

CALIFORNIA SUPREME COURT

---

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

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 Appellant.

Case No. S215265

SUPREME COURT  
**FILED**

DEC 24 2013

Frank A. McGuire Clerk  
\_\_\_\_\_  
Deputy

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

**RESPONDENTS' UNOPPOSED REQUEST FOR EXTENSION OF TIME  
TO FILE ANSWER TO PETITION FOR REVIEW**

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  
Email: CMichel@michellawyers.com

**Attorneys for Plaintiffs/Respondents**

Plaintiffs and Respondents Sheriff Clay Parker, Tehama County Sheriff, Herb Bauer Sporting Goods, California Rifle and Pistol Association, Able's Sporting, Inc., RTG Sporting Collectibles, LLC., and Steven Stonecipher ("Respondents"), through their attorneys of record hereby request an extension of time for Respondents to file Respondents' Answer to Appellants' Petition for Review pursuant to California Rules of Court, Rule 8.500(e). This application is based on the declaration of Anna M. Barvir, attached hereto.

Respondents' Answer is presently scheduled to be filed on or before January 6, 2014, following Appellants' December 16, 2013 filing of their Petition for Review. (Barvir Decl., ¶ 2.) Respondents hereby request an additional fourteen (14) days to file Respondents' Answer, and Appellants have indicated that they do not oppose this request. (Barvir Decl., ¶¶ 8-9.) Respondents thus request this Court grant an order to that effect. If approved by the Court, Respondents' Answer shall be due on or before January 20, 2014.

Good cause for this extension exists for the reasons summarized here and attested to in the declaration of Anna M. Barvir attached hereto.

First, Respondents' counsel has been, since the filing of Appellants' Petition, been working full-time on a dispositive motion in two complex constitutional challenges in federal court under set deadlines for filing and hearing. (Barvir Decl., ¶¶ 4-5.)

Respondents' counsel, in her multiple roles as litigator and local legislative and policy analyst, has also been heavily involved in local legislative matters for the past four

months. (Barvir Decl., ¶ 6.) Deadlines in these matters regularly arise with just a moment's notice, and Respondents' counsel anticipates that she will have to devote many hours to such matters in the coming weeks. (Barvir Decl., ¶ 6.)

Additionally, Appellants filed their Petition right before the Christmas and New Year's holidays. Like many offices, the office of Michel & Associates, P.C., is closed for several days or lightly staffed during these holidays – both of which fall between the date Appellants requested review and the current deadline for Respondents' Answer. (Barvir Decl., ¶ 7.)

These reasons preclude Respondents' counsel from filing Respondents' Answer to Appellants' Petition for Review by the current deadline of January 6, 2014, without significantly impairing its quality. An extension of time will serve the policy favoring adequate time to prepare briefs “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).).

Dated: December 24, 2013

**MICHEL & ASSOCIATES, P.C.**

By: \_\_\_\_\_

Anna M Barvir

Attorney for Plaintiffs/Respondents

Sheriff Clay Parker, Tehama County Sheriff,  
Herb Bauer Sporting Goods, California Rifle  
And Pistol Association, Able's Sporting, Inc.,  
RTG Sporting Collectibles, LLC., and Steven  
Stonecipher

## DECLARATION OF ANNA M. BARVIR

1. I am an attorney licensed to practice in the State of California and am an associate at the law firm Michel & Associates, P.C., counsel for Respondents in this action.

2. Respondents' Answer to Appellants' Petition for Review in this appeal is currently due on or before January 6, 2014.

3. I am the attorney primarily responsible for researching and drafting Respondents' Answer to Appellants' Petition for Review. While I have completed my review of Appellants' petition, I am requesting additional time to file Respondents' Answer to Appellants' Petition for Review in good faith, for the reasons below.

4. I have been substantially and primarily involved in the research and drafting of a substantive motion and supporting brief, under set deadlines, in *San Francisco Veteran Police Officers Association v. City and County of San Francisco* (N.D. Cal. No. CV 13-05351). This federal case raises novel and critically important issues of constitutional law, involving a local government conflict with the Second Amendment to the United States Constitution. This case has taken up the bulk of my time since Appellants filed their Petition for Review on December 16, 2013.

5. I have also been heavily involved in the research and drafting of a complaint and substantive motion and brief, under set deadlines, in *Fyock v. City of Sunnyvale* (No. CV 13-05807). This federal case too raises novel and critically important

issues of constitutional law, involving a local government conflict with the Second Amendment to the United States Constitution. This case has taken up the bulk of my time since Appellants filed their Petition for Review on December 16, 2013.

6. In addition to my role as a litigator, I am responsible for local legislative and policy analysis and regularly must weigh in on firearms laws pending before various California cities. This area of my practice has been particularly busy for the last four months. Deadlines in these matters regularly arise with just a moment's notice, and I anticipate that I will have to devote many hours to such matters in the coming weeks.

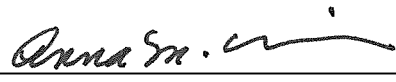
7. Further, Appellants filed their Petition for Review right before the Christmas and New Year's holidays. Like many offices, the office of Michel & Associates, P.C., is closed for several days or lightly staffed during these holidays – both of which fall between the date Appellants requested review and the current deadline for Respondents' Answer. This period coincides directly with when we would normally be devoting numerous hours to research for and drafting of an Answer.

8. I recognize the Court's current schedule and the necessity of handling cases in a timely manner. However, in light of the circumstances and the lack of any prior extensions requested by or granted to our office in this matter, Respondents request a short extension of 14 days.

9. On or about December 23, 2013, I received an email from Mr. Ross Moody, Appellants' counsel of record, indicating that Appellants have no objection to Respondents' request for a 14-day extension of time.

10. This application is made in good faith and not for the purpose of delay.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 24, 2013, at Long Beach, California.

  
\_\_\_\_\_  
Anna M. Barvir

## 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, CA 90802.

On December 23, 2013, I served the foregoing document(s) described as:

### **RESPONDENTS' UNOPPOSED REQUEST FOR EXTENSION OF TIME TO FILE ANSWER TO PETITION FOR REVIEW**

on the interested parties in this action by placing

[ ] the original

[X] a true and correct copy

thereof enclosed in sealed envelope(s) addressed as follows:

SEE ATTACHED "SERVICE LIST"

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 December 23, 2013, 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. Executed on December 23, 2013, at Long Beach, California.

---

CLAUDIA AYALA

## SERVICE LIST

*SHERIFF CLAY PARKER ET AL. v. STATE OF CALIFORNIA ET AL.*  
CASE NO. S215265

Kamala D. Harris	Attorney for Defendants/Appellants
Attorney General of California	
Peter A. Krause, Deputy Attorney General	
Ross Moody, Deputy Attorney General	
1300 I Street, Suite 125	
Sacramento, CA 94244-2550	

California Court of Appeal	California Court of Appeal
Fifth District Court of Appeal	
2424 Ventura Street	
Fresno, CA 93721	