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8 UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 9 SAN FRANCISCO / OAKLAND DIVISION

10 MARK AARON HAYNIE, THE
 11 CALGUNS FOUNDATION, INC.,
 and THE SECOND AMENDMENT
 12 FOUNDATION, INC.,

13 Plaintiffs,

14 vs.

15 CITY OF PLEASANTON, CITY OF
 16 PLEASANTON POLICE
 17 DEPARTMENT, CALIFORNIA
 DEPARTMENT OF JUSTICE, and
 18 DOES 1 TO 20,

19 Defendants.

Case No.: CV 10 1255 SI

JOINT REQUEST TO RESET CMC

[Proposed Order Resetting CMC]

Currently set for February 4, 2011

Proposed reset for March 18, 2011

21 In December 2010, the parties submitted a Joint Statement of Undisputed
 22 Facts (ENE) to James Fitzgerald the ADR evaluator assigned to this case. The joint
 23 statement includes the parties' litigation positions and legal authority for those
 24 positions.

25 On January 20, 2011, the parties participated in a teleconference with Mr.
 26 Fitzgerald. He has studied the Joint Statement and attached exhibits (page count
 27 80+) and has determined that the case involves complex and evolving issues of
 28 firearm technology.

1 Mr. Fitzgerald and the parties anticipate scheduling an ENE conference to be
2 completed before end of February, 2011.

3 The parties are requesting that the Case Management Conference set for
4 February 4, 2011 be reset to accommodate the ENE conference and give the parties
5 sufficient time to draft a Joint Case Management Statement in the event that the
6 case does not settle.

7 The parties will immediately notify the Court if the case gets settled at the
8 ENE Conference.

9 The parties are proposing to continue the CMC currently set for February 4,
10 2011 to March 18, 2011 at 2:30 p.m.

11 Respectfully Submitted on January 20, 2011.

12
13 /s/
14 Ross Moody, Counsel for Defendant

12
13 /s/
14 Donald Kilmer, Counsel for Plaintiffs

14 **ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND**
15 **LOCAL RULE VIII.B.**

16 I, Donald Kilmer, declare under penalty of perjury under the laws of California
17 and the United States that I have in my possession e-mail correspondence from
18 Ross Moody that the content of this document is acceptable to all persons required
to sign the document. I declare that this document was signed in San Jose, CA on
January 20, 2011.

19 /s/
20 Donald Kilmer of
21 Law Offices of Donald Kilmer, APC
for Plaintiffs

22 **SO ORDERED**

23 The Case Management Conference set for February 4, 2011 at 2:30 p.m. is
24 rescheduled to March 18, 2011 at 2:30 p.m.

25 Date:



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United States District Judge