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 16 IN THE UNITED STATES DISTRICT COURT  
 17 FOR THE EASTERN DISTRICT OF CALIFORNIA

19 **LARRY C. FLYNT, HAIG KELEGIAN,**  
**SR., and HAIG T. KELEGIAN, JR.,**  
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 Plaintiffs,  
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 v.  
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**YOLANDA MORROW, in her official**  
**capacity as the Acting Director of the**  
**California Department of Justice, Bureau of**  
**Gambling Control; ROB BONTA, in his**  
**official capacity as Attorney General of the**  
**State of California; PAULA D. LaBRIE, in**  
**her official capacity as Chair of the**  
**California Gambling Control Commission;**  
**ERIC C. HEINS, in his official capacity as**  
**Commissioner of the California Gambling**  
**Control Commission; EDWARD YEE, in**  
 28

2:16-cv-02831-JAM-JDP  
**STIPULATION TO EXTEND DATES**  
**AND DEADLINES; ORDER**  
 Courtroom: 6  
 Judge: The Honorable John A.  
 Mendez  
 Trial Date: February 7, 2022  
 Action Filed: November 30, 2016

1 **his official capacity as Commissioner of the**  
2 **California Gambling Control Commission;**  
3 **CATHLEEN GALGIANI, in her official**  
4 **capacity as Commissioner of the California**  
5 **Gambling Control Commission,**

6 Defendants.

7 Plaintiffs Larry C. Flynt, Haig Kelegian, Sr., and Haig T. Kelegian, Jr. (Plaintiffs), and  
8 Defendants Yolanda Morrow, in her official capacity as the Acting Director of the California  
9 Department of Justice, Bureau of Gambling Control, Rob Bonta, in his official capacity as  
10 Attorney General of the State of California, Paula D. LaBrie, in her official capacity as Chair of  
11 the California Gambling Control Commission, Eric C. Heins, in his official capacity as  
12 Commissioner of the California Gambling Control Commission, Edward Yee, in his official  
13 capacity as Commissioner of the California Gambling Control Commission, and Cathleen  
14 Galgiani, in her official capacity as Commissioner of the California Gambling Control  
15 Commission (Defendants)<sup>1</sup> (collectively, the Parties), through their respective counsel of record,  
16 agree and stipulate as follows:

17 On February 18, 2020, the Court issued the Status (Pre-trial Scheduling) Order (the Order),  
18 setting certain dates and deadlines for litigation of the First Amended Complaint with the first  
19 deadlines set for approximately seven months after issuance of the Order. (*See* Docket 49.) On  
20 September 21, 2020, the Parties requested an extension of the dates and deadlines in this  
21 litigation. (*See* Docket 61.) The Court issued a minute order granting that request on September  
22 22, 2020. (*See* Docket 62.) On January 14, 2021, the Court entered an order granting in part and

23 <sup>1</sup> Rule 25 of the Federal Rules of Civil Procedure requires the automatic substitution of a  
24 public officer who is a party to a pending case and who ceases to hold office while the case is  
25 pending. No motion or court order is required to effect the substitution. Fed. R. Civ. P. 25(d).  
26 The caption in this case previously referred to Gareth Lacy, a defendant in this case in his official  
27 capacity only as Commissioner of the California Gambling Control Commission. Mr. Lacy left  
28 his position on February 23, 2021 and ceases to hold office with the Commission. Edward Yee  
and Cathleen Galgiani assumed office as Commissioners on March 4, 2021 and April 30, 2021,  
respectively. Pursuant to Rule 25, subsection (d), of the Federal Rules of Civil Procedure, Mr.  
Lacy has been removed from the caption in this case and Mr. Yee and Ms. Galgiani have been  
added. In addition, Rob Bonta assumed office as Attorney General of the State of California on  
April 23, 2021. Pursuant to Rule 25, subsection (d), Mr. Bonta has been added to the caption and  
former Attorney General Xavier Becerra has been removed. Finally, Yolanda Morrow is now  
Acting Director of the California Department of Justice, Bureau of Gambling Control, succeeding  
Stephanie K. Shimazu. Pursuant to Rule 25, subsection (d), Ms. Morrow has been added to the  
caption and Ms. Shimazu has been removed.

1 denying in part Defendants' motion to dismiss the Second Amended Complaint. (*See* Docket 67.)  
2 Because the Court's January 14, 2021 order dismissed two of the three counts in the Second  
3 Amended Complaint and altered the issues to be litigated, and due to the unavoidable delays  
4 associated with conducting discovery during the COVID-19 pandemic, on February 9, 2021, the  
5 Parties requested an extension of the remaining dates and deadlines set in the September 22, 2020  
6 minute order. (*See* Docket 70.) The Court issued a minute order granting that request on  
7 February 10, 2021. (*See* Docket 71.)

8 That same day, on February 10, 2021, plaintiff Larry C. Flynt passed away. Defendants  
9 filed a Statement Noting the Death of Plaintiff Larry C. Flynt on February 19, 2021. (*See* Docket  
10 72.) On May 10, 2021, counsel for the remaining Plaintiffs filed a Motion To Substitute  
11 Elizabeth Flynt as Plaintiff (Motion To Substitute). (*See* Docket 73.) The hearing on the Motion  
12 To Substitute is scheduled for July 27, 2021. Because of the unforeseen event of the passing of  
13 Mr. Flynt, and due to the pending Motion To Substitute, the Parties respectfully request an  
14 extension of the remaining dates and deadlines set in the February 10, 2021 minute order. The  
15 extension will provide time for the Court to rule on the Motion To Substitute and, following that  
16 ruling, enable the Parties to conduct discovery targeting the matters at issue resulting from the  
17 Court's ruling on the Motion To Substitute.

18 To this end, the Parties propose the following new dates and deadlines:

	Current:	Proposed:
19 Joint Mid-Litigation Statement Filing Deadline:	6/11/2021	11/10/2021
20 Discovery Cutoff Date:	6/25/2021	11/24/2021
21 Dispositive Motion Filing Deadline:	8/6/2021	1/7/2022
22 Dispositive Motion Hearing:	9/28/2021	3/1/2022 (1:30 PM)
23 Final Pretrial Conference:	11/19/2021	4/22/2022 (10:00 AM)
24 Jury/Bench Trial:	2/7/2022	7/11/2022 (9:00 AM)

25 For all the foregoing reasons, the Parties respectfully request that the Court extend the  
26 remaining dates and deadlines as set forth above.  
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Dated: May 13, 2021

ROB BONTA  
Attorney General of California  
SARA J. DRAKE  
Senior Assistant Attorney General  
T. MICHELLE LAIRD  
Supervising Deputy Attorney General

/s/ James G. Waian

JAMES G. WAIAN  
Deputy Attorney General  
*Attorneys for Defendants*

Dated: May 13, 2021

LIPSITZ GREEN SCIME CAMBRIA LLP

By: /s/ Paul J. Cambria, Jr.

Paul J. Cambria, Jr.  
*Attorneys for Plaintiffs*

1 **ORDER**

2 Pursuant to the stipulation entered by and between Plaintiffs Larry C. Flynt, Haig  
3 Kelegian, Sr., and Haig T. Kelegian, Jr., and Defendants Yolanda Morrow, in her official capacity  
4 as the Acting Director of the California Department of Justice, Bureau of Gambling Control, Rob  
5 Bonta, in his official capacity as Attorney General of the State of California, Paula D. LaBrie, in  
6 her official capacity as Chair of the California Gambling Control Commission, Eric C. Heins, in  
7 his official capacity as Commissioner of the California Gambling Control Commission, Edward  
8 Yee, in his official capacity as Commissioner of the California Gambling Control Commission,  
9 and Cathleen Galgiani, in her official capacity as Commissioner of the California Gambling  
10 Control Commission, the Court vacates the dates and deadlines set in the Court’s February 10,  
11 2021 minute order, and the Court sets the following new dates and deadlines:

12	Joint Mid-Litigation Statement Filing Deadline:	11/10/2021
13	Discovery Cutoff Date:	11/24/2021
14	Dispositive Motion Filing Deadline:	1/7/2022
15	Dispositive Motion Hearing:	3/1/2022, at 1:30 PM
16	Final Pretrial Conference:	4/22/2022, at 10:00 AM
17	Jury/Bench Trial:	7/11/2022, at 9:00 AM

18  
19 Dated: May 13, 2021

/s/ John A. Mendez

20 THE HONORABLE JOHN A. MENDEZ  
21 UNITED STATES DISTRICT COURT JUDGE  
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