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7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF SAN DIEGO

9 Judicial Council Coordination Proceeding )  
Special Title (Rule 1550(b)) )

JUDICIAL COUNCIL COORDINATION  
PROCEEDINGS NO. 4095

10 FIREARMS CASES )

11 Coordinated actions: )

Superior Court of California, City and County  
of San Francisco, Case No. 303753

12 )  
13 THE PEOPLE OF THE STATE OF )  
CALIFORNIA, by and through San )  
14 Francisco City Attorney Louise H. Renne, )

Superior Court of California, City and County  
of Los Angeles, Case No. BC210894

15 v. )

Superior Court of California, City and County  
of Los Angeles, Case No. BC214794

16 ARCADIA MACHINE & TOOL, et al., )  
\_\_\_\_\_ )

**DEFENDANTS NOTICE OF EX PARTE  
APPLICATION FOR CONTINUANCE  
OF TRIAL DATE AND OTHER  
DEADLINES**

17 THE PEOPLE OF THE STATE OF )  
18 CALIFORNIA, by and through JAMES K. )  
HAHN, City Attorney of the City of Los )  
19 Angeles, et al., )

Dept. 65  
Hon. Vincent. P. DiFiglia

20 v. )

Trial Date: April 25, 2003

21 ARCADIA MACHINE & TOOL, et al., )  
\_\_\_\_\_ )

22 THE PEOPLE OF THE STATE OF )  
23 CALIFORNIA, ex rel. the County of Los )  
Angeles, et al., )

24 v. )  
25 )

26 ARCADIA MACHINE & TOOL, et al. )  
\_\_\_\_\_ )

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on Friday April 5, 2003, or as soon thereafter as counsel may be  
3 heard, in Department 65 of the above-entitled Court, Defendants Andrews Sporting Goods, Inc. dba  
4 Turners Outdoorsman (a retail firearms dealer hereinafter referred to as "ASG") and S.G. Distributing, Inc.  
5 (a wholesale firearms distributor hereinafter referred to as "SGD") (collectively "Defendants") will and  
6 hereby do apply to the Court for an ex parte order continuing: the date set for trial, currently scheduled on  
7 April 25, 2003, until May 23, 2003; and the March 28 trial readiness conference, until May 2, 2003; or as  
8 otherwise set by the Court.

9 This ex parte motion for continuance is sought by Defendants pursuant to Standards of Judicial  
10 Administration section 9(5) of the California Rules of the Court, which states "good cause for granting the  
11 continuance of a trial date [includes] Significant change in status of case [such as] because of a change in  
12 the parties or pleadings ordered by the court [or when] the case is not ready for trial." Here there has been  
13 a change in the status of this case as follows:

14 1. There have been a significant change in the parties or pleadings:

- 15 A. As a result of Defendant Manufacturers and Distributors Omnibus Motion for  
16 Summary Judgment being granted, Defendant distributor and/or manufacturer  
17 liaison counsel are no longer parties to this matter. As such, thousands of  
18 documents, analyses and other materials must be transferred from liaison counsel to  
19 the remaining defendants (dealer defendants did *not* have liaison counsel),  
20 consolidated and reviewed in order to narrow the relevant material for trial.
- 21 B. Only four to six defendants out of the over forty original defendants remain in this  
22 case and must bear the weight and burden of preparing for trial that originally borne  
23 by former defendants' liaison counsel.

24 2. The case is not ready for trial.

- 25 A. This court has yet to rule on Defendant ASG's and SGD's motion for summary  
26 judgment.
- 27 i. ASG may or may not be a party to a single cause of action. It is to  
28 early to determine which, if any cause of action ASG must identify in  
its list of documents and other items to be offered as exhibits at trial  
until this Court rules on the Motion for Summary Judgment.
- ii. SGD may or may not be a party to a single cause of action. SGD's  
joint motion for summary judgment with ASG is under submission.  
Further, SGD is a distributor, and joined in the omnibus motion, but

1 this Court has yet to rule on SGD individually. As such, it is too early  
2 to determine which, *if any*, cause of action SGD must identify in its  
3 list of documents and other items to be offered as exhibits at trial  
4 until this Court rules on the Motion for Summary Judgment.

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- iii. All Defendants have begun settlement discussions with Plaintiffs,  
and an extension of time to allow further exploration into the  
possibilities of settlement would be beneficial to promoting an  
amicable settlement agreement.

This Ex Parte Motion to Continue the Trial Date is based on the Defendants' Joint application, the  
Memorandum of Point and Authorities, the Declaration of C.D. Michel, and upon such further oral  
argument and written evidence as may be submitted at the hearing on the application.

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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I, Haydee Villegas, declare:

1. That I am employed in the City of San Pedro, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 407 North Harbor Boulevard, San Pedro, California 90731.

2. On March 24, 2003, I served the foregoing document(s) described as **SECOND [PROPOSED] STIPULATION AND ORDER TO MODIFY CASE MANAGEMENT ORDER NO. 5** on the interested parties in this action by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty that the foregoing is true and correct. Executed this 12<sup>th</sup> day of March, 2003, at San Pedro, California.

Haydee Villegas

Haydee Villegas