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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
13

14 **VIRGINIA DUNCAN, RICHARD**
15 **LEWIS, PATRICK LOVETTE,**
16 **DAVID MARGUGLIO,**
17 **CHRISTOPHER WADDELL, and**
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INC., a California
corporation,

18 Plaintiffs,

19 v.

20 **XAVIER BECERRA, in his official**
21 **capacity as Attorney General of the**
22 **State of California; and DOES 1-10,**

23 Defendants.

17-cv-1017-BEN-JLB

JOINT MOTION OF THE
PARTIES TO SET ASIDE
UPCOMING PRETRIAL
DEADLINES PENDING
RESOLUTION OF PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT

24 COME NOW THE PARTIES, Plaintiffs Virginia Duncan, Patrick Lovette,
25 David Marguglio, Christopher Waddell, and California Rifle & Pistol Association,
26 Incorporated (collectively, "Plaintiffs"), and Defendant Xavier Becerra (together
27 with Plaintiffs, the "parties"), through their respective attorneys of record, pursuant
28

1 to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 7.2, hereby
2 jointly move the Court set aside the upcoming pretrial deadlines, and reschedule
3 them, if necessary, after resolution of Plaintiffs' pending motion for summary
4 judgment.

5 WHEREAS, Plaintiffs filed their Complaint for Declaratory and Injunctive
6 Relief with this Court on May 17, 2017;

7 WHEREAS, the Court issued a scheduling order on August 4, 2017, setting a
8 deadline of February 2, 2018, for all pre-trial motions, including dispositive
9 motions;

10 WHEREAS, the scheduling order also scheduled the following additional
11 pretrial deadlines:

- 12 (1) Memoranda of Contentions of Fact and Law, and any other actions
13 required under Local Rule 16.1(f)(2), due May 4, 2018;
- 14 (2) Pre-trial disclosure requirements of Federal Rule of Civil Procedure
15 26(a)(3), due May 4, 2018;
- 16 (3) Actions required under Local Rule 16.1(f)(4), due May 11, 2018;
- 17 (4) Parties' exchange of proposed pretrial order, due May 18, 2018;
- 18 (5) Proposed final pretrial conference order, including objections to any
19 other parties' Federal Rules of Civil Procedure 26(a)(3) pretrial
20 disclosures, due May 25, 2018; and
- 21 (6) Final Pretrial Conference, scheduled before the Honorable Roger T.
22 Benitez on June 4, 2018 at 10:30 a.m.

23 WHEREAS, Plaintiffs filed their motion for summary judgment and all
24 supporting documents on or before March 5, 2018, in accordance with this Court's
25 December 5, 2017, order;

26 WHEREAS, the hearing on Plaintiffs' motion for summary judgment is set
27 for April 30, 2018;

1 WHEREAS, the remaining pretrial deadlines noted above, which begin only
 2 four days after the motion for summary judgment hearing, do not leave sufficient
 3 time for the Court to rule on the motion for summary judgment beforehand;

4 WHEREAS, Plaintiffs' motion for summary judgment, if granted by the
 5 Court, would adjudicate the entire matter and render moot the pretrial deadlines;

6 WHEREAS, even if the Court denies Plaintiffs' pending motion for summary
 7 judgment, its order may still provide helpful guidance to the parties in preparing
 8 their pretrial documents, including by narrowing the issues of law and fact for trial;
 9 and

10 WHEREAS, the parties agree that it is in the best interest of both the parties
 11 and the Court to take the pretrial deadlines off calendar, and reschedule them, if
 12 necessary, after the Court rules on Plaintiffs' pending motion for summary
 13 judgment,

14 The parties hereby jointly request that the Court grant the relief sought by
 15 this motion and take off calendar the following deadlines, and reschedule them, if
 16 necessary, after ruling on Plaintiff's motion for summary judgment:

- 17 (1) Memoranda of Contentions of Fact and Law, and any other actions
 18 required under Local Rule 16.1(f)(2), currently due May 4, 2018;
- 19 (2) Pre-trial disclosure requirements of Federal Rule of Civil
 20 Procedure 26(a)(3), currently due May 4, 2018;
- 21 (3) Actions required under Local Rule 16.1(f)(4), currently due May 11,
 22 2018;
- 23 (4) Parties' exchange of proposed pretrial order, currently due May 18,
 24 2018;
- 25 (5) Proposed final pretrial conference order, including objections to any
 26 other parties' Federal Rules of Civil Procedure 26(a)(3) pretrial
 27 disclosures, currently due May 25, 2018; and
 28

1 (6) Final Pretrial Conference, currently scheduled before the Honorable
2 Roger T. Benitez on June 4, 2018 at 10:30 a.m.

3 Respectfully submitted,

4 Dated: April 5, 2018

MICHEL & ASSOCIATES, P.C.

5 s/ Anna M. Barvir

6 ANNA M. BARVIR

7 Email: abarvir@michellawyers.com

8 *Attorneys for Plaintiffs Virginia Duncan,*

9 *Patrick Lovette, David Marguglio,*

10 *Christopher Waddell, and California Rifle &*
Pistol Association

11 Dated: April 5, 2018

XAVIER BECERRA

12 Attorney General of California

13 CONSTANCE L. LELouis

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8 IN THE UNITED STATES DISTRICT COURT
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20 **XAVIER BECERRA, in his official**
21 **capacity as Attorney General of the**
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23 Defendants.

Case No. 17-cv-1017-BEN-JLB

**[PROPOSED] ORDER GRANTING
JOINT MOTION OF THE
PARTIES TO SET ASIDE
UPCOMING PRETRIAL
DEADLINES PENDING
RESOLUTION OF PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT**

24 The Court has before it the parties' Joint Motion of the Parties to Set Aside
25 Upcoming Pretrial Deadlines Pending Resolutions of Plaintiffs' Motion for
26 Summary Judgment. Having considered the Motion and good cause appearing
27 therefor, the Court is of the opinion that the parties' Motion should be GRANTED.

28 It is therefore ORDERED that the following pretrial deadlines be taken off
calendar, and rescheduled, if necessary, after the Court rules on Plaintiffs' motion
for summary judgment:

- (1) Memoranda of Contentions of Fact and Law, and any other actions required under Local Rule 16.1(f)(2), currently due May 4, 2018;
- (2) Pre-trial disclosure requirements of Federal Rule of Civil Procedure 26(a)(3), currently due May 4, 2018;
- (3) Actions required under Local Rule 16.1(f)(4), currently due May 11, 2018;
- (4) Parties' exchange of proposed pretrial order, currently due May 18, 2018;
- (5) Proposed final pretrial conference order, including objections to any other parties' Federal Rules of Civil Procedure 26(a)(3) pretrial disclosures, currently due May 25, 2018; and
- (6) Final Pretrial Conference, currently scheduled before the Honorable Roger T. Benitez on June 4, 2018 at 10:30 a.m.

Dated: _____

The Honorable Jill L. Burkhardt
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

Case Name: **Duncan, Virginia et al v. Xavier
Becerra**

No. **17-cv-1017-BEN-JLB**

I hereby certify that on April 9, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT MOTION OF THE PARTIES TO SET ASIDE UPCOMING PRETRIAL DEADLINES PENDING RESOLUTION OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT; and

[PROPOSED] ORDER GRANTING JOINT MOTION OF THE PARTIES TO SET ASIDE UPCOMING PRETRIAL DEADLINES PENDING RESOLUTION OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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 April 9, 2018, at Sacramento, California.

Eileen A. Ennis

Declarant

/s/ Eileen A. Ennis

Signature