

FILED

SEP 10 2007

FRESNO COUNTY SUPERIOR COURT

By _____ DEPT. 72 - DEPUTY

1 C. D. Michel - S.B.N. 144258
Jason A. Davis - S.B.N. 224250
2 TRUTANICH • MICHEL, LLP
180 East Ocean Blvd.
3 Suite 200
Long Beach, CA 90802
4 (562)216-4444

5 Stephen P. Halbrook
LAW OFFICES OF STEPHEN P. HALBROOK
6 10560 Main Street., Suite 404
Fairfax, Virginia 22030
7 (703) 352-7276

8 Don B. Kates - S.B.N. 39193
BENENSON & KATES
9 22608 North East 269th Avenue
Battleground, Washington 98604
10 (360) 666-2688

11 Attorneys for Plaintiffs

12

13

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

14

IN AND FOR THE COUNTY OF FRESNO

15

EDWARD W. HUNT, in his official
capacity as District Attorney of Fresno
16 County, and in his personal capacity as a
citizen and taxpayer, et. al.,

) CASE NO. 01CECG03182
)
)

17

Plaintiffs,

) **STIPULATION TO CONTINUE TRIAL AND**
) **CONTINUE TRIAL DEADLINES;**
) **[PROPOSED] ORDER**

18

v.

19

STATE OF CALIFORNIA; WILLIAM
20 LOCKYER, Attorney General of the State of
California, et. al.,

21

Defendants.

22

23

24

25

26

27

28

1 SUBJECT TO THE APPROVAL OF THE COURT, the parties hereby stipulate to the
2 following:

3 WHEREAS, this is an action in which plaintiffs seek declaratory and injunctive relief in
4 regard to certain provisions related to the regulation of "assault weapons" and "large-capacity"
5 ammunition feeding devices;

6 WHEREAS, pursuant to the parties' stipulation, the Court previously suspended all
7 pretrial deadlines and activity in this matter until further order of the Court, at which point, if the
8 matter were not fully resolved by the parties' cross-motions for summary judgment, the scope of
9 any remaining litigation and pretrial activity would be evaluated and the need for any continuance
10 of the trial date to accommodate any such activity would be considered;

11 WHEREAS, the Court did not grant either side's motion for summary judgment in its
12 entirety;

13 WHEREAS, following the Court's ruling on the parties' cross-motions for summary
14 judgment, plaintiffs' claims for "Uncertainty of 'Flash Suppressor'" (Second Cause of Action),
15 "Uncertainty of 'Permanently Alter' In Relation To Large Capacity Feeding Devices" (Fifth Cause
16 of Action), and "Inconsistency Regarding Springfield and Browning Products" (Claim 1 in Sixth
17 Cause of Action) remain;

18 WHEREAS, the proposed summary judgment order submitted by defendants was returned
19 by the Court unsigned and received by defendants' counsel the first week of this month, and the
20 parties' counsel have since been considering how best to obtain the Court's confirmation of the
21 governing standard on plaintiffs' constitutional facial vagueness claims, for the benefit of
22 informing the parties' preparation for trial, including guidance as to possible remaining discovery
23 inquiries and disagreements;

24 WHEREAS, the plaintiffs have made a settlement overture, which defendants are
25 considering, but which will take further analysis and discussions;

26 WHEREAS, counsel for defendants is set for trial in the San Francisco County Superior
27 Court on November 13, 2007, in another important matter involving state inspection of county
28 juvenile detention facilities, *Waters v. James E. Tilton, et al.*, case number CGC-06-451449;

1 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
2 respective attorneys of record for plaintiffs and defendants, subject to the Court's approval, as
3 follows:

4 1. The current trial date of November 5, 2007, shall be continued for 90 days.

