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9 Attorneys for Plaintiffs

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO BRANCH COURTHOUSE**

13 BARRY BAUER, STEPHEN
14 WARKENTIN, NICOLE FERRY,
15 LELAND ADLEY, JEFFREY
16 HACKER, NATIONAL RIFLE
17 ASSOCIATION OF AMERICA,
18 INC., CALIFORNIA RIFLE AND
19 PISTOL ASSOCIATION
20 FOUNDATION, HERB BAUER
21 SPORTING GOODS, INC.,

22 Plaintiffs

23 vs.

24 KAMALA HARRIS, in Her Official
25 Capacity as Attorney General For the
26 State of California; STEPHEN
27 LINDLEY, in His Official Capacity
28 as Acting Chief for the California
Department of Justice, and DOES 1-
10,

Defendants.

CASE NO. 1:11-cv-01440-LJO-MJS

**STIPULATION FOR CONTINUANCE
OF MOTION TO STAY HEARING
DATE AND EXTEND ASSOCIATED
DEADLINES AND [PROPOSED]
ORDER**

(Fed. R. Civ. P. 6(b)(1)(A); Local Rules
144, 230(f))

I.

INTRODUCTION

The parties, Plaintiffs Barry Bauer, Stephen Warkentin, Nicole Ferry, Leland
Adley, Jeffrey Hacker, National Rifle Association of America, Inc., California
Rifle and Pistol Association Foundation, Herb Bauer Sporting Goods, Inc.

1 (collectively “Plaintiffs”) and Defendants Attorney General Kamala D. Harris and
2 Chief of the Firearms Bureau Stephen Lindley (collectively “Defendants”), through
3 their respective attorneys of record, hereby jointly stipulate to continue the date of
4 the hearing for Defendants’ Motion to Stay and to extend the remaining deadlines
5 for moving papers related to that motion in accordance with the stipulated schedule
6 set forth herein.

7 **II.**

8 **RECITALS/GROUNDS FOR RELIEF**

9 WHEREAS, Plaintiffs filed their First Amended Complaint in this matter on
10 February 9, 2012;

11 WHEREAS, Defendants filed their Answer to Plaintiffs’ First Amended
12 Complaint on March 8, 2012;

13 WHEREAS, Defendants filed a Motion to Stay Proceedings in this matter
14 pending the Ninth Circuit en banc panel’s decision in *Nordyke v. King*, 664 F.3d
15 774 (9th Cir. 2011), on March 22, 2012;

16 WHEREAS, in that Motion to Stay, Defendants state they intend to file a
17 Motion for Judgment on the Pleadings but wish to see if the anticipated *Nordyke*
18 opinion affects their legal arguments in their motion;

19 WHEREAS, based on the oral arguments that occurred on March 19, 2012 in
20 *Nordyke*, Plaintiffs believe that the en banc panel’s decision in *Nordyke* will likely
21 not address a standard of review and all parties believe that the decision will likely
22 be issued soon;

23 WHEREAS, all parties to this action likewise seek to keep the costs of
24 litigation low;

25 WHEREAS, all parties wish to conserve judicial time and resources;

26 WHEREAS, Local Rule 144(a) of this Court allows a 28-day extension of
27 time for responding to complaints and certain other documents, but states that “[a]ll
28 other extensions of time must be approved by the Court”;

WHEREAS, FRCP 6(b)(1)(A) allows for the extension of time for good cause,

1 “with or without motion or notice if the court acts, or if a request is made, before
2 the original time or its extension expires”;

3 WHEREAS, no party has obtained an extension of time relating to any matter
4 for which this extension is sought;

5 AND WHEREAS, THE PARTIES STIPULATE AND AGREE TO THE
6 FOLLOWING:

7 1. The hearing on Defendants’ Motion to Stay shall be moved to Monday,
8 May 21, 2012.

9 2. Plaintiffs’ Response to Defendants’ Motion to Stay shall be due on or
10 before April 23, 2012.

11 3. Defendants Reply in support of their Motion shall be due on or before May
12 7, 2012.

13 The parties hereby jointly request that this Court grant the relief sought by this
14 stipulation.

15 Dated: April 2, 2012

MICHEL & ASSOCIATES, P.C.

17 /s/ C. D. Michel
18 C. D. Michel
19 Attorney for Plaintiffs

20 Dated: April 2, 2012

Deputy Attorney General

21 /s/ Susan K. Smith
22 Susan K. Smith
23 (as approved on 4/2/12)
24 Attorney for Defendants

25 **PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO
26 ORDERED.**

27 Date: _____, 2012

28 Hon. Michael J. Seng
Magistrate Judge
United States District Court

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
3 **FRESNO BRANCH COURTHOUSE**

4 BARRY BAUER, STEPHEN) **CASE NO. 09-CV-2371 IEG (BGS)**
5 WARKENTIN, NICOLE) **CERTIFICATE OF SERVICE**
6 FERRY, LELAND ADLEY,)
7 JEFFREY HACKER,)
8 NATIONAL RIFLE)
9 ASSOCIATION OF)
10 AMERICA, INC.,)
11 CALIFORNIA RIFLE AND)
12 PISTOL ASSOCIATION)
13 FOUNDATION, HERB)
14 BAUER SPORTING GOODS,)
15 INC.,)

16 Plaintiffs

17 vs.

18 KAMALA HARRIS, in Her)
19 Official Capacity as Attorney)
20 General For the State of)
21 California; STEPHEN)
22 LINDLEY, in His Official)
23 Capacity as Acting Chief for the)
24 California Department of)
25 Justice, and DOES 1-10,)

26 Defendants

27 **IT IS HEREBY CERTIFIED THAT:**

28 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:
STIPULATION FOR CONTINUANCE OF MOTION TO STAY HEARING DATE AND EXTEND ASSOCIATED DEADLINES AND [PROPOSED] ORDER
on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Susan K. Smith , Deputy Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 2, 2012.

/s/ C. D. Michel
C. D. Michel
Attorney for Plaintiffs