

1 XAVIER BECERRA, State Bar No. 118517
Attorney General of California
2 MOLLY K. MOSLEY, State Bar No. 185483
Supervising Deputy Attorney General
3 MICHAEL SAPOZNIKOW, State Bar No. 242640
GINA TOMASELLI, State Bar No. 267090
4 Deputy Attorneys General
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7344
Fax: (916) 323-7095
7 E-mail: Michael.Sapoznikow@doj.ca.gov
Attorneys for Defendant Nicholas Maduros,
8 *Director, California Department of Tax & Fee*
Administration

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

12
13 **ONLINE MERCHANTS GUILD,**

14 Plaintiff,

15 v.

16 **NICOLAS MADUROS, DIRECTOR,**
17 **CALIFORNIA DEPARTMENT OF TAX**
18 **& FEE ADMINISTRATION,**

19 Defendant.

2:20-cv-01952-MCE-DB

**JOINT MOTION REGARDING
SCHEDULING OF MOTION FOR
PRELIMINARY INJUNCTION AND
MOTION TO DISMISS; SCHEDULING
ORDER**

Judge: The Honorable Morrison C.
England, Jr.
Trial Date: Not Set
Action Filed: September 29, 2020

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 move for a scheduling order, as follows:

- 4 A. Whereas, Plaintiff intends to file a motion for a preliminary injunction;
5 B. 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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March 25, 2021: Noticed hearing date for both motions, subject to
Judge England’s Standard Information and the Initial Pretrial
Scheduling Order dated September 30, 2020 (Docket No. 4)

Dated: November 17, 2020

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MOLLY K. MOSLEY
Supervising Deputy Attorney General

By: /s/ Michael Sapoznikow
MICHAEL SAPOZNIKOW
Deputy Attorney General

*Attorneys for Defendant
California Department of Tax and Fee
Administration - General*

Dated: November 17, 2020

Respectfully Submitted

By: /s/ Aaron K. Block
AARON K. BLOCK
The Block Firm
(as authorized via email on Nov. 17, 2020)

*Attorney for Plaintiff
Online Merchants Guild*

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SCHEDULING ORDER

Pursuant to the Joint Motion Regarding Scheduling of Motion for Preliminary Injunction and Motion to Dismiss filed by Plaintiff Online Merchants Guild and Defendant Nicholas Maduros, Director, California Department of Tax and Fee Administration, IT IS HEREBY ORDERED:

- 1. Defendant’s deadline to respond to the complaint is extended to December 18, 2020;
- 2. The parties shall employ the following briefing schedule:

December 18, 2020: Plaintiff files motion for preliminary injunction and Defendant files motion to dismiss

January 29, 2021: Plaintiff responds to motion to dismiss and Defendant responds to motion for preliminary injunction

February 26, 2021: Reply briefs

March 25, 2021: Noticed hearing date for both motions, subject to Judge England’s Standard Information and the Initial Pretrial Scheduling Order dated September 30, 2020 (Docket No. 4)

IT IS SO ORDERED.

Dated: November 19, 2020


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE