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Attorney for Plaintiffs

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

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

Plaintiffs,

vs.

CITY OF PLEASANTON, CITY OF  
PLEASANTON POLICE  
DEPARTMENT, CALIFORNIA  
DEPARTMENT OF JUSTICE, and  
DOES 1 TO 20,

Defendants.

Case No.: CV 10 1255 SI

**JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT**

Conference Date: March 18, 2011  
Conference Time: 2:00 p.m.  
Conference Place: Courtroom 10  
450 Golden Gate Ave  
San Francisco, CA  
94102

1. **Jurisdiction & Service** – The parties stipulate that the Court has subject matter jurisdiction over the plaintiffs's claims and there are no issues regarding personal jurisdiction or venue.
2. **Facts** – Mark Haynie was arrested and required to post bail for an alleged violation of California Penal Code § 12280(b) – possession of an unregistered assault weapon. The Alameda District Attorney's Office declined to file charges against Mark Haynie and he was found factually innocent. The remaining dispute in this case is:

- 1 a. Does the California Department of Justice have a general duty to issue
- 2 statewide bulletins/memorandums to prevent similar false arrests.
- 3 b. Does the California Department of Justice have a specific duty to issue
- 4 a statewide bulletins/memorandums based on the specific technology
- 5 involved in this case to prevent similar false arrests.
- 6 3. **Legal Issues** – Can a federal court compel the California Department of
- 7 Justice to issue bulletins/memorandums to the State’s District Attorneys and
- 8 Law Enforcement agencies based on California Penal Code §§ 12276.5 and
- 9 12289?
- 10 4. **Motions** – Defendants anticipate filing a Rule 12 Motion. After some limited
- 11 discovery is complete, Plaintiffs anticipate filing a Rule 56 Motion.
- 12 5. **Amendment of Pleadings** – Plaintiffs anticipate filing a First Amended
- 13 Complaint to address issues developed during ADR and to address the
- 14 dismissal of Defendants City of Pleasanton and City of Pleasanton Police
- 15 Department. The parties stipulated that Plaintiffs’ deadline to file the First
- 16 Amended Complaint is March 18, 2011.
- 17 6. **Evidence Preservation** – Not applicable in this case.
- 18 7. **Disclosures** – The parties agree to make their Fed.R.Civ.P. 26(f) disclosures
- 19 60 days after filing/service of the First Amended Complaint.
- 20 8. **Discovery**
- 21 a. Plaintiffs will take the following discovery.
- 22 i. Document Request.
- 23 ii. Requests for Admission.
- 24 b. Defendants will take the following discovery.
- 25 i. Requests for Admission.
- 26 9. **Class Action** – Not applicable to this case.
- 27 10. **Related Case** – None known by the parties at this time.
- 28 11. **Relief** – Plaintiffs seek declaratory and prospective injunctive relief and

1 payment of attorney fees and costs.

2 12. **Settlement & ADR** – The parties have already participated in Joint Neutral  
3 Evaluation.

4 13. **Consent to Magistrate Judge for All Purposes** – The parties have not  
5 consented to a magistrate judge.

6 14. **Other References** – Not applicable in this case.

7 15. **Narrowing the Issues** – The parties would like to discuss procedures for a  
8 bench trial in this matter in conjunction with (or in lieu of) a cross motions  
9 for summary judgment.

10 16. **Expedited Schedule** – Not applicable in this case.

11 17. **Scheduling** – The parties propose deferral of this decision until after the  
12 court has ruled on Defendant's Rule 12 Motion.

13 18. **Trial** – As noted above, the parties are prepared to discuss a bench trial in  
14 conjunction with, or in lieu of, a Rule 56 Motion.

15 19. **Disclosure of Non-Party Interest Entities or Persons** – None known at  
16 this time.

17 RESPECTFULLY SUBMITTED.

18 Date: March 4, 2011

Date: March 4, 2011

19 \_\_\_\_\_  
/s/

\_\_\_\_\_  
/s/

20 Ross Moody, Counsel for Defendant

Donald Kilmer, Counsel for Plaintiffs

21 **ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND**  
22 **LOCAL RULE VIII.B.**

23 I, Donald Kilmer, declare under penalty of perjury under the laws of California  
24 and the United States that I have in my possession e-mail correspondence from  
25 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  
March 4, 2011.

26 \_\_\_\_\_  
/s/

27 Donald Kilmer of  
Law Offices of Donald Kilmer, APC  
for Plaintiffs