

15-15428

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**BARRY BAUER, STEPHEN
WARKENTIN, NICOLE FERRY,
LELAND ADLEY, JEFFREY HACKER,
NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC., CALIFORNIA RIFLE
AND PISTOL ASSOCIATION
FOUNDATION, HERB BAUER
SPORTING GOODS, INC.,**

Plaintiffs-Appellants,

v.

**KAMALA HARRIS, in Her Official
Capacity as Attorney General for the State
of California; STEPHEN LINDLEY, in His
Official Capacity as Acting Chief for the
California Department of Justice, and
DOES 1-10,**

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of California

No. 1:11-cv-01440-LJO-MJS
Honorable Lawrence J. O'Neill, Judge

**APPELLEES' UNOPPOSED MOTION TO
EXTEND TIME FOR FILING ANSWERING
BRIEF AND EXCERPTS OF RECORD**

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*Attorneys for Defendants-Appellees,
Kamala D. Harris and Stephen Lindley*

Pursuant to Federal Rule of Appellate Procedure 26(b) and Ninth Circuit Rule 31-2.2(b), Appellees Kamala D. Harris and Stephen Lindley respectfully move for a 32-day extension of time, to and including October 16, 2015, in which to file Appellees' answering brief and excerpts of record. Appellants consent to this extension of time.

By order entered on April 21, 2015, Appellees' answering brief and excerpts of record were due on August 14, 2015. Declaration of Anthony R. Hakl (Hakl Decl.) ¶ 3; Dkt. No. 5. On August 11, 2015, Appellees filed a Streamlined Request to Extend Time to File the Answering Brief to September 14, 2015, which the Court granted. Hakl Decl. ¶ 4; Dkt. Nos. 13, 14. Appellees have filed no other request to extend time. Hakl Decl. ¶ 5.

Deputy Attorney General Anthony R. Hakl has been the primary attorney assigned to handle this matter in the district court and on appeal and is deeply familiar with both the legal and factual aspects of this case. Hakl Decl. ¶ 6. The same circumstances exist with respect to two other appeals currently in the Ninth Circuit: *Italian Colors Restaurant v. Harris*, No. 15-15873 (9th Cir.) and *Peña v. Lindley*, No. 15-15449 (9th Cir.). *Id.* As lead counsel for appellant in the *Italian Colors Restaurant* matter, the undersigned recently completed and filed an opening brief on September 3,

2015. *Id.* And as lead counsel for appellees in the *Peña* matter, the undersigned currently has an opening brief due on September 21, 2015. *Id.* Thus, the purpose of the extension of time in the instance case is to provide lead counsel sufficient time to prepare the answering brief and excerpts of record, while also balancing the briefing deadlines in two other appeals currently before the Ninth Circuit. *Id.* ¶ 7.

Appellants consent to this extension of time. Hakl Decl. ¶ 8.

Appellees have at all times exercised diligence and will file the answering brief and excerpts of record within the additional time requested. Hakl Decl. ¶ 9.

Dated: September 4, 2015

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
DOUGLAS J. WOODS
Senior Assistant Attorney General
STEPAN A. HAYTAYAN
Supervising Deputy Attorney General

S/ ANTHONY R. HAKL
ANTHONY R. HAKL
Deputy Attorney General
*Attorneys for Defendants Kamala D. Harris
and Stephen Lindley*

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California Department of Justice, and
DOES 1-10,**

Defendants-Appellees.

**DECLARATION OF ANTHONY R. HAKL IN SUPPORT OF APPELLEES'
UNOPPOSED MOTION TO EXTEND TIME TO FILE ANSWERING
BRIEF AND EXCERPTS OF RECORD**

I, Anthony R. Hakl, declare under penalty of perjury:

1. I am over 18 years of age. I make this declaration of my own personal knowledge.

2. I am a Deputy Attorney General with the California Attorney General's Office.

3. By order entered on April 21, 2015, Appellees' answering brief and excerpts of record were due on August 14, 2015.
4. On August 11, 2015, Appellees filed a Streamlined Request to Extend Time to File the Answering Brief to September 14, 2015. The Court granted the request on September 14, 2015.
5. Appellees have filed no other request to extend time.
6. Deputy Attorney General Anthony R. Hakl has been the primary attorney assigned to handle this matter in the district court and on appeal and is deeply familiar with both the legal and factual aspects of this case. The same circumstances exist with respect to two other appeals currently in the Ninth Circuit: *Italian Colors Restaurant v. Harris*, No. 15-15873 (9th Cir.) and *Peña v. Lindley*, No. 15-15449 (9th Cir.). As lead counsel for appellant in the *Italian Colors Restaurant* matter, the undersigned recently completed and filed an opening brief on September 3, 2015. And as lead counsel for appellees in the *Peña* matter, the undersigned currently has an opening brief due on September 21, 2015.
7. The purpose of the extension of time in the instance case is to provide lead counsel sufficient time to prepare the answering brief and excerpts of record, while also balancing the briefing deadlines in two other appeals currently before the Ninth Circuit.

8. On September 3, 2015, I had a telephone conversation with Sean Brady, counsel for Appellants, to obtain Appellants' position on this extension. Mr. Brady informed me that Appellants agree to the requested extension of time. I confirmed Appellants' position with Mr. Brady on the telephone on September 4, 2015.

9. Appellees have at all times exercised diligence and will file the answering brief and excerpts of record within the additional time requested.

10. The court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 4, 2015, at Sacramento, California.

s/ Anthony R. Hakl

Anthony R. Hakl

CERTIFICATE OF SERVICE

Case Name: **Bauer, Barry et al. v. Kamala D.** No. **15-15428**
Harris, et al. (APPEAL)

I hereby certify that on September 4, 2015, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**APPELLEES' UNOPPOSED MOTION TO EXTEND TIME
FOR FILING ANSWERING BRIEF AND EXCERPTS OF
RECORD**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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 September 4, 2015, at Sacramento, California.

Tracie L. Campbell

Declarant

s/ Tracie Campbell

Signature