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5 Attorney for Plaintiff  
Chiko Katiki and all Others Similarly Situated

6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
8 SAN FRANCISCO DIVISION

9	CHIKO KATIKI and all others	)	Case No. C12-5519 NC
10	similarly situated,	)	
11	Plaintiffs,	)	STIPULATION TO CONTINUE
12	vs.	)	CASE MANAGEMENT CONFERENCE
13	TASER INTERNATIONAL INC., and	)	AND COMPLIANCE DATES THEREON
14	DOES 1-10, inclusive,	)	
15	Defendants.	)	

16 By existing Scheduling Order, the parties are due to meet and confer regarding voluntary  
17 disclosures in accordance with Federal Rules of Civil Procedure, Rule 26, by January 3, 2013, file  
18 a joint Case Management Conference (CMC) Statement which addresses matters set forth in  
19 Rules 16 & 26 by January 9, 2013 and appear for CMC for the first time on January 23, 2013.

20 For reasons to follow, counsel for the parties stipulate to continue the CMC to March 6,  
21 2013 and adjust the compliance dates thereon such that counsel shall be due to meet and confer  
22 regarding voluntary disclosures in accordance with Rule 26 by February 13, 2013, and file a joint  
23 CMC Statement which addresses matters set forth in Rules 16/26 by February 20, 2013.

24 Defendant TASER INTERNATIONAL, INC. (“TASER”), has filed a motion to dismiss  
25 the complaint pursuant to Rules 9 and 12, which is set for hearing on January 16, 2013. A central  
26 argument pressed by the motion is that the tasers or, as they are technically known, “electronic  
27 control devices” manufactured and sold by TASER, which expel projectiles by the force of  
28 compressed nitrogen, do not meet the statutory definition of “firearm” under California law, as

1 alleged in the complaint. This appears to be a pure issue of law based on stipulated facts which is  
2 not subject to variance by amendment of the pleadings. A ruling in favor of TASER on this issue  
3 will likely end the case at the trial court level. A ruling in favor of TASER on other grounds may  
4 also prove dispositive of the case, for practical if not also legal reasons.

5 To avoid undue expense and the waste of judicial resources, counsel for the parties agree it  
6 is preferable to allow the Court to rule on the motion to dismiss before counsel meet and confer  
7 and file a joint CMC Statement in accordance with Rules 16/26 and appear on the CMC calendar.  
8 Counsel have therefore stipulated to continue the CMC from January 23, 2013 to March 6, 2013,  
9 and to adjust compliance dates accordingly.

10 As additional grounds for the continuance, plaintiff's counsel represents that in the 3 week  
11 period preceding the New Year, he experienced medical problems which required significant  
12 testing, a family member died and was laid to rest locally, plaintiff's counsel's younger daughter  
13 returned from 6-months of travel in Europe and India, and plaintiff's counsel's older daughter and  
14 son-in-law arrived for the Holidays and announced that they are expecting their first child, all of  
15 which combined to prevented plaintiff's counsel from fully addressing his case load. While  
16 plaintiff's counsel represents that he is able to meet the existing Rule 16/26 compliance dates in  
17 this case if pressed to do so, he would prefer to continue the compliance dates and CMC hearing  
18 as stipulated herein.

19 Counsel for the parties have discussed this stipulation with their respective clients and  
20 secured their consent thereto. A proposed stipulated order is submitted separately for the Court's  
21 consideration.

22 IT IS SO STIPULATED.

23 Date: January 3, 2013

By:

  
Mark T. Clausen,  
Attorney for Plaintiff Chiko Katiki

25 Date: January 3, 2013

By:

/s/ Craig Livingston  
Craig Livingston,  
Livingston Law Firm  
Attorneys for Defendant Taser International, Inc.

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9 NORTHERN DISTRICT OF CALIFORNIA  
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11 SAN FRANCISCO DIVISION

10	CHIKO KATIKI and all others similarly situated,	)	Case No. C12-5519 NC
11	Plaintiffs,	)	
12	vs.	)	<del>Proposed</del> STIPULATED ORDER
13	TASER INTERNATIONAL INC., and	)	CONTINUING CASE MANAGEMENT
14	DOES 1-10, inclusive,	)	CONFERENCE AND COMPLIANCE
15	Defendants.	)	DATES THEREON

16  
17 By existing Scheduling Order, the parties are due to meet and confer regarding voluntary  
18 disclosures in accordance with Federal Rules of Civil Procedure, Rule 26, by January 3, 2013, file  
19 a joint Case Management Conference (CMC) Statement which addresses matters set forth in  
20 Rules 16 and 26 by January 9, 2013 and appear for CMC for the first time on January 23, 2013.

21 Counsel for the parties have stipulated to continue the CMC and adjust the compliance  
22 dates thereon based on the pendency of a motion by defendant TASER INTERNATIONAL, INC.,  
23 to dismiss the Complaint in full pursuant to Rules 9 and 12, which may prove dispositive of the  
24 case, and recent family and health matters affecting plaintiff's counsel's ability to address his case  
25 load.

26 Pursuant to the stipulation of counsel for the parties, and GOOD CAUSE APPEARING,  
27 the CMC is continued to March 6, 2013 and the compliance dates thereon are adjusted such that  
28 counsel shall meet and confer regarding voluntary disclosures in accordance with Rule 26 by

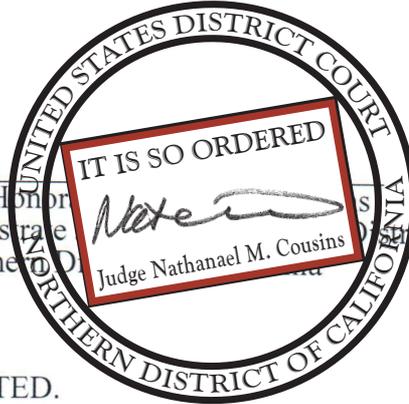
1 February 13, 2013 and file a joint CMC Statement which addresses matters set forth in Rules  
2 16/26 by February 20, 2013.

3 IT IS SO ORDERED.

4 Date: January 7, 2013

By: \_\_\_\_\_

Honorable  
Magistrate  
Northern District of California District Court



5  
6  
7 IT IS SO STIPULATED.

8 Date: January 3, 2013

By: \_\_\_\_\_

Mark T. Clausen,  
Attorney for Plaintiff Chiko Katiki

9  
10 Date: January 3, 2013

By: /s/ Craig Livingston

Craig Livingston,  
Livingston Law Firm  
Attorneys for Defendant Taser International, Inc.

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