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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.

- 1 c. Plaintiffs had proposed that the matter proceed by way of cross-motions under
2 FRCP 56. Plaintiffs still contend that the entire case can be disposed of by a
3 motion for at least partial summary judgment on the issue of declaratory relief.
4 (i.e., does the passage of time under the California statute restore firearms rights
5 under federal law.)
- 6 4. To accommodate the schedules of counsel for the parties and to promote judicial
7 economy, the parties hereby stipulate to the following:
- 8 a. Defendant's FRCP 12 motion is reset to January 25, 2012 at 9:30 a.m. in
9 Courtroom 6, 14th Floor.
- 10 i. Plaintiffs' opposition shall be filed and served on January 11, 2012.
11 ii. Defendants' reply shall be filed and served on January 18, 2012.
- 12 b. Plaintiffs' FRCP 56 cross-motion shall be heard on January 25, 2012 at 9:30 a.m.
13 in Courtroom 6, 14th Floor.
- 14 i. Plaintiffs' motion and supporting documents shall be filed on or before
15 December 14, 2011.
- 16 ii. Defendants' opposition shall be filed and served on January 11, 2012.
17 iii. Plaintiffs' reply shall be filed and served on January 18, 2012.

18 **SO STIPULATED.**

19 Date: October 18, 2011

Date: October 18, 2011

20 /s/ Donald Kilmer

/s/ Edward Olsen

21 Donald Kilmer for Plaintiffs

Edward Olsen for Defendants

22
23 **ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45
AND LOCAL RULE VIII.B.**

24 I, Donald Kilmer, declare under penalty of perjury under the laws of California and the United
25 States that I have in my possession e-mail correspondence from Edward Olsen that the content of
26 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 18, 2011.

27 /s/ Donald Kilmer

28 Donald Kilmer, for Plaintiffs

1 **SO ORDERED.**

2 Date: 10/18/2011

3 /s/ John A. Mendez
4 United States District Court Judge
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