5 Dated: August 31, 2007

TRUTANICH - MICHEL, LLP

6
7
8 
C. D. MICHEL
Attorneys for Plaintiffs

9 Dated: August _____, 2007

EDMUND G. BROWN JR.
Attorney General of the State of California

10
11
12 DOUGLAS J. WOODS
Deputy Attorney General, Attorneys for
13 Defendants Attorney General Bill Lockyer, the
14 State of California, and California Department
of Justice

15 **ORDER**

16 The parties having so stipulated and good cause appearing therefor, the above stipulation is
17 hereby adopted.

18 IT IS SO ORDERED.

19
20 Dated: SEP 10 2007

21 ALAN M. SIMPSON
22 Judge of the Superior Court

23 *Jury Trial: March 10, 2008 @ 9AM*
24 *Trial Confirmation: March 7, 2008 @ 9:30AM*
25 *Settlement Conf: February 26, 2008 @ 10AM*
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
respective attorneys of record for plaintiffs and defendants, subject to the Court's approval, as
follows:

The current trial date of November 5, 2007, shall be continued for 90 days.

Dated: August _____, 2007

TRUTANICH - MICHEL, LLP

C. D. MICHEL
Attorneys for Plaintiffs

Dated: August 31, 2007

EDMUND G. BROWN JR.
Attorney General of the State of California

Douglas J. Woods
DOUGLAS J. WOODS
Deputy Attorney General, Attorneys for
Defendants Attorney General Bill Lockyer, the
State of California, and California Department
of Justice

ORDER

The parties having so stipulated and good cause appearing therefor, the above stipulation is
hereby adopted.

IT IS SO ORDERED.

Dated: _____

Judge of the Superior Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

On September 4, 2007, I served the foregoing document(s) described as

**STIPULATION TO CONTINUE TRIAL AND CONTINUE TRIAL DEADLINES;
[PROPOSED] ORDER**

on the interested parties in this action by placing
 the original
 a true and correct copy
thereof enclosed in sealed envelope(s) addressed as follows:

Douglas J. Woods
Attorney General's Office
1300 "I" Street, Ste. 125
Sacramento, CA 94244-2550

X **(BY MAIL)** As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U. S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.

Executed on September 4, 2007, at Long Beach, California.

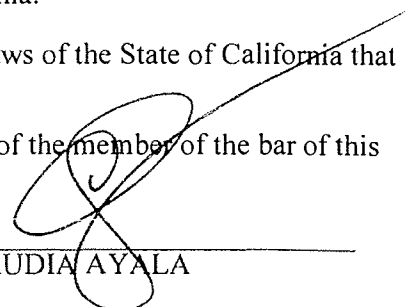
X **(VIA FACSIMILE TRANSMISSION)** As follows: The facsimile machine I used complies with California Rules of Court, Rule 2003, and no error was reported by the machine. Pursuant to Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, copies of which is attached to this declaration.

 (PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on September 4, 2007, at Long Beach, California.

X **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 (FEDERAL) I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.



CLAUDIA AYALA

CLOSE OUT REPORT

Date: September 12, 2007

Reference#: 0C453794-00

TRUTANICH & MICHEL
C.D. MICHEL/CLAUDIA
180 EAST OCEAN BOULEVARD, #200
LONG BEACH, CA 90802

Case Name: HUNT, ET AL
vs: STATE OF CA, ET AL
Court: FRE1
Case #: 01CECG03182
Your file #: NOT PROVIDED

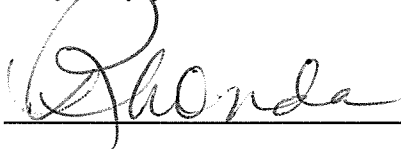
Dear Client,

This assignment has been completed. Below is a detailed account of the steps taken to complete this assignment

09/05/07	11:47 am	BILLED
09/12/07		RETURNING SIGNED FILED STIPULATION TO CLIENT THIS DATE

Please contact our office if you have any questions regarding this assignment.

Very truly yours,



Attorney's Diversified Services
PHONE (559) 233-1475 FAX (559) 486-4119



Attorney's Diversified Services

P.O. Box 17038, Fresno, California 93744, Phone (559) 233-1475, Fax (559) 486-4119