

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 TO
EXTEND DISCOVERY &
PRETRIAL DEADLINES**

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 the pretrial schedule (Docket No. 48) in accordance with the stipulated schedule set forth herein.

II.

RECITALS & GROUNDS FOR RELIEF

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

WHEREAS, the current deadline to complete fact discovery is July 13, 2018, and the current deadline to complete expert discovery is September 21, 2018, as a result of all parties, on April 3, 2018, filing a Joint Stipulation to modify the pretrial schedule in this case, due to Plaintiffs’ Motion for Preliminary Injunction and Defendant’s Partial Motion to Dismiss pending before the Court at that time, because the rulings on those motions would likely affect the scope of the parties’ respective fact and expert discovery plans and the parties wished to avoid propounding potentially unnecessary or imprecise discovery requests;

WHEREAS, on April 11, 2018, the Court issued an order accepting the parties’ stipulated pretrial schedule;

WHEREAS, Plaintiffs have abstained from propounding discovery until after the Court ruled on both parties’ motions, so as not to unnecessarily propound discovery requests on Defendant that might have become irrelevant, in light of the Court’s rulings;

1 WHEREAS, the order denying Plaintiffs' Motion for Preliminary
 2 Injunction and granting Defendant's Partial Motion to Dismiss was issued only
 3 recently, on May 9, 2018, and granted Plaintiffs leave to amend their First
 4 Amended Complaint within 21 days;

5 WHEREAS, Plaintiffs filed a Second Amended Complaint on May 30,
 6 2018, which is the final, operative complaint in this matter;

7 WHEREAS, to date, Defendant has not filed an Answer to Plaintiffs'
 8 Second Amended Complaint, because it is not due until June 13, 2018;

9 WHEREAS, the parties believe that a sixty (60) day extension of the fact
 10 discovery cut-off deadline is necessary and desirable to ensure adequate time to
 11 conduct discovery now that the Court has ruled on Plaintiffs' and Defendant's
 12 motions and the scope of the lawsuit is more clear, because the current fact and
 13 expert discovery cut-off date are approaching and Plaintiffs have reasonably
 14 refrained from conducting discovery up to this point;

15 WHEREAS, for these reasons, good cause exists to extend the fact
 16 discovery cut-off date by sixty (60) days and all other pretrial dates to conform to
 17 the pretrial schedule to the new fact discovery cut-off deadline, including a
 18 continuance of the Final Pretrial Conference from February 15, 2019, to May 14,
 19 2019, or a date to be determined by the Court at its convenience; and

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

24 THE PARTIES HEREBY STIPULATE, AGREE, AND REQUEST:

25 That the Court modify the pretrial schedule as follows:

26 Fact Discovery Cut-off: September 11, 2018

27 Last Day to Serve Initial Expert Reports: September 25, 2018

28 Last Day to Serve Rebuttal Expert Reports: October 23, 2018

Expert Discovery Cut-Off:	November 20, 2018
Last Day to File Motions (excluding <i>Daubert</i> Motions and all other Motions in Limine):	January 11, 2019
Last Day to Conduct Settlement Proceedings:	February 19, 2019
Last Day to File <i>Daubert</i> Motions:	March 5, 2019
Last Day to File Motions in Limine (excluding <i>Daubert</i> motions):	March 22, 2019
Final Pretrial Conference (1:30 p.m.)	April 19, 2019

Accordingly, the parties request that the Court issue the attached Proposed Order granting the extension of the briefing schedule described herein above.

Dated: June 8, 2018

Respectfully Submitted,
MICHEL & ASSOCIATES, P.C.

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

Dated: June 8, 2018

XAVIER BECERRA
ATTORNEY GENERAL OF CALIFORNIA

/s/Peter H. Chang
Peter H. Chang
Attorneys 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 Motion to Extend Discovery & Pretrial Deadlines. 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: June 8, 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 TO EXTEND DISCOVERY & PRETRIAL DEADLINES**

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 June 8, 2018

/s/Laura Palmerin

Laura Palmerin