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SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,)
et al.,)

Plaintiffs,)

v.)

ARCADIA MACHINE & TOOL, et al.,)

Defendants.)

Case No.: BC 214794

**CERTAIN DEFENDANTS' REPLY
BRIEF IN SUPPORT OF MOTION
FOR PERMISSION TO FILE A
COORDINATION PETITION AND
REQUEST FOR STAY**

Case Assigned: Hon. Carolyn B. Kuhl
Dept.: 22

[Motion set for hearing before Hon.
Victor E. Chavez, Presiding Judge,
pursuant to CCP § 404]

Date: October 4, 1999
Time: 8:30 a.m.
Dept: 1

Trial Date: None Set

Case Filed: August 6, 1999

1 **I. DEFENDANTS' MOTION FOR PERMISSION TO FILE THE COORDINATION**
2 **PETITION IS UNOPPOSED**

3 In light of the fact that two virtually identical actions have been filed against the firearm
4 industry in this Court and in the Superior Court for the County of San Francisco (*People of the*
5 *State of California by and through Louise Renne, et al. v. Arcadia Machine & Tool, Inc., et al.*,
6 Case No. 303753), moving defendants here sought permission to file a Petition for Coordination
7 pursuant to California Rules of Court, rule 1520(b). In their "response" to the motion, plaintiffs
8 agree that this case and the San Francisco County case "are complex" as defined by Section 19 of
9 the Standards for Judicial Administration and that both cases are "appropriate" for coordination
10 pursuant to the relevant coordination statutes (Code of Civil Procedure § 404, *et seq.*). Plaintiffs
11 make it clear that they do not oppose this motion insofar as it seeks permission to initiate
12 coordination proceedings through the filing of a petition for coordination. (See Plaintiffs'
13 Response To Defendants' Motion at 1:8-13.) Accordingly, defendants' motion for permission to
14 file such a petition should be granted.

15 **II. DEFENDANTS WITHDRAW THEIR MOTION FOR STAY AT THIS JUNCTURE**

16 In addition to the coordination request, the moving defendants sought a stay of this action
17 pending disposition of the coordination petition. Likewise, a request was made to stay the San
18 Francisco case. The primary purpose for those requests was to avoid duplication of effort and the
19 expenditure of judicial resources in this Court and the San Francisco Superior Court pending the
20 appointment of a coordination motion judge.

21 In their response to the instant motion, plaintiffs agree that a partial stay is appropriate, but
22 oppose a complete stay. They also contend that only a 30-day stay is allowable under California
23 Rule of Court, Rule 1520(b).^{1/} Most significantly, the San Francisco plaintiffs, whose counsel
24 include at least three of the law firms representing the instant plaintiffs, opposed the request to stay
25 the San Francisco litigation. Among other arguments, plaintiffs there asserted that no stay could be
26

27 ^{1/} While Rule 1520(b) references a 30-day period only, plaintiffs do not address the Court's
28 inherent powers to enter a stay. As defendants are withdrawing their request for stay, the
issue is moot at this juncture. Defendants reserve all rights on this issue.

1 granted because this Court had not yet ruled on defendants' request for leave to file the
2 coordination petition. Several days later, the instant plaintiffs essentially stipulated to that request.
3 In the interim, however, defendants were required to respond to the San Francisco complaint.
4 Defendants' demurrers and related motions in the San Francisco case are currently set for hearing
5 on November 4, 1999.

6 Given these developments, the underlying premise for defendants' initial request for a stay
7 -- that the litigants and the trial courts in *both* cases should avoid potentially unnecessary work
8 pending disposition the coordination request -- no longer exists. Thus, defendants hereby
9 withdraw their request for a stay, at this juncture. In the interim, defendants will endeavor to meet
10 and confer with plaintiffs' counsel in both actions in an effort to reach an agreement on an
11 acceptable stay of both cases. Defendants respectfully reserve all rights to renew their motion for
12 stay at a later date, if appropriate.

13 III. CONCLUSION

14 Accordingly, the moving defendants respectfully request that the Court grant their motion
15 for permission to file a petition for coordination. Defendants' request for stay is withdrawn,
16 subject to a reservation of rights to renew that request at a later date, if appropriate. A revised form
17 of order is submitted with this brief for the Court's convenience.

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19 Dated: September 30, 1999

Respectfully submitted,

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