

1 C. D. Michel – SBN 144258  
cmichel@michellawyers.com  
2 Sean A. Brady – SBN 262007  
sbrady@michellawyers.com  
3 Matthew D. Cubeiro – SBN 291519  
mcubeiro@michellawyers.com  
4 MICHEL & ASSOCIATES, P.C.  
5 180 East Ocean Boulevard, Suite 200  
Long Beach, CA 90802  
6 Telephone: 562-216-4444  
7 Facsimile: 562-216-4445

8 Attorneys for Plaintiffs

9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **SOUTHERN DIVISION**

13 STEVEN RUPP, et al.,

14 Plaintiffs,

15 vs.

16 XAVIER BECERRA, in his official  
17 capacity as Attorney General of the  
18 State of California,

19 Defendant.

Case No.: 8:17-cv-00746-JLS-JDE

**JOINT STIPULATION AND  
REQUEST TO MODIFY PRETRIAL  
SCHEDULE**

*Pursuant to Fed. R. Civ. P. 16(b)(4)*

Honorable Josephine L. Staton

**I.****INTRODUCTION**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), the parties, Plaintiffs Steven Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and California Rifle & Pistol Association, Incorporated (collectively “Plaintiffs”) and Defendant Xavier Becerra, in his official capacity as Attorney General of the State of California (“Defendant”) (collectively, the “Parties”), through their respective attorneys of record, hereby request that the Court modify pretrial schedule (Docket No. 37) in accordance with the stipulated schedule set forth herein.

**II.****RECITALS & GROUNDS FOR RELIEF**

WHEREAS, the current deadline to complete fact discovery is May 15, 2018, and the current deadline to complete expert discovery is July 24, 2018;

WHEREAS, Plaintiffs’ Motion for Preliminary Injunction and Defendant’s Partial Motion to Dismiss are currently before the Court and rulings on these motions are pending;

WHEREAS, the rulings on Plaintiffs’ and Defendant’s motions will likely affect the scope of the parties’ respective fact and expert discovery plans;

WHEREAS, Plaintiffs have abstained from propounding discovery so as not to unnecessarily propound discovery requests on Defendant that may become irrelevant in light of the Court’s rulings;

WHEREAS, the current fact and expert discovery cut-off date are approaching and will force the parties to propound potentially unnecessary or imprecise discovery requests;

WHEREAS, the parties believe that a 60-day extension of the fact discovery cut-off deadline is necessary and desirable to ensure adequate time to

propound and respond to discovery after the Court has had an opportunity to rule on Plaintiffs' and Defendant's motions;

WHEREAS, in accordance with Federal Rule of Civil Procedure 16(b)(4) and the Scheduling Order (Docket No. 37), good cause would be served by extending the fact discovery cut-off date by 60 days to avoid potentially unnecessary discovery and extending all other pretrial dates to conform the pretrial schedule to the new fact discovery cut-off deadline, including a continuance of the Final Pretrial Conference from December 21, 2018 to February 15, 2019, or a date to be determined by the Court at its convenience;

WHEREAS, the parties agree that if the pretrial deadlines are extended in accordance with this stipulation and a new pretrial deadline is a Saturday, Sunday, or legal holiday, the deadline will be the preceding day that is not a Saturday, Sunday, or legal holiday; and

WHEREAS, the parties have not previously requested any modification of the pretrial schedule in this case;

**THE PARTIES HEREBY STIPULATE, AGREE, AND REQUEST:**

That the Court modify the pretrial schedule as follows:

Fact Discovery Cut-off:	July 13, 2018
Last Day to Serve Initial Expert Reports:	July 27, 2018
Last Day to Serve Rebuttal Expert Reports:	August 24, 2018
Expert Discovery Cut-Off:	September 21, 2018
Last Day to File Motions (excluding <i>Daubert</i> Motions and all other Motions in Limine):	November 2, 2018
Last Day to Conduct Settlement Proceedings:	December 21, 2018
Last Day to File <i>Daubert</i> Motions:	January 4, 2019

///

1 Last Day to File Motions in Limine  
2 (excluding Daubert motions):

January 21, 2019

3 Final Pretrial Conference (1:30 p.m.)

February 15, 2019

4 **SO STIPULATED.**

5  
6 Dated: April 3, 2018

Respectfully Submitted,  
MICHEL & ASSOCIATES, P.C.

