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*Chief of the Firearms Bureau Stephen*  
 8 *Lindley in Their Official Capacities*

9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 11  
 12

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

Plaintiffs,

v.

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

Defendants.

1:11-cv-1440-LJO-MJS

**DEFENDANTS' REQUEST FOR**  
**JUDICIAL NOTICE FILED**  
**CONCURRENTLY WITH**  
**MOTION TO STAY**

Date: April 18, 2012  
 Time: 8:30 AM  
 Courtroom: 4/ 7th Floor  
 Judge Hon. Lawrence J. O'Neill  
 Trial Date None  
 Action Filed: August 25, 2011

25  
 26 Defendants Attorney General Kamala D. Harris and Firearms Bureau Stephen  
 27 Lindley seek Judicial Notice pursuant to Federal Rules of Evidence rule 201(b) of  
 28 the following documents:

1 A. Order in *Peruta v. County of San Diego*, No. 10-5697 (9th Cir. Jan. 24,  
2 2012).

3 B. Order in *Richards v. Prieto*, No. 11-16255 (9th Cir. Dec. 20, 2011).

4 C. Order in *Mehl v. Blanas*, No. 08-15773 (9th Cir. July 10, 2010).

5 D. Order in *Rothery v. County of Sacramento*, No. 09-16852 (9th Cir.  
6 Feb. 10, 2012).

7 E. Judicial Business 2010, Table B-4 *available at*

8 <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness2010.aspx>

9 (last visited March 5, 2012). This website is maintained by the Administrative  
10 Office of the United States Courts on behalf of the Federal Judiciary.

11 Dated: March 21, 2012

Respectfully submitted,

12  
13 KAMALA D. HARRIS  
14 Attorney General of California  
15 TAMAR PACTER  
16 Supervising Deputy Attorney General

17 /s/ Susan K. Smith  
18 SUSAN K. SMITH  
19 Deputy Attorney General  
20 *Attorneys for Defendants*  
*Attorney General Kamala D. Harris*  
*and Chief of the Firearms Bureau*  
*Stephen Lindley in Their Official*  
*Capacities*

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# EXHIBIT - A

FILED

UNITED STATES COURT OF APPEALS

JAN 24 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

EDWARD PERUTA; et al.,

Plaintiffs - Appellants,

v.

COUNTY OF SAN DIEGO and  
WILLIAM D. GORE, individually and in  
his capacity as Sheriff,

Defendants - Appellees.

No. 10-56971

D.C. No. 3:09-cv-02371-IEG-BGS  
Southern District of California,  
San Diego

ORDER

Before: Peter L. Shaw, Appellate Commissioner

The en banc decision in *Nordyke v. King*, No. 07-15763 may contain legal analysis that would assist in the resolution of this appeal. Accordingly, appellants' motion for reconsideration of the December 20, 2011 order staying this appeal pending the en banc decision in *Nordyke* is denied.

/Appellate Commissioner

# EXHIBIT - B

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ADAM RICHARDS; et al.,

Plaintiffs - Appellants,

v.

ED PRIETO and COUNTY OF YOLO,

Defendants - Appellees.

No. 11-16255

D.C. No. 2:09-cv-01235-MCE-  
DAD

Eastern District of California,  
Sacramento

ORDER

The court stays proceedings in this appeal pending this court's en banc decision in *Nordyke v. King*, No. 07-15763, 2011 WL 5928130 (9th Cir. Nov. 28, 2011) (granting rehearing en banc).

For the Court:

MOLLY C. DWYER  
Clerk of Court

Halina Larman  
Case Management Attorney  
Ninth Circuit Rule 27-7/Advisory  
Note to Rule 27  
and Ninth Circuit 27-10

# EXHIBIT - C

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUL 20 2010

DAVID K. MEHL; LIK T. LAU,

Plaintiffs - Appellants,

and

FRANK FLORES,

Plaintiff,

v.

LOU BLANAS; SACRAMENTO  
COUNTY SHERIFF DEPARTMENT;  
SACRAMENTO COUNTY; BILL  
LOCKYER, Attorney General, State of  
California; RANDI ROSSI, State Firearms  
Director and Custodian of Records,

Defendants - Appellees.

No. 08-15773

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

D.C. No. 2:03-CV-02682-MCE-  
KJM

Eastern District of California,  
Sacramento

ORDER

Before: SCHROEDER and BERZON, Circuit Judges, and ROTH, Senior Circuit  
Judge. \*

Submission of this case will remain vacated pending issuance of the mandate  
in *Nordyke v. King*, No. 07-15763.

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\* The Honorable Jane R. Roth, Senior United States Circuit Judge for  
the Third Circuit, sitting by designation.



