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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RICHARD ENOS, JEFF BASTASINI,  
LOUIE MERCADO, WALTER GROVES,  
MANUEL MONTEIRO, EDWARD  
ERIKSON, and VERNON NEWMAN,,

Plaintiffs,

vs.

ERIC HOLDER, as United States Attorney  
General, and ROBERT MUELLER, III, as  
Director of the Federal Bureau of  
Investigation,

Defendants.

Case No.: 2:10-CV-02911-JAM-EFB

STIPULATION and ORDER:  
CONTINUANCE AND SETTING OF  
DISPOSITIVE MOTIONS

Trial Date: Not Set

Pending Motions: Nov. 16, 2011  
(Def's FRCP 12)

TO THIS HONORABLE COURT:

1. All Plaintiffs are represented by the Law Offices of Donald Kilmer.
2. Defendants HOLDER and MUELLER are represented by Assistant United States Attorney Edward Olsen.
3. The parties hereby stipulate to the following preliminary facts:
  - a. Defendants have timely noticed a motion under FRCP 12(b)(1) and 12(b)(6) for November 16, 2011.
  - b. The parties have met and conferred on the status of the case and substance of Defendants' motion.

c. Plaintiffs had proposed that the matter proceed by way of cross-motions under FRCP 56. Plaintiffs still contend that the entire case can be disposed of by a motion for at least partial summary judgment on the issue of declaratory relief. (i.e., does the passage of time under the California statute restore firearms rights under federal law.)

4. To accommodate the schedules of counsel for the parties and to promote judicial economy, the parties hereby stipulate to the following:

a. Defendant's FRCP 12 motion is reset to December 14, 2011 at 9:30 a.m. in Courtroom 6, 14<sup>th</sup> Floor.

i. Plaintiffs' opposition shall be filed and served on November 30, 2011.

ii. Defendants' reply shall be filed and served on December 7, 2011.

b. Plaintiff's FRCP 56 cross-motion shall be heard on December 14, 2011 at 9:30 a.m. in Courtroom 6, 14<sup>th</sup> Floor.

i. Plaintiffs' motion and supporting documents shall be filed on or before November 9, 2011.

ii. Defendants' opposition shall be filed and served on November 30, 2011.

iii. Plaintiffs reply shall be filed and served on December 7, 2011.

**SO STIPULATED.**

Date: October 13, 2011

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/s/ Donald Kilmer

/s/ Edward Olsen

Donald Kilmer for Plaintiffs

Edward Olsen for Defendants

ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45  
AND LOCAL RULE VIII.B.

I, Donald Kilmer, declare under penalty of perjury under the laws of California and the United States that I have in my possession e-mail correspondence from Edward Olsen that the content of this document is acceptable to all persons required to sign the document. I declare that this document was signed in San Jose, CA on October 13, 2011.

/s/ Donald Kilmer

Donald Kilmer, for Plaintiffs

**SO ORDERED.**

Date:

\_\_\_\_\_  
United States District Judge