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L.Q. DANG, FRANK FEDEREAU, ALAN NORMANDY,
11 TODD NIELSEN, THE CALGUNS FOUNDATION,
FIREARMS POLICY COALITION,
12 FIREARMS POLICY FOUNDATION,
and SECOND AMENDMENT FOUNDATION

13 UNITED STATES DISTRICT COURT

14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 WILLIAM WIESE, et al.,

16 Plaintiffs,

17 vs.

18 XAVIER BECERRA, in his official capacity as
19 Attorney General of California, et al.,

20 Defendants.

Case No. 2:17-cv-00903-WBS-KJN

**STIPULATION AND [PROPOSED] ORDER RE
CONTINUANCE OF HEARING AND
REPLY/OPPPOSITION DATES ON
DEFENDANTS' MOTION TO DISMISS;
DECLARATION OF GEORGE M. LEE**

Date: November 6, 2017

Time: 1:30 p.m.

Courtm. 5

Judge: Sr. Judge William B. Shubb

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1 Plaintiffs William Wiese, Jeremiah Morris, Lance Cowley, Sherman Macaston, Frank
2 Federeau, Alan Normandy, Todd Nielsen, the Calguns Foundation, Firearms Policy Coalition,
3 Firearms Policy Foundation, and Second Amendment Foundation (collectively, “Plaintiffs”), and
4 Defendants Attorney General Xavier Becerra, in his official capacity, and Bureau of Firearms
5 Chief Stephen Lindley (collectively, “Defendants,” and together with Plaintiffs, the “Parties”),
6 by and through their respective counsel, hereby stipulate and agree as follows:

7 WHEREAS, on August 16, 2017, Plaintiffs filed their Second Amended Complaint for
8 Declaratory and Injunctive Relief, ECF No. 59;

9 WHEREAS, on September 27, 2017, Defendants filed their Motion to Dismiss Second
10 Amended Complaint, ECF No. 61;

11 WHEREAS, Plaintiffs opposition currently is due on October 28, 2017, Defendants’
12 reply is due on October 25, 2017, and the motion hearing is set for November 6, 2017, ECF No.
13 60;

14 WHEREAS, as set forth in the accompanying Declaration of George M. Lee, due to the
15 loss of his home and home office to fire in Sonoma County, lead counsel for Plaintiffs is unable
16 to meet the current deadlines;

17 WHEREAS, the Parties agree that Plaintiffs opposition should be extended fourteen (14)
18 days to and including November 1, 2017, Defendants’ reply should be set for seven (7) days later
19 to and including November 8, 2017, and the motion hearing should be set for November 20,
20 2017, or as soon thereafter as is convenient for the Court;

21 THEREFORE, in consideration of the foregoing, it is hereby stipulated that: Plaintiffs
22 opposition is now due November 1, 2017, Defendants’ reply is due November 8, 2017, and the
23 motion hearing is set for November 20, 2017, or as soon thereafter as is convenient for the Court.
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Attorneys at Law

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Dated: October 10, 2017

SEILER EPSTEIN ZIEGLER & APPELATE LLP

/s/ George M. Lee
GEORGE M. LEE
Attorneys for Plaintiffs

Dated: October 10, 2017

XAVIER BECERRA
Attorney General of California
TAMAR PACHTER
Supervising Deputy Attorney General

/s/ Alexandra Robert Gordon
ALEXANDRA ROBERT GORDON
Deputy Attorney General
Attorneys for Defendants

ORDER

HAVING CONSIDERED THE STIPULATION OF THE PARTIES, AND GOOD CAUSE APPEARING, **IT IS SO ORDERED:**

Hearing on Defendants’ Motion to Dismiss shall now be held on **November 20, 2017** at 1:30 p.m.

The opposition to Defendants’ Motion to Dismiss shall be filed on or before **November 1, 2017**.

Any reply in Support of Defendants’ Motion to Dismiss shall be filed on or before **November 8, 2017**.

Dated: _____

Hon. William B. Shubb
SR. UNITED STATES DISTRICT JUDGE

DECLARATION OF GEORGE M. LEE

I, George M. Lee, declare as follows:

1. I am an attorney at law, duly licensed to practice law in this state, and to appear before the courts of this state and in this United States District Court. I am lead counsel of record for plaintiffs William Wiese, et al. (“plaintiffs”) in the above-entitled action. I have personal knowledge of the facts stated herein, and if called as a witness, could competently testify thereto.

2. This declaration is made in support of plaintiffs’ unopposed request for a two-week continuance of the hearing date on defendants’ Motion to Dismiss Second Amended Complaint Pursuant to Fed. Rule of Civ. Pro 12(b)(6) (“Motion to Dismiss”) and remaining briefing schedule.

■ ■ ■

3. My family and I are proud and now necessarily resilient residents of the County of Sonoma, California. On the morning of October 9, 2017, at 1:00 a.m., we were awakened by the Sonoma County Sheriff’s Department and advised that we had five minutes to evacuate the area due to the advance of the wildfires rapidly spreading from Calistoga. We were able to get our family, dogs, and a neighbor out safely, but left with not much else. We left behind a cat, and almost all of our possessions. I was able to see the neighborhood in flames from my rear view mirror on the way out. This morning, a Sonoma County Deputy Sheriff, who is a friend, went by our house and confirmed that it is completely burned to the ground.

4. I am the primary attorney who will be drafting the opposition to the Motion to Dismiss. Owing to the extreme disruption in our lives, however, I have been and will be unable to return to the office this week to work on the opposition. In addition, I left behind in our home my research file for this matter, along with my research notes relating to the Motion to Dismiss. My co-counsel in this matter, Raymond DiGuseppe, will be travelling and away from his office next week, when plaintiffs’ opposition to the Motion to Dismiss would otherwise be due.

5. Accordingly, and under the foregoing circumstances, today I called Deputy

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1 Attorney General Alexandra Robert Gordon, counsel for defendants, to ask for a stipulation to a
2 brief continuance (of two weeks) for the hearing date, and remaining briefing (opposition and
3 reply dates) relating to the Motion to Dismiss. Of course, Ms. Gordon did not hesitate in
4 agreeing to this request.

5 6. Therefore, and under these circumstances, I am respectfully requesting a two-
6 week continuance of the hearing of the Motion to Dismiss (currently scheduled for November 6,
7 2017) and the opposition and reply dates (currently October 18 and 25 respectively). As Ms.
8 Gordon and I discussed our telephone call today, there are no discovery or other proceedings that
9 are tied to the date of the hearing on the Motion to Dismiss, and we do not believe that any party
10 would be prejudiced by this brief continuance being requested.

11 I declare under penalty of perjury that the foregoing is true and correct.

12 Dated: October 10, 2017

/s/ _____

George M. Lee

SEILER EPSTEIN ZIEGLER & APPEGATE LLP
Attorney for Plaintiffs

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