# EXHIBIT - D

FILED

UNITED STATES COURT OF APPEALS

FEB 10 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JAMES ROTHERY and ANDREA  
HOFFMAN,

Plaintiffs - Appellants,

and

DEANNA SYKES; et al.,

Plaintiffs,

v.

COUNTY OF SACRAMENTO; et al.,

Defendants - Appellees.

No. 09-16852

D.C. No. 2:08-cv-02064-JAM-  
KJM

Eastern District of California,  
Sacramento

ORDER

Appellees County of Sacramento, et al.'s motion to stay appellate proceedings pending *Mehl v. County of Sacramento*, No. 08-15773, is granted in part. Appellate proceedings are stayed until June 8, 2012.

At or prior to the expiration of the stay of appellate proceedings, the appellees shall file the answering briefs or file a motion for appropriate relief. If the answering briefs are filed, the optional reply brief is due within 14 days after service of the last served answering brief.

No. 09-16852

In the absence of a motion, the stay of appellate proceedings will terminate without further notice.

For the Court:

MOLLY C. DWYER  
Clerk of Court

Grace S. Santos  
Deputy Clerk  
Ninth Circuit Rule 27-7/Advisory Note to Rule 27  
and Ninth Circuit 27-10

# EXHIBIT – E

**Table B-4.  
U.S. Courts of Appeals—Median Time Intervals in Months in Cases Terminated After Hearing or Submission,  
by Circuit, During the 12-Month Period Ending September 30, 2010**

Circuit	Total Cases	From Filing of Notice of Appeal to Filing of Last Brief <sup>1</sup>		From Filing of Last Brief to Hearing or Submission <sup>2</sup>		From Hearing to Final Disposition		From Submission to Final Disposition		From Filing of Notice of Appeal to Final Disposition <sup>1</sup>		From Filing in Lower Court to Final Disposition in Appellate Court <sup>1</sup>	
		Cases	Interval	Cases	Interval	Cases	Interval	Cases	Interval	Cases	Interval	Cases	Interval
<b>TOTAL</b>	<b>30,914</b>	<b>13,059</b>	<b>5.5</b>	<b>17,289</b>	<b>4.4</b>	<b>8,165</b>	<b>2.1</b>	<b>22,749</b>	<b>0.6</b>	<b>22,743</b>	<b>11.7</b>	<b>22,743</b>	<b>30.3</b>
DISTRICT OF COLUMBIA	520	204	8.2	271	3.0	231	2.6	289	0.8	383	11.4	383	32.7
FIRST	965	552	6.7	659	2.4	279	3.2	686	1.2	779	11.7	779	32.8
SECOND	3,304	1,125	5.9	2,133	4.1	1,246	0.7	2,058	0.6	1,929	13.3	1,929	40.4
THIRD	2,483	1,277	7.1	1,740	3.3	344	3.2	2,139	1.6	1,753	12.1	1,753	33.0
FOURTH	2,894	875	5.6	1,018	5.3	379	2.1	2,515	0.5	2,401	9.1	2,401	27.6
FIFTH	3,773	2,010	5.5	2,231	4.0	926	1.4	2,847	0.7	3,171	10.6	3,171	24.3
SIXTH	2,350	1,401	6.9	1,600	6.4	730	2.2	1,620	1.0	1,803	15.5	1,803	35.8
SEVENTH	1,512	894	5.7	974	2.2	706	3.2	806	0.2	1,225	10.5	1,225	31.1
EIGHTH	2,293	1,142	3.6	1,250	5.0	537	3.5	1,756	0.2	1,917	10.0	1,917	25.6
NINTH	6,324	663	6.2	2,189	21.5	1,870	1.3	4,454	0.5	3,661	16.3	3,661	36.2
TENTH	1,353	935	4.9	1,001	2.3	407	3.9	946	1.4	1,200	9.3	1,200	26.7
ELEVENTH	3,143	1,981	4.6	2,223	2.5	510	2.0	2,633	1.1	2,521	9.1	2,521	25.8

NOTE: This table does not include data for the U.S. Court of Appeals for the Federal Circuit.

<sup>1</sup> Appeals from administrative agencies and original proceedings are not included in this interval.

<sup>2</sup> Original proceedings are not included in this interval.

**CERTIFICATE OF SERVICE**

Case Name: **Barry Bauer, et al. v. Kamala Harris, et al.** No. **1:11-cv-1440-LJO-MJS**

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I hereby certify that on March 21, 2012, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' REQUEST FOR JUDICIAL NOTICE FILED CONCURRENTLY WITH MOTION TO STAY**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 21, 2012, at Los Angeles, California.

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Rosa Macias  
Declarant

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/s/ Rosa Macias  
Signature