7  
8 /s/ Sean A. Brady

Sean A. Brady  
Counsel for Plaintiffs

9  
10  
11  
12 Dated: April 3, 2018

Respectfully Submitted,  
XAVIER BECERRA  
ATTORNEY GENERAL OF CALIFORNIA

13  
14 /s/ John D. Echeverria

John D. Echeverria  
Counsel for Defendant

Attestation of Concurrence in Filing

I, Sean A. Brady, am the ECF user whose ID and password are being used to file the foregoing Joint Stipulation and Request to Modify Pretrial Schedule. Pursuant to Local Rule 5-4.3(a)(2), I hereby attest that all signatories listed above, and on whose behalf this filing is submitted, concur in the filings content and have authorized the filing.

Dated: April 3, 2018

/s/ Sean A. Brady  
Sean A. Brady  
Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

Case Name: *Rupp, et al. v. Becerra*

Case No.: 8:17-cv-00746-JLS-JDE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**JOINT STIPULATION AND REQUEST  
TO MODIFY PRETRIAL SCHEDULE**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Xavier Becerra  
Attorney General of California  
Peter H. Chang  
Deputy Attorney General  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102  
E-mail: peter.chang@doj.ca.gov

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

Executed April 3, 2018

/s/Laura Palmerin

Laura Palmerin

FIRM: MICHEL & ASSOCIATES, P.C.  
180 E OCEAN BLVD  
STE 200  
LONG BEACH CA 90802  
PH: 562-216-4444

**Signal**  
ATTORNEY SERVICE  
INCORPORATED

DATE 4/4/18 CONTACT Laura ATTORNEY Sean ATTORNEY FILE # 2156 1228024

**DO TODAY** X

**RETURN TODAY**

Mark X for Special assignment(s). RUSH CHARGES APPLY

Long Beach 562-595-1337  
Torrance 310-316-1256  
Fax 562-595-6294

PLAINTIFF: Rupp

VS.

DEFENDANT: Becerra

COURT: U.S. District Court

JUDICIAL DIST: Central

CITY: Santa Ana

CASE #: 8:17-CV-00746

APPROVED DIRECT BILLING:

CARRIER NAME:

ADDRESS:

CITY, STATE, & ZIP:

ADJUSTER:

INSURED:

CLAIM NUMBER:

DATE OF LOSS:

5 APR '18 AM 10:52

LIST ALL DOCUMENTS: HEARING DATE \_\_\_\_\_ FEES PAID/ DATE \_\_\_\_\_ FEES ATTACHED \_\_\_\_\_

① Joint Stipulation & Request to Modify Pretrial Schedule

INSTRUCTIONS: FILE BY \_\_\_\_\_ SERVE BY \_\_\_\_\_

Deliver by 4/4.

DEPT. 10A CLERK \_\_\_\_\_

IMPORTANT ☒

FILE ☐

SERVE ☐

DELIVER ☒

COPY ☐

OTHER ☐

Please deliver the mandatory chambers copy to:

Ronald Reagan Fed. Building  
411 W. Fourth St. (10th floor)  
Santa Ana, CA 92701

☐ RESIDENCE

☐ BUSINESS

MALE \_\_\_\_\_ FEMALE \_\_\_\_\_ RACE \_\_\_\_\_ AGE \_\_\_\_\_ HT \_\_\_\_\_ WT \_\_\_\_\_ HAIR \_\_\_\_\_

DATE 4/4

ORIGINAL SUBMIT

RUNNER 3125

1:55 PM

left in Judge Staton's  
chamber copy

OKAY ☐

BACK TO COURT ☐

REJECTED ☐

OKAY ☐

BACK TO COURT ☐

REJECTED ☐

2nd SUBMIT

DATE \_\_\_\_\_

RUNNER \_\_\_\_\_

2018 APR -4 AM 11:50

OFFICE USE

COURT

PROCESS

DELIVERY 4/4

RETURN

ADV FEE

ADV CHG

TIME

POSTAGE

COPIES

TOTAL 4/4

SPECIAL ASSIGNMENT #

701309

NO CONFORM SHERIFF COURTESY DROP C/W DROP DP RCV C/W RCV DP FILE C/W FILE DP ATTY CK OUR CK CASH

Corporate Mailing Address: P.O. Box 91985 • Long Beach, CA 90809-1985

ORIGINAL