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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM WIESE, an individual;
JEERMIAH MORRIS, an
individual; LANCE COWLEY, an
individual; SHERMAN MACASTON,
an individual; CLIFFORD
FLORES, individually and as
trustee of the Flores Family
Trust; L.Q. DANG, an
individual; FRANK FEDEREAU,
an individual; ALAN NORMANDY,
an individual; TODD NIELSEN,
an individual; THE CALGUNS
FOUNDATION; FIREARMS POLICY
COALITION; FIREARMS POLICY
FOUNDATION; and SECOND
AMENDMENT FOUNDATION,

Plaintiffs,

v.

XAVIER BECERRA, in his
official capacity as Attorney
General of California; and
MARTHA SUPERNOR, in her
official capacity as Acting
Chief of the Department of
Justice Bureau of Firearms,

Defendants.

No. 2:17-cv-903 WBS KJN

ORDER


1 In light of the fact that the parties have not engaged
2 in any discovery in this case, and considering the Declaration of
3 Robert L. Meyerhoff regarding what discovery plaintiffs wish to
4 conduct and why, defendants' request to conduct discovery in
5 order to respond to plaintiff's motion for summary judgment
6 (Docket Nos. 125-1, 129) is GRANTED pursuant to Federal Rule of
7 Civil Procedure 56(d). See, e.g., Burlington N. Santa Fe R.R.
8 Co. v. Assiniboine & Sioux Tribes of Fort Peck Rsrv., 323 F.3d
9 767, 773 (9th Cir. 2003) (Rule 56(d) requests should granted
10 "fairly freely" where a party has not had "a realistic
11 opportunity to pursue discovery relating to its theory of the
12 case.").

13 Defendants may depose L.Q. Dang, Frank Federau,
14 Clifford W. Flores, Alan Gottlieb, Gene Hoffman, Sherman
15 Macaston, Jeremiah Morris, Todd Nielsen, Alan Normandy, Jeff
16 Silvester, William Wiese, D. Allen Youngman, and James Curcuruto.
17 Such depositions shall be completed by **July 28, 2023**.

18 Defendants shall file their amended opposition to
19 plaintiffs' motion for summary judgment and amended cross motion
20 for summary judgment by **August 18, 2023**. Plaintiffs shall file
21 their amended reply and amended opposition to the cross motion by
22 **September 8, 2023**. Defendants shall file their amended reply in
23 support of the cross motion by **October 2, 2023**. The hearing on
24 the parties' cross motions for summary judgment currently set for
25 July 11, 2023 is RESET for **October 30, 2023** at 1:30 p.m.

26 IT IS SO ORDERED.

27 Dated: June 27, 2023

28 
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE