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7	E-mail: Michael.Sapoznikow@doj.ca.gov Attorneys for Defendant Nicholas Maduros,		
8	Director, California Department of Tax & Fee Administration		
9	IN THE UNITED STAT	TES DISTRICT	COURT
10	FOR THE EASTERN DIS	TRICT OF CA	LIFORNIA
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12			
13	ONLINE MERCHANTS GUILD,	2:20-cv-01952	2-MCE-DB
14	Plaintiff,		ION REGARDING NG OF MOTION FOR
15	v.	PRELIMINA	RY INJUNCTION AND
16	NICOLAS MADUROS, DIRECTOR,	MOTION TO ORDER) DISMISS; SCHEDULING
17	CALIFORNIA DEPARTMENT OF TAX	Judge:	The Honorable Morrison C.
18	& FEE ADMINISTRATION,	Trial Date:	England, Jr. Not Set
19	Defendant.	Action Filed:	September 29, 2020
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1	Plaintiff Online Merchants Guild and Defendant Nicholas Maduros, Director, California			
2	Department of Tax and Fee Administration, by and through their respective counsel, hereby			
3	jointly mo	ve for a scheduling orde	er, as follows:	
4	А.	Whereas, Plaintiff inte	ends to file a motion for a preliminary injunction;	
5	В.	Whereas, Defendant intends to respond to Plaintiff's complaint by filing a motion to		
6		dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure;		
7	C.	Whereas, the issues to be briefed in the motion for a preliminary injunction and the		
8		motion to dismiss overlap to a degree;		
9	D.	Whereas, the parties agree that it would be efficient to coordinate a briefing schedule		
10		for the motion for a preliminary injunction and motion to dismiss, whereby each		
11		motion is filed on the same day, each opposition is filed on the same day, and each		
12		reply is filed on the same day;		
13	E.	Whereas, Defendant's response to the complaint is currently due on December 4,		
14		2020 because the parties filed a stipulation on October 30, 2020 extending the		
15		deadline by the maximum amount permitted by Local Rule 144(a) (Docket No. 10);		
16	F.	Whereas, the issues to be briefed in the motion for a preliminary injunction and the		
17		motion to dismiss are complex and would benefit from a further extension of time;		
18	NOW, THEREFORE, PLAINTIFF AND DEFENDANT JOINTLY MOVE THAT:			
19	1.	The court extend Defendant's deadline to respond to the complaint to December 18,		
20		2020;		
21	2.	The court adopt the following briefing and hearing schedule:		
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23		December 18, 2020:	Plaintiff files motion for preliminary injunction and	
24			Defendant files motion to dismiss	
25		January 29, 2021:	Plaintiff responds to motion to dismiss and	
26			Defendant responds to motion for preliminary injunction	
27		February 26, 2021:	Reply briefs	
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1 March 25, 2021: Noticed hearing date for both motions, subject to 2 Judge England's Standard Information and the Initial Pretrial 3 Scheduling Order dated September 30, 2020 (Docket No. 4) 4 Scheduling Order dated September 30, 2020 (Docket No. 4) 4 Respectfully submitted, 5 Respectfully submitted, 6 Dated: November 17, 2020 Attorney General of California MOLLY K. MOSLEY 7 Supervising Deputy Attorney General 8 NicHAEL SAPOZNIKOW 9 By: <u>// Michael Sapoznikow</u> 10 By: <u>// Michael Sapoznikow</u> 11 Attorneys for Defendant 12 Attorneys for Defendant 13 California Department of Tax and Fee 14 Dated: November 17, 2020 Respectfully Submitted 15 By: <u>// Aaron K. Block</u> 16 The Block Firm (as authorized via email on Nov. 17, 2020) 17 Attorney for Plaintiff 18 SA2020304014/34574569.docx 21 SA2020304014/34574569.docx
3 Scheduling Order dated September 30, 2020 (Docket No. 4) 4 Respectfully submitted, 5 Dated: November 17, 2020 7 XAVIER BECERRA Attorney General of California MOLLY K. MOSLEY Supervising Deputy Attorney General 8 8 9 By: <u>/s/ Michael Sapoznikow</u> MicHAEL SAPOZNIKOW Deputy Attorney General 10 By: <u>/s/ Michael Sapoznikow</u> MicHAEL SAPOZNIKOW Deputy Attorney General 11 Attorneys for Defendant California Department of Tax and Fee Administration - General 13 Dated: November 17, 2020 14 Dated: November 17, 2020 15 By: <u>/s/ Aaron K. Block</u> AARON K. BLOCK The Block Firm (as authorized via email on Nov. 17, 2020) 16 Attorney for Plaintiff Online Merchanis Guild 19 SA2020304014/34574569.docx 21 SA2020304014/34574569.docx
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1	SCHEDULING ORDER			
2	Pursuant to the Joint Motion Regarding Scheduling of Motion for Preliminary Injunction			
3	and Motio	and Motion to Dismiss filed by Plaintiff Online Merchants Guild and Defendant Nicholas		
4	Maduros,	Director, California Dep	partment of Tax and Fee Administration, IT IS HEREBY	
5	ORDERE	D:		
6	1.	Defendant's deadline to respond to the complaint is extended to December 18, 2020;		
7	2.	The parties shall employ the following briefing schedule:		
8				
9		December 18, 2020:	Plaintiff files motion for preliminary injunction and	
10			Defendant files motion to dismiss	
11		January 29, 2021:	Plaintiff responds to motion to dismiss and	
12			Defendant responds to motion for preliminary injunction	
13		February 26, 2021:	Reply briefs	
14		March 25, 2021:	Noticed hearing date for both motions, subject to	
15			Judge England's Standard Information and the Initial Pretrial	
16			Scheduling Order dated September 30, 2020 (Docket No. 4)	
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18	IT	IS SO ORDERED.		
19	Dated: No	ovember 19, 2020	11 DED	
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21			MORRISON C. ENGLAND, JR	
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