

1 On September 17, 2010, DEFENDANTS STEVE LINDLEY, THE STATE OF CALIFORNIA,
2 and the CALIFORNIA DEPARTMENT OF JUSTICE, filed the Notice of Motion and Motion of
3 Defendants to Dismiss the Complaint or, in the Alternative, to Stay the Action (hereinafter referred to as
4 “Defendants’ P&As”). In that motion, Defendants asked that if the Court does not dismiss the
5 Complaint in its entirety, it should stay this action pending resolution of *Parker v. State of California, et*
6 *al.*, Superior Court of California, Fresno, Case no 10CECG02116 (June 17, 2010). Specifically,
7 Defendants argued that:

8 Plaintiffs will not be prejudiced by a stay pending a decision in *Parker* because the case is
9 at issue, a preliminary injunction motion is already set for hearing on October 28, 2010,
10 and a motion for summary judgment is calendared for December 16, 2010. Hence, the
11 proceedings should be concluded almost two months before the law challenged here will
12 go into effect.

11 (Defendants’ P&As, p. 17.)

12 On November 17, 2010, Plaintiffs’ Motion for Preliminary Injunction was withdrawn by
13 Plaintiffs. Instead, an expedited hearing on Plaintiffs’ Motion for Summary Judgment, along with a
14 preferential trial date, was set for January 18, 2011. (Michel Decl. ¶3.)

15 Under these circumstances, *at best*, *Parker v. State of California, et al.* will be concluded just
16 days before the challenged law will go into effect on February 1, 2011.

17 Dated: November 19, 2010

DAVIS & ASSOCIATES

18
19 s/ Jason A. Davis
20 Jason A. Davis
21 Attorney for Plaintiffs Owner-Operator Independent Drivers
22 Association, Inc., Erik Royce, Brandon Elias, Folsom
23 Shooting Club, Inc., and The Calguns Foundation, Inc.

24 Dated: November 19, 2010

MICHEL & ASSOCIATES, P.C.

25 s/ C. D. Michel
26 C. D. Michel
27 Attorney for Plaintiff National Rifle Association, Inc.
28

DECLARATION OF C. D. MICHEL

I, C. D. Michel, declare as follows:

1. I am an attorney at law duly licensed to practice in the State of California. I am admitted to practice in the United States District Court for the Eastern District of California. I am a Partner at Michel & Associates, P. C. I am counsel for National Rifle Association in this matter. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto.

2. I am also counsel for Plaintiffs in *Parker v. State of California, et al.*, Superior Court of California, Fresno, Case no 10CECG02116 (June 19, 2010). The Complaint in the *Parker* case is the subject of a Request for Judicial Notice filed concurrently with the Notice of Motion and Motion of Defendants to Dismiss the Complaint or, in the Alternative, to Stay the Action, in this case.

3. In the *Parker* case, Plaintiffs had a Motion for Preliminary Injunction hearing scheduled for November 17, 2010. That motion was withdrawn on November 17, 2010. Instead, the hearing on Plaintiffs' Motion for Summary Judgment in *Parker* was continued to January 18, 2011, and an expedited bench trial is now set for the same day.

4. On November 18, 2010, I advertently notified this Court that the hearing on Plaintiffs' Motion for Summary Judgment in *Parker* was continued to January 17, 2011, and an expedited bench trial was set for that same day. As stated in Paragraph 3 of this Declaration, the correct date is January 18, 2010.

I file this Revised Notice of Ruling to clarify that the correct date is January 18, 2010.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 19, 2010, at Long Beach, California.

/s/ C. D. Michel

C. D. Michel

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA
3 SACRAMENTO DIVISION
4

5 OWNER-OPERATOR INDEPENDENT DRIVERS) Case No.: 10-CV-02010-MCE-KJM
6 ASSOCIATION, INC., ERIK ROYCE, BRANDON)
7 ELIAS, FOLSOM SHOOTING CLUB, INC., THE) CERTIFICATE OF SERVICE
8 CALGUNS FOUNDATION, INC., and NATIONAL)
9 RIFLE ASSOCIATION, INC.,)
10 Plaintiffs,)
11 vs.)
12 STEVE LINDLEY; THE STATE OF CALIFORNIA;)
13 THE CALIFORNIA DEPARTMENT OF JUSTICE;)
14 DOES 1-10)
15 Defendants.)

16 IT IS HEREBY CERTIFIED THAT:

17 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My
18 business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

19 I am not a party to the above-entitled action. I have caused service of:

20 **REVISED NOTICE OF RULING AND DECLARATION OF C. D. MICHEL**

21 on the following party by electronically filing the foregoing with the Clerk of the District Court using its
22 ECF System, which electronically notifies them.

23 EDMUND G. BROWN JR., Attorney General Telephone: (916) 324-5328
24 ZACKERY P. MORAZZINI, Supervising Deputy Fax: (916) 324-8835
25 Attorney General E-mail: Peter.Krause@doj.ca.gov
26 PETER A. KRAUSE, Deputy Attorney General
27 1300 I Street, Suite 125
28 P.O. Box 944255
Sacramento, CA 94244-2550

29 I declare under penalty of perjury that the foregoing is true and correct. Executed on November
30 19, 2010.

31 /s/ C. D. Michel
32 C. D. Michel
33 Attorney for Plaintiff
34 National Rifle Association, Inc.