

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

**SHERIFF CLAY PARKER, TEHAMA
COUNTY SHERIFF; HERB BAUER
SPORTING GOODS; CALIFORNIA RIFLE
AND PISTOL ASSOCIATION
FOUNDATION; ABLE'S SPORTING, INC.;
RTG SPORTING COLLECTIBLES, LLC;
AND STEVEN STONECIPHER,**

Case No. S215265

Plaintiffs and Respondents,

v.

**THE STATE OF CALIFORNIA; KAMALA
D. HARRIS, in her official capacity as
Attorney General for the State of California;
AND THE CALIFORNIA DEPARTMENT
OF JUSTICE,**

Defendants and Appellants.

Fifth Appellate District, Case Nos. F062490, F062079
Fresno County Superior Court, Case No. 10CECG02116
The Honorable Jeffrey Y. Hamilton, Judge

**APPLICATION FOR EXTENSION OF TIME TO ANSWER
AMICUS CURIAE BRIEF OF THE NATIONAL SHOOTING
SPORTS FOUNDATION, INC.; DECLARATION OF CLINTON B.
MONFORT**

C. D. Michel - S.B.N. 144258
Clinton B. Monfort - S.B.N. 255609
Anna M. Barvir - S.B.N. 268728
Michel & Associates, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: 562-216-4444
Facsimile: 562-216-4445
E-mail: cmichel@michellawyers.com
Attorneys for Plaintiffs/Respondents

**TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF
JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF
THE CALIFORNIA SUPREME COURT:**

Pursuant to California Rules of Court, Rules 8.520(a)(5), 8.520(f)(7), 8.60, and 8.63, Plaintiffs and Respondents Sheriff Clay Parker, Herb Bauer Sporting Goods, California Rifle and Pistol Associate, Able's Sporting, Inc., RTG Sporting Collectibles, LLC, and Steven Stonecipher ("Respondents"), through their attorneys of record, hereby request that the deadline for Respondents to file an answer to the amicus curiae brief filed by National Shooting Sports Foundation, Inc. ("NSSF") be extended by 15-days. This application is based on the declaration of Clinton B. Monfort attached hereto.

On November 6, 2014, four amicus curiae briefs in support of Respondents were filed. Pursuant to California Rules of Court 8.520(f)(7), an answer to an amicus curiae brief or a consolidated answer to multiple amicus curiae briefs are due on or before December 8, 2014. Monfort Decl. ¶ 2.

On November 25, 2014, counsel for Appellants contacted lead counsel for Respondents, regarding Appellants' need for additional time to file a consolidated answer to the amicus curiae briefs. Monfort Decl. ¶ 3. Respondents' counsel stated that it was considering filing an answer to an amicus curiae brief, and that Respondents did not object to an extension if

the deadline is extended for both parties. Monfort Decl. ¶ 3. Respondents now intend to file an answer to the NSSF amicus curiae brief. Monfort Decl. ¶ 4.

The next day, on November 26, 2014, Appellants filed an application for a 15-day extension of time to answer amicus briefs, wherein it indicated that Respondents did not oppose the extension request and would like an order applicable to all parties. Monfort Decl. ¶ 5. To clarify Respondents' position, Respondents do not oppose Appellants' application so long as the deadline is extended for *both* parties. Monfort Decl. ¶ 6.

For good cause, and not for reason of delay, Respondents request an additional 15 days to file an answer to NSSF's amicus curiae brief. Monfort Decl. ¶ 7. Respondents have not sought or received any extensions of time to file an answer to the amicus curiae briefs. Monfort Decl. ¶ 8. Counsel for Appellants have indicated they do not oppose this application. Monfort Decl. ¶ 9. Pursuant to California Rules of Court, Rule 8.63(b), good cause for this request for an extension exists for the reasons summarized below.

During the week of December 8, 2014, the calendar of Respondents' counsel is filled with significant and inflexible filing deadlines. Not including the deadline to file an answer to NSSF's amicus curiae brief in this case, Respondents' counsel face the following deadlines:

- Thursday, December 11 - Deadline to file an amicus curiae

brief in the United States Supreme Court case, *United States v. Henderson*, No. 13-1487, Monfort Decl. ¶ 10; and

- Friday, December 12 - Deadline to file a petition for writ of certiorari in the United States Supreme Court asking it to review the Ninth Circuit decision in *Jackson v. City and County of San Francisco*, No. 12-17803, Monfort Decl. ¶ 11.

And the weeks following December 12, 2014, are also filled with significant deadlines:

- Friday, December 19 - Deadline to file all dispositive motions in the United States District Court for the Eastern District of California case, *Bauer v. Harris*, No. 1:11-cv-01440, Monfort Decl. ¶ 12;
- Wednesday, December 24 - Deadline to file an amicus curiae brief in the Tenth Circuit case, *Colorado Outfitters Ass'n v. Hickenlooper*, No. 14-1292, Monfort Decl. ¶ 13; and
- Friday, December 26 - Deadline to file an amicus curiae brief in support of en banc review of the Ninth Circuit case, *Enos v. Holder*, No. 12-15498, Monfort Decl. ¶ 14.

Because of the proximity of these deadlines, Respondents' counsel must work on the filings simultaneously. Monfort Decl. ¶ 15. A significant amount of preparation, research, and time is necessary for the drafting of each document due to the level of briefing and the subject matter of each filing. Monfort Decl. ¶ 15.

The above reasons preclude Respondents' counsel from filing an answer to NSSF's amicus curiae brief by the current expected deadline of December 8, 2014, without significantly impairing its quality. Monfort

Decl. ¶ 16. An extension of time will serve the policy favoring adequate time to prepare briefs and documents “that fully advance the parties’ interests,” and are “accurate, clear, concise, and complete submissions that assist the courts.” Cal. Rules of Court, Rule 8.63(a)(2).

