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11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 THE UNITED STATES OF AMERICA,  
 16  
 17 Plaintiff,  
 18 v.  
 19 THE STATE OF CALIFORNIA; EDMUND  
 20 GERALD BROWN JR., Governor of  
 California, in his official capacity; and  
 21 XAVIER BECERRA, Attorney General of  
 California, in his official capacity,  
 22 Defendants.

Case No. 2:18-cv-00490-JAM-KJN

**STIPULATION AND ORDER RE  
 EXTENSION OF TIME FOR THE  
 STATE OF CALIFORNIA TO RESPOND  
 TO THE UNITED STATES'  
 COMPLAINT**

Judge: Honorable John A. Mendez  
 Action Filed: March 6, 2018

1           The United States of America (“United States”) served its complaint on Defendants State of  
2 California, Edmund G. Brown Jr., Governor of California in his official capacity, and Xavier  
3 Becerra, Attorney General of California, in his official capacity (collectively, “the State of  
4 California”) on March 7, 2018. On March 27, 2018, pursuant to Local Rule 144 the parties filed  
5 an initial stipulation extending the State of California’s time to respond to the United States’  
6 complaint by 28 days, up to and including April 25, 2018. The State of California intends to file  
7 a motion to dismiss the United States’ complaint, which in Defendants’ view, will likely include  
8 issues overlapping with the motion for preliminary injunction.

9           In addition, the parties are aware of the possibility that third parties may move to intervene  
10 in this action. On April 20, 2018, the County of Orange moved to intervene (Dkt. No. 59).  
11 Should the County of Orange or any other putative intervener be granted leave to intervene, any  
12 motions to dismiss the complaints in intervention may require a briefing schedule concerning  
13 potentially overlapping issues in a separate motion or motions to dismiss.

14           In light of the foregoing, and in order to allow the parties to confer on the most efficient  
15 means of briefing Defendants’ motion to dismiss and any motions to intervene and/or motions to  
16 dismiss any complaints in intervention, the parties therefore stipulate and agree as follows:

17           1.     The State of California be allowed an additional extension of time to respond to the  
18 United States’ complaint of no more than nine (9) days, until May 4, 2018, which is the same date  
19 the State of California’s opposition to the United States’ motion for preliminary injunction is due.  
20 This is the second extension of time sought by Defendants in this matter.

21           2.     Furthermore, the parties have met and conferred regarding the remainder of the  
22 motion to dismiss briefing schedule and the date of the hearing on the State of California’s  
23 motion to dismiss in light of the County of Orange’s motion to intervene and other possible  
24 motions, but have been unable to reach agreement. Therefore, the parties further stipulate that  
25 they will continue to meet and confer regarding the impact of the pending intervention motions on  
26 the schedule for the State of California’s motion to dismiss and any other motions and pleadings  
27 necessitated by the participation of any putative interveners in this case, and respectfully seek  
28 leave to file a joint status report on or before April 27, 2018, which shall summarize the parties’

1 respective positions on the schedule for the State of California’s motion to dismiss in light of any  
2 pending intervention motions, briefing on any motions to intervene and, if such motions are  
3 granted, motions to dismiss any complaints in intervention, and request the Court to set an  
4 appropriate schedule.

5 Dated: April 23, 2018

Respectfully Submitted,

6 CHAD A. READLER  
7 Acting Assistant Attorney General  
8 MCGREGOR SCOTT  
9 United States Attorney  
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*/s/ Anthony Hakl*

*/s/ Erez Reuveni*

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**ORDER**

Having considered the stipulation of the parties, IT IS HEREBY ORDERED that:

1. The State of California’s time to respond to the complaint is extended an additional nine (9) days, up to and including May 4, 2018;
2. If the parties cannot agree on a schedule for any motions to dismiss, including in the event any motions to intervene are filed, they shall file a joint status report on or before April 27, 2018, which summarizes any disagreement and their respective positions; addresses the status of any intervention motions and their impact, if any, on the current pleading deadlines; and requests the Court to set an appropriate schedule.

IT IS SO ORDERED.

DATED: April 24, 2018

/s/ John A. Mendez  
John A. Mendez  
United States District Court Judge