 25
- 26 1. The hearing on Defendants' Motion to Stay shall be moved to Monday, May 25, 2012.
 - 27 2. Plaintiffs' Response to Defendants' Motion to Stay shall be due on or before April 23,
28 2012.
 3. Defendants Reply in support of their Motion shall be due on or before

May 7, 2012.

2 WHEREAS, this Court issued an Order accepting the parties' proposed
3 dates in their stipulation on January 11, 2012.

4 WHEREAS, since this Court's acceptance of the parties' referenced
5 stipulation, the en banc panel in *Nordyke* issued an order on April 4, 2012,
6 deferring submission of the case for 45 days (i.e., May 19) and referring the
7 parties to the Circuit Mediation Office for mediation in the hopes of settlement
8 of the controversy *Nordyke v. King*, 2012 WL1110131 (April 4, 2012) (No.
9 07-15763).

10 WHEREAS, all parties to this action seek to keep the costs of litigation
11 low;

12 WHEREAS, all parties likewise wish to conserve judicial time and
13 resources;

14 WHEREAS, all parties believe there is more benefit than burden to this
15 Court and parties by awaiting the 45-day deference of *Nordyke's* submission
16 to see if Defendants' Motion to Stay does not need to be litigated by a
17 possible disposition of *Nordyke* at that time, all parties believe it is in the
18 interest of judicial economy and conservation of the parties' resources to
19 again continue the hearing date on Defendants' Motion to Stay and filing
20 dates related thereto until after the 45-day deference of *Nordyke's*
21 submission;

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

25 WHEREAS, FRCP 6(b)(1)(A) allows for the extension of time for good
26 cause,
27 "with or without motion or notice if the court acts, or if a request is made,
28 before the original time or its extension expires";

1
2 AND WHEREAS, THE PARTIES STIPULATE AND AGREE TO THE
3 FOLLOWING:

4 4. The hearing on Defendants' Motion to Stay shall be moved to Friday, June 22, 2012.

5 5. Plaintiffs' Response to Defendants' Motion to Stay shall be due on or before June 8,
6 2012.

7 6. Defendants Reply in support of their Motion shall be due on or before June 15, 2012.

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

9
10 Dated: April 20, 2012

MICHEL & ASSOCIATES, P.C.

11
12
13 /s/ C. D. Michel

C. D. Michel

14 Dated: April 20, 2012

Deputy Attorney General

15
16 /s/ Susan K. Smith

17
18 **ORDER**

19 Good cause appearing, the Parties' Stipulation is accepted and adopted as the Order of the
20 Court.

21
22
23 IT IS SO ORDERED.

24 Dated: April 20, 2012

/s/ Michael J. Long

UNITED STATES MAGISTRATE JUDGE