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 9 Amanda Ray, and California State Public Health  
 Officer Tomás Aragón, all sued in their official  
 10 capacities*

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

15 **RON GIVENS, an individual; CHRISTINE**  
 16 **BISH, an individual,**

17 Plaintiffs,

18 v.

19 **GAVIN NEWSOM, in his capacity as**  
 20 **Governor of California; ROB BONTA, in**  
 21 **his capacity as Attorney General of**  
 22 **California; AMANDA RAY, in her capacity**  
 23 **as Commissioner of the California Highway**  
 24 **Patrol; and TOMÁS ARAGÓN,<sup>1</sup> in his**  
 25 **capacity as State Public Health Officer,**

Defendants.

2:20-cv-00852

**JOINT STIPULATION AND ORDER  
 MODIFYING SUMMARY JUDGMENT  
 BRIEFING SCHEDULE**

Courtroom: 6 (14<sup>th</sup> Floor)  
 Judge: Hon. John A. Mendez  
 Trial Date: Sept. 19, 2022  
 Action Filed: April 27, 2020

26 <sup>1</sup> Amanda Ray, California Highway Patrol Commissioner, succeeded former  
 27 Commissioner Warren Stanley; Tomás Aragón, California State Public Health Officer, succeeded  
 28 Erica Pan, former Acting California Public Health Officer; Rob Bonta, California Attorney  
 General, succeeded former Attorney General Xavier Becerra. Fed. R. Civ. P. 25(d) (an “officer’s  
 successor is automatically substituted as a party”).

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS:

2 Defendants Gavin Newsom, in his capacity as Governor of California, Rob Bonta, in his  
3 capacity as Attorney General of California, Amanda Ray, in her capacity as the Commissioner of  
4 the California Highway Patrol, Tomás Aragón, in his capacity as the State Public Health Officer  
5 (Defendants) and Plaintiffs Ron Givens and Christine Bish (Plaintiffs), by and through their  
6 attorneys, stipulate and agree as follows:

7 1. The parties intended to file cross-motions for summary judgment (*see* ECF No. 89);

8 2. The Court’s pretrial order of August 13, 2020 establishes procedures, including a  
9 briefing schedule, that apply to cross-motions for summary judgment (ECF No. 52 at 4);

10 3. According to the Court’s pretrial order, Plaintiffs’ cross-motion for summary  
11 judgment was due to be filed no less than 14 days before the deadline to file a dispositive motion  
12 (ECF No. 52 at 4);

13 4. On October 7, 2021, the Court entered the parties’ stipulation and proposed order to  
14 modify existing pretrial deadlines, and this order extended the dispositive motion deadline from  
15 January 17, 2022, to April 29, 2022 (ECF No. 88 at 4);

16 5. Through inadvertence, Plaintiffs filed their opening motion on April 29, 2022 (ECF  
17 No. 92);

18 6. Defendants also filed a summary judgment motion on April 29, 2022 (ECF No. 90);

19 7. The parties’ respective motions for summary judgment are currently set to be heard  
20 on June 7, 2022 (ECF No. 88 at 4);

21 8. The parties have conferred and wish to implement a briefing schedule that conforms  
22 to the procedures in the Court’s pretrial order regarding cross-motions for summary judgment, in  
23 particular, with respect to the requirement that “only four briefs may be filed”;

24 9. If the parties proceed to brief concurrently-filed, non-cross motions for summary  
25 judgment, which are subject to the deadlines established by Local Rule 230(a), Defendants will  
26 receive 11 fewer days to prepare an opposition to Plaintiffs’ motion for summary judgment,  
27 causing prejudice to Defendants if the existing June 7 hearing date is not continued;

28 10. The next available hearing date for the anticipated motions is July 12, 2022;

1            THEREFORE, Plaintiffs and Defendants, by and through their attorneys, submit the  
2 following stipulated requests:

3            1.     That the Court continue the June 7, 2022 summary judgment hearing schedule to July  
4 12, 2022, or such other date as the Court may be available, to accommodate the briefing of cross-  
5 motions for summary judgment in accordance with the terms of the Court's pretrial order;

6            2.     That the Court deem the motion for summary judgment filed by Plaintiffs on April  
7 29, 2022 (ECF No. 92) to be the opening brief on cross-motions for summary judgment;

8            3.     That the Court strike or withdraw Defendants' pending motion for summary  
9 judgment (ECF No. 90) and supporting documents, without prejudice to Defendants' ability to  
10 file a cross-motion for summary judgment and opposition to Plaintiffs' motion for summary  
11 judgment;

12           4.     That the briefing schedule on the parties' summary judgment motions be amended as  
13 follows, to conform to the schedule set forth in the Court's pretrial order:

- 14           • April 29, 2022 – Deadline to file Plaintiffs' opening motion
- 15           • May 31, 2022 – Deadline to file Defendants' opposition and cross-motions
- 16           • June 14, 2022 – Deadline to file Plaintiffs' reply and opposition
- 17           • June 28, 2022 – Deadline to file Defendants' reply.

18           IT IS SO STIPULATED.

19 Dated: May 6, 2022

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Attorney General of California  
PAMELA J. HOLMES  
MARK R. BECKINGTON  
Supervising Deputy Attorneys General  
ANNA FERRARI  
Deputy Attorney General

24           /s/ James W. Walter

26           JAMES W. WALTER  
27           Deputy Attorney General  
28           *Attorneys for Defendants*

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Dated: May 6, 2022

DHILLON LAW GROUP  
HARMEET K. DHILLON

/s/ Mark. P. Meuser

(as authorized on May 5, 2022)  
MARK P. MEUSER  
*Attorneys for Plaintiffs*

**ORDER**

The parties having stipulated to modify the summary judgment briefing schedule and related procedures in order to conform to the Court’s pretrial order (ECF No. 52), and having demonstrated good cause, the Court grants the following relief:

1. The June 7, 2022 summary judgment hearing is continued to August 9, 2022, at 1:30 PM;
2. The motion for summary judgment filed by Plaintiffs on April 29, 2022 (ECF No. 9) is deemed to be the opening brief on cross-motions for summary judgment;
3. Defendants’ pending motion for summary judgment (ECF No. 90) and supporting documents are deemed withdrawn, without prejudice to Defendants’ ability to file a cross-motion for summary judgment and opposition to Plaintiffs’ cross-motion for summary judgment;
4. The briefing schedule on the parties’ summary judgment motions shall be amended as follows:
  - April 29, 2022 – Deadline to file Plaintiffs’ opening motion
  - May 31, 2022 – Deadline to file Defendants’ opposition and cross-motion
  - June 14, 2022 – Deadline to file Plaintiffs’ reply and opposition
  - June 28, 2022 – Deadline to file Defendants’ reply.

**IT IS SO ORDERED.**

Dated: May 6, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE