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JOHN CHIANG in their official capacity as members of the
16 California State Board of Equalization

17 [additional counsel on the following page]

18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA

20 GILBERT P. HYATT,
21 Plaintiff,
22 v.
23 JOHN CHIANG, JEROME E.
HORTON, and MICHAEL COHEN,
24 CALIFORNIA FRANCHISE TAX
BOARD MEMBERS; BETTY T. YEE,
25 GEORGE RUNNER, MICHELLE
STEEL, JEROME E. HORTON, and
26 JOHN CHIANG, CALIFORNIA
STATE BOARD OF EQUALIZATION
27 MEMBERS,
28 Defendants.

Case No. 2:14-cv-00849 GEB-DAD
STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
AND HEARING SCHEDULE FOR
DEFENDANTS' MOTIONS TO
DISMISS AND INITIAL CASE
MANAGEMENT CONFERENCE
Hon. Garland E. Burrell, Jr.

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14 MICHAEL COHEN in their official capacity as members of the California
15 Franchise Tax Board

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1 **STIPULATION**

2 Plaintiff Gilbert P. Hyatt (“Plaintiff”) and Defendants John Chiang, Jerome
3 E. Horton, and Michael Cohen, California Franchise Tax Board Members; and
4 Betty T. Yee, George Runner, Michelle Steel, Jerome E. Horton, and John Chiang,
5 California State Board of Equalization Members (jointly, “Defendants”), through
6 their counsel of record, previously stipulated to a briefing schedule and hearing date
7 on Defendants’ respective Rule 12(b) Motions to Dismiss (Dkt. ## 15 and 17) (the
8 “Motions”), as well as to reset the initial case management conference, and the
9 Court approved that stipulation (Dkt. # 14).

10 The parties hereby stipulate to the following modified briefing schedule and
11 hearing date for Defendants’ respective Motions as well as the initial case
12 management conference in this matter, and ask that the Court to approve their
13 stipulation:

- 14 1. Plaintiff shall file briefs in opposition to the two Motions on or before
15 August 25, 2014. Plaintiff may file a consolidated opposition brief of
16 up to 50 pages in length instead of two separate opposition briefs of
17 25 pages each in response to the two Motions.
- 18 2. Defendants shall file reply briefs in support of their motions to
19 dismiss, if any, on or before October 3, 2014, and will file separate
20 replies in regard to their respective Motions.
- 21 3. A hearing on the Motions shall be scheduled for November 3, 2014 at
22 9 a.m.
- 23 4. The initial case management conference currently scheduled for
24 October 20, 2014 at 9 a.m. shall be continued until December 8, 2014
25 at 9 a.m.

26 IT IS SO STIPULATED.
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DATED: July 18, 2014

KERR & WAGSTAFFE LLP

By /s Michael Von Loewenfeldt
MICHAEL VON LOEWENFELDT
Attorneys for Defendants
BETTY T. YEE, GEORGE RUNNER,
MICHELLE STEEL, JEROME E.
HORTON, and JOHN CHIANG in their
official capacity as members of the
California State Board of Equalization

DATED: July 18, 2014

MCDONALD CARANO WILSON LLP

By /s James Bradshaw
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JOHN CHIANG, JEROME E. HORTON,
and MICHAEL COHEN in their official
capacity as members of the California
Franchise Tax Board

DATED: July 18, 2014

PERKINS COIE LLP

By /s Donald J. Kula
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Attorneys for Plaintiff
GILBERT P. HYATT

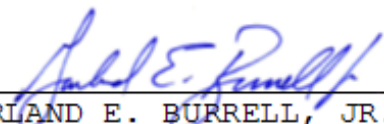
1 **[PROPOSED] ORDER**

2 Pursuant to the stipulation filed by Plaintiff Gilbert P. Hyatt (“Plaintiff”) and
3 Defendants John Chiang, Jerome E. Horton, and Michael Cohen, California
4 Franchise Tax Board Members; and Betty T. Yee, George Runner, Michelle Steel,
5 Jerome E. Horton, and John Chiang, California State Board of Equalization
6 Members (jointly, “Defendants”), through their counsel of record, and good cause
7 appearing therefore, the Court ORDERS the following:

- 8 1. Plaintiff shall file briefs in opposition to the two Motions on or before
9 August 25, 2014. Plaintiff may file a consolidated opposition brief of
10 up to 50 pages in length instead of two separate opposition briefs of
11 25 pages each in response to the two Motions.
- 12 2. Defendants shall file reply briefs in support of their motions to
13 dismiss, if any, on or before October 3, 2014, and will file separate
14 replies in regard to their respective Motions.
- 15 3. A hearing on the Motions shall be scheduled for November 3, 2014 at
16 9 a.m.
- 17 4. The initial case management conference currently scheduled for
18 October 20, 2014 at 9 a.m. shall be continued until January 26, 2015,
19 at 9 a.m.

20 IT IS SO ORDERED.

21 DATED: JULY 21, 2014

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25 GARLAND E. BURRELL, JR.
26 Senior United States District Judge
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