Pursuant to California Rules of Court, Rule 8.60(f)(1), a copy of this application has been delivered to Respondents. Monfort Decl. ¶ 17.

Dated: December 1, 2014

MICHEL & ASSOCIATES, P.C.

By: 

Clinton B. Monfort
Attorney for Respondents

DECLARATION OF CLINTON B. MONFORT

I, Clinton B. Monfort, declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of California. I am an associate attorney of the law firm Michel & Associates, P.C., and lead counsel for Respondents Sheriff Clay Parker, Herb Bauer Sporting Goods, California Rifle and Pistol Association, Able's Sporting Inc., RTG Sporting Collectibles, LLC, and Steven Stonecipher, in this action. I have personal knowledge of each fact stated in this declaration and if called as a witness I could and would competently testify thereto.

2. Pursuant to California Rules of Court 8.520(f)(7), an answer to an amicus curiae brief or a consolidated answer to multiple amicus curiae briefs are due on or before December 8, 2014.

3. On November 25, 2014, Ross Moody, counsel for Appellants contacted me regarding Appellants' need for additional time to file a consolidated answer to the amicus curiae briefs. I informed him that Respondents were considering filing an answer to an amicus curiae brief, and that Respondents did not object to an extension if the deadline is extended for both parties.

4. Respondents intend to file an answer to the NSSF amicus curiae brief.

5. On November 26, 2014, Appellants filed an application for a 15-day extension of time to answer amicus briefs, wherein it indicated that Respondents did not oppose the extension request and would like an order applicable to all parties.

6. Respondents do not oppose Appellants' application so long as the deadline is extended for *both* parties.

7. For good cause, and not for reason of delay, Respondents request an additional 15 days to file an answer to NSSF's amicus curiae brief.

8. Respondents have not sought or received any extensions of time to file an answer to the amicus curiae briefs.

9. On November 25, 2014, counsel informed me he would not oppose extending the deadline by 15 days for both parties to answer the amicus curiae briefs.

10. Thursday, December 11, 2014, is the deadline to file an amicus curiae brief in the United States Supreme Court case, *United States v. Henderson*, No. 13-1487.

11. Friday, December 12, 2014, is the deadline to file a petition for writ of certiorari in the United States Supreme Court asking it to review the Ninth Circuit decision in *Jackson v. City and County of San Francisco*,

No. 12-17803.

12. Friday, December 19, 2014 is the deadline to file all dispositive motions in the United States District Court for the Eastern District of California case, *Bauer v. Harris*, No. 1:11-cv-01440.

13. Wednesday, December 24, 2014, is the deadline to file an amicus curiae brief in the Tenth Circuit case, *Colorado Outfitters Ass'n v. Hickenlooper*, No. 14-1292.

14. Friday, December 26, 2014, is the deadline to file an amicus curiae brief in support of en banc review of the Ninth Circuit case, *Enos v. Holder*, No. 12-15498.

15. I am currently working on the all calendared filings simultaneously. Each document requires a significant amount of preparation, research, and time to draft due to the level of briefing and the subject matter of each filing.

16. The above reasons preclude Respondents from filing an answer to NSSF's amicus curiae brief by the current expected deadline of December 8, 2014, without significantly impairing its quality.

17. Pursuant to California Rules of Court, Rule 8.60(f)(1), I certify a copy of this application has been delivered to Respondents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed on December 1, 2014, in Long Beach California.



Clinton B. Monfort
Declarant

DECLARATION OF SERVICE

Case: *Parker, et al., v. State of California, et al.*

No.: S215265

I, Clinton B. Monfort, 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, CA 90802.

On December 1, 2014, I served the attached **APPLICATION AND DECLARATION OF GOOD CAUSE FOR EXTENSION OF TIME TO ANSWER AMICUS BRIEF OF NATIONAL SHOOTING SPORTS FOUNDATION, INC.**, on the interested parties in this action by placing a true and correct copy thereof enclosed in sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

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, CA, 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.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed on December 1, 2014, at Long Beach, California.



CLINTON B. MONFORT

SERVICE LIST

Case: *Parker, et al., v. State of California, et al.*

No.: S215265

Kamala Harris, Attorney General
Mark Beckington, Deputy Attorney
General

Ross Moody, Deputy Attorney General
Office of the Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004

*Attorneys for
Defendants/Appellants*

Robert C. Wright
Andrew E. Schouten
Wright, L'estrange, & Ergastolo
402 W. Broadway, Suite 1800
San Diego, CA 92101

*Attorneys for Amicus Curiae
National Shooting Sports
Foundation, Inc.*

Bruce Edward Colodny
Attorney at Law
P.O. Box 10787
San Bernardino, CA 92423-0787

*Attorney for Amicus Curiae
FFLGuard and Gun Owners
of California, Inc.*

H. Thomas Watson
Horvitz & Levy, LLP
15760 Ventura Blvd., 18th Floor
Encino, CA 91436-3000

*Attorney for Amicus Curiae
National Rifle Association,
Inc.*

Attn: S. Haley
Haley & Bilheimer
315 Coyote Street, Suite A
Nevada City, CA 95959

*Attorney for Amicus Curiae
Western States Sheriff's
Association, Law Enforcement
Alliance of America,
International Law Enforcement
Educators and Trainers
Association, Law Enforcement
Legal Defense Fund, Law
Enforcement Action Network,
California Reserve Peace
Officers Association, and
Twenty-One Individual
California County Sheriffs*