

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

PARKER, et al.,

Plaintiffs and Respondents,

Case No. F062490

v.

THE STATE OF CALIFORNIA, et al.,

Defendants and Appellants.

COURT OF APPEAL
FIFTH APPELLATE DISTRICT
FILED

OCT 26 2011

By _____ Deputy

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

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

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*Attorneys for Appellants State of
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 October 27, 2011 following two 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 45 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 shall be filed by the State Defendants on or before December 12, 2011. The Opening Brief in the companion appeal in F062709 is currently also due on October 27, 2011, and will be extended by stipulation to December 12 as well.

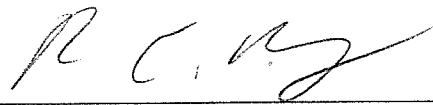
Good cause for this additional extension is supported by two reasons. First, the trial court has heard argument on Respondents' attorneys' fee motion below, but has yet to issue a ruling on it. The party which loses on the fee motion is very likely to appeal the ruling, and it will conserve judicial resources to have that issue settled before the first brief is filed herein. Second, on October 19, 2011, the Supreme Court set oral argument in *California Redevelopment Association v. Matosantos* (S194861) for November 10, 2011. Appellants' counsel will be arguing the case as lead

counsel for the State Defendants therein, and the 21-day period between notice and the argument will require adjustment of priorities to allow for appropriate preparation.

IT IS SO STIPULATED.


Dated: October 25, 2011

KAMALA D. HARRIS
Attorney General of California

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

Dated: October 25, 2011

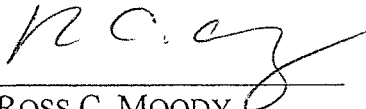
MICHEL AND ASSOCIATES, P.C.

By: 
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.

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: October 25, 2011

By: 
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: October 25, 2011

By: 
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, et al.**

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 that same day in the ordinary course of business.

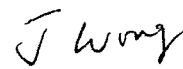
On October 25, 2011, I served the attached **STIPULATION FOR THIRD EXTENSION OF TIME TO FILE BRIEF PURSUANT TO RULES OF COURT, RULE 8.212(B)** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney 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 October 25, 2011, at San Francisco, California.

J. Wong
Declarant


Signature