

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

SHERIFF CLAY PARKER, et al.,

Plaintiffs and Respondents,

v.

THE STATE OF CALIFORNIA, et al.,

Defendants and Appellants.

Case No. F062490

COURT OF APPEAL
FIFTH APPELLATE DISTRICT
FILED

DEC 13 2011

By _____ Deputy

Fresno County Superior Court, Case No. 10CECG02116
The Honorable Jeff Hamilton, Judge

**STIPULATION FOR FOURTH EXTENSION OF TIME TO
FILE BRIEF PURSUANT TO RULES OF COURT, RULE
8.212(B)**

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California, Kamala Harris, and the
California Department of Justice*

Defendants and Appellants the State of California, Kamala Harris in her official capacity as Attorney General of California, and the California Department of Justice (“the State Defendants”), through their attorney of record, and 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, through their attorneys of record, hereby stipulate for an extension of time for the State Defendants to file Appellants’ Opening Brief and Appendix pursuant to California Rules of Court, Rule 8.212(b)(3(B)) which provides that good cause must be shown for an extension after the parties have stipulated to a 60 day extension.

The State Defendants Appellants’ Opening Brief and Appendix is scheduled to be filed on or before December 12, 2011 following three extensions of time. No Rule 8.220 Notice has been sent by the Court. Appellants and Respondents stipulate that the State Defendants shall have an additional 50 days to file Appellants’ Opening Brief and Appendix, and request that this Court grant an order to that effect. If approved by the Court, the Opening Brief and Appendix in this appeal shall be filed by the State Defendants on or before January 31, 2012.

Good cause exists for this additional extension. Although the trial court issued a tentative decision and heard argument on Respondents’ attorneys’ fee motion below, the court has yet to issue a final ruling on it. Moreover, following the initial hearing on the fee motion, the trial court permitted the filing of additional evidence on the fee issue and set the matter for an additional hearing on January 18, 2012. The parties expect that the fee issue will be resolved following the January hearing. The party which loses on the fee motion is very likely to appeal the ruling. The same record and factual predicate in the current appeal will be considered and analyzed in the appeal of the fee issue. Granting the extension of time will

permit the parties to brief all issues which arise out of this case in a single round of briefing, with a single joint-appendix, thus promoting judicial economy and conserving judicial resources. IT IS SO STIPULATED.

Dated: December 9, 2011

KAMALA D. HARRIS
Attorney General of California

By: Ross C. Moody / djp
ROSS C. MOODY
Deputy Attorney General
*Attorneys for Appellants State of
California, Kamala Harris, and the
California Department of Justice*

Dated: December 9, 2011

MICHEL AND ASSOCIATES, P.C.

By: C. D. Michel
C. D. MICHEL
Attorney At Law
*Attorneys for 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*

IT IS SO ORDERED

HILL, P.J.

NO FURTHER EXTENSIONS OF TIME
WILL BE GRANTED, ABSENT PROOF
OF EXCEPTIONAL CIRCUMSTANCES

I, Ross C. Moody, Deputy Attorney General, certify that I have caused a copy of this Stipulation to be served upon my clients the State of California, Kamala Harris in her official capacity as Attorney General of California, and the California Department of Justice.

Dated: December 9, 2011

By: Ross C. Moody / djp
ROSS C. MOODY

I, C. D. Michel, attorney at law, certify that I have caused a copy of this Stipulation to be served upon my clients 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 .

Dated: December 9, 2011

By: C. D. Michel
C. D. MICHEL

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Sheriff Clay Parker, et al. v. The State of California*

No.: **F062490**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On December 9, 2011, I served the attached

**STIPULATION FOR FOURTH EXTENSION OF TIME TO FILE BRIEF PURSUANT
TO RULES OF COURT, RULE 8.212(B)**

by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Carl Dawson Michel
Attorney at Law
Trutanich & Michel LLP
180 East Ocean Blvd., Ste. 200
Long Beach, CA 90802
(Attorney for Respondents)

County of Fresno
Civil Division - B.F. Sisk Courthouse
Superior Court of California
B.F. Sisk Courthouse
1130 O Street
Fresno, CA 93721-2220

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 9, 2011, at San Francisco, California.

A. Bermudez
Declarant

A. Bermudez
Signature

**Carl Dawson Michel Esq.
Trutanich & Michel LLP
180 East Ocean Blvd., Ste. 200
Long Beach, CA 90802**

F062490