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7 **UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**

9
 10 CALIFORNIA CHAMBER OF COMMERCE,
 11 Plaintiff,
 12 v.
 13 ROB BONTA, IN HIS OFFICIAL
 14 CAPACITY AS ATTORNEY GENERAL OF
 THE STATE OF CALIFORNIA,
 15 Defendant.
 16

Case No. 2:19-cv-02019-DJC-JDP

**JOINT STIPULATION TO MODIFY
 SCHEDULING ORDER; ORDER**

Judge: Hon. Daniel J. Calabretta
Action Filed: October 7, 2019
SAC Filed: April 19, 2023
Hearing: May 9, 2023

1 **JOINT STIPULATION**

2 WHEREAS, the Court finalized its Scheduling Order on September 7, 2023 (ECF No.
3 248);

4 WHEREAS, Plaintiff California Chamber of Commerce, Defendant Rob Bonta, in his
5 official capacity as Attorney General of California, and Defendant-Intervenor Council for
6 Education and Research on Toxics (collectively, the “Parties”) have made no prior requests for
7 extensions or modifications to the Scheduling Order;

8 WHEREAS, counsel for Defendant have trials in other cases in late April 2024 that
9 conflict with the motion briefing deadlines in the Scheduling Order, and the parties have agreed it
10 will be beneficial to extend the briefing schedule;

11 WHEREAS, due to the Court’s order granting the Motion for Preliminary Injunction (ECF
12 No. 114) by Plaintiff, which the U.S. Court of Appeals for the Ninth Circuit upheld on March 17,
13 2022, *see Cal. Chamber of Commerce v. Council for Educ. & Rsch. on Toxics*, 29 F.4th 468 (9th
14 Cir. 2022), the status quo ante is preserved, insofar as possible, during the pendency of the
15 proceedings in this action;

16 WHEREAS, the Parties have met and conferred on modifications to the Scheduling Order
17 and have negotiated a briefing schedule for the anticipated summary judgment motion(s) that they
18 request the Court consider;

19 WHEREAS, the Court has not yet set a trial date or final pretrial conference date;

20 IT IS HEREBY STIPULATED by and among the Parties, by and through their respective
21 attorneys of record, and subject to the approval of the Court, that the Scheduling Order shall be
22 modified as follows:

- 23 1. The deadline to **disclose expert witnesses**, previously set for November 17, 2023, be
24 moved to December 15, 2023;
- 25 2. The deadline to **disclose expert witnesses for rebuttal** purposes, previously set for
26 December 15, 2023, be moved to January 19, 2024;
- 27 3. The cutoff for **fact discovery** remain as January 12, 2024;
- 28 4. The cutoff for all **expert discovery**, previously set for January 12, 2024, be moved to

1 March 15, 2024;

- 2 5. The deadline to file any **motions** (except motions for continuances, temporary
3 restraining orders, or other emergency applications), previously set for March 22,
4 2024, be moved to May 10, 2024;
- 5 6. The **hearing** on any such motions (except motions for continuances, temporary
6 restraining orders, or other emergency applications), previously set for May 9, 2024 at
7 1:30 PM, be moved to September 19, 2024 at 1:30 PM, or the next available date for
8 the Court;
- 9 7. Consistent with the foregoing, the Parties have agreed to the following briefing
10 schedule on the motion(s) for summary judgment:
- 11 a. Defendant will inform Plaintiff by April 26, 2024 whether he plans to file a cross-
12 motion for summary judgment;
- 13 b. Plaintiff will file its Motion for Summary Judgment (“Motion”) by May 10, 2024;
- 14 c. Defendant will file his opposition to Plaintiff’s Motion, as well as any cross-
15 motion for summary judgment, by June 21, 2024;
- 16 d. Plaintiff will file its reply in support of its Motion, and its opposition to any cross-
17 motion, by July 26, 2024;
- 18 e. Defendant will file his reply in support of his cross-motion, if any, by August 16,
19 2024.

20
21 Dated: November 9, 2023

Respectfully submitted,

22 By: /s/ Trenton H. Norris
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Dated: November 9, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
LAURA J. ZUCKERMAN
Supervising Deputy Attorney General

By: /s/ Megan K. Hey
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Dated: November 9, 2023

Respectfully submitted,

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[PROPOSED] ORDER

Based on the Joint Stipulation of the Parties, and good cause appearing therefor, IT IS ORDERED that the Scheduling Order be modified as follows:

1. The deadline to **disclose expert witnesses**, previously set for November 17, 2023, be moved to December 15, 2023;
2. The deadline to **disclose expert witnesses for rebuttal** purposes, previously set for December 15, 2023, be moved to January 19, 2024;
3. The cutoff for **fact discovery** remain as January 12, 2024;
4. The cutoff for all **expert discovery**, previously set for January 12, 2024, be moved to March 15, 2024;
5. The deadline to file any **motions** (except motions for continuances, temporary restraining orders, or other emergency applications), previously set for March 22, 2024, be moved to May 10, 2024;
6. The **hearing** on any such motions (except motions for continuances, temporary restraining orders, or other emergency applications), previously set for May 9, 2024 at 1:30 PM, be moved to September 19, 2024 at 1:30 PM;
7. Consistent with the foregoing, the following briefing schedule shall apply to any **motion(s) for summary judgment**:
 - a. Defendant will inform Plaintiff by April 26, 2024 whether he plans to file a cross-motion for summary judgment;
 - b. Plaintiff will file its Motion for Summary Judgment (“Motion”) by May 10, 2024;
 - c. Defendant will file his opposition to Plaintiff’s Motion, as well as any cross-motion for summary judgment, by June 21, 2024;
 - d. Plaintiff will file its reply in support of its Motion, and its opposition to any cross-motion, by July 26, 2024;
 - e. Defendant will file his reply in support of his cross-motion, if any, by

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August 16, 2024.

IT IS SO ORDERED.

Dated: November 9, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE