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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

VIRGINIA DUNCAN, et al.,

Plaintiffs,

v.

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

Defendants.

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

**JOINT MOTION OF THE PARTIES
TO AMEND SCHEDULING ORDER**

COME NOW THE PARTIES, Plaintiffs Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell, and California Rifle & Pistol Association, Incorporated (collectively, “Plaintiffs”) and Defendant Xavier Becerra (together with Plaintiffs, the “parties”), through their attorneys of record, jointly move the Court to amend the scheduling order and continue the upcoming pretrial deadlines (Dkt. No. 59) pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure and Local Rule 7.2, in accordance with the stipulated scheduled set forth herein.

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

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

1 (Dkt. No. 38);

2 WHEREAS, the scheduling order also set the following additional pretrial
3 deadlines:

4 (1) Memoranda of Contentions of Fact and Law, and any other actions
5 required under Local Rule 16.1(f)(2), due May 4, 2018;

6 (2) Pretrial disclosure requirements of Federal Rule of Civil Procedure
7 26(a)(3) due May 4, 2018;

8 (3) Action required under Local Rule 16.1(f)(4), due May 11, 2018;

9 (4) Parties' exchange of proposed pretrial order, due May 18, 2018;

10 (5) Proposed final pretrial conference order, including objections to any
11 other parties' Federal Rules of Civil Procedure 26(a)(3) pretrial
12 disclosures, due May 25, 2018; and

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

15 WHEREAS, Plaintiffs filed a motion for summary judgment and all supporting
16 documents on March 5, 2018, in accordance with this Court's December 5, 2017,
17 order (Dkt. No. 46);

18 WHEREAS, in light of Plaintiffs' pending motion for summary judgment, the
19 parties jointly moved to set aside the above-listed pretrial deadlines to be rescheduled,
20 if necessary, after resolution of that motion;

21 WHEREAS, on April 24, 2018, this Court denied the parties joint motion to set
22 aside the pretrial deadlines but set the following new schedule for pretrial deadlines
23 (Dkt. No. 59):

24 (1) Memoranda of Contentions of Fact and Law, and any other actions
25 required under Local Rule 16.1(f)(2), due August 3, 2018;

26 (2) Pretrial disclosure requirements of Federal Rule of Civil Procedure
27 26(a)(3) due August 10, 2018;

28 (3) Action required under Local Rule 16.1(f)(4), due August 17, 2018;

(4) Parties' exchange of proposed pretrial order, due August 24, 2018;

(5) Proposed final pretrial conference order, including objections to any other parties' Federal Rules of Civil Procedure 26(a)(3) pretrial disclosures, due August 31, 2018; and

(6) Final Pretrial Conference scheduled before the Honorable Roger T. Benitez on September 10, 2018, at 10:30 a.m.

WHEREAS, Plaintiffs' motion for summary judgment was heard before this Court on May 10, 2018;

WHEREAS, after argument, the Court ordered the parties to file simultaneous supplemental briefs in support of or opposition to summary judgment on or before June 11, 2018;

WHEREAS, the Court also ordered the parties to file simultaneous supplemental response briefs in support of or opposition to summary judgment on or before June 21, 2018;

WHEREAS, after the parties submitted simultaneous supplemental briefing, the Court took Plaintiffs' motion for summary judgment under submission;

WHEREAS, the Court has not yet issued a ruling on Plaintiffs' motion for summary judgment;

WHEREAS, only two weeks remain until the parties are to file their Memoranda of Contentions of Fact and Law;

WHEREAS, Plaintiffs' motion for summary judgment, if granted, would adjudicate the entire matter and render moot the pretrial deadlines currently set, and the motion for partial summary judgment, if granted in the alternative, would narrow the issues of law and fact for trial;

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

WHEREAS, the parties agree that it is in the best interest of both the parties and

1 the Court to extend the pretrial deadlines currently on calendar.

2 THEREFORE, the parties hereby jointly request that the Court grant the relief
3 sought by this motion and extend the pretrial deadlines and set the following new
4 scheduling order:

- 5 (1) Memoranda of Contentions of Fact and Law, and any other actions
6 required under Local Rule 16.1(f)(2), due September 7, 2018;
- 7 (2) Pretrial disclosure requirements of Federal Rule of Civil Procedure
8 26(a)(3) due September 14, 2018;
- 9 (3) Action required under Local Rule 16.1(f)(4), due September 21, 2018;
- 10 (4) Parties' exchange of proposed pretrial order, due September 28, 2018;
- 11 (5) Proposed final pretrial conference order, including objections to any
12 other parties' Federal Rules of Civil Procedure 26(a)(3) pretrial
13 disclosures, due October 5, 2018; and
- 14 (6) Final Pretrial Conference scheduled before the Honorable Roger T.
15 Benitez on October 15, 2018, at 10:30 a.m.

16 Dated: July 24, 2018

MICHEL & ASSOCIATES, P.C.

17 s/ Anna M. Barvir

ANNA M. BARVIR

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18 Attorneys for Plaintiffs Virginia Duncan,
19 Patrick Lovette, David Marguglio,
20 Christopher Waddell, and California
Rifle & Pistol Association, Incorporated

21 Dated: July 24, 2018

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26 Attorneys for Defendant Attorney
27 General Xavier Becerra
28

CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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

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

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

I have caused service of the following documents, described as:

JOINT MOTION OF THE PARTIES TO AMEND SCHEDULING ORDER

on the following parties by electronically filing the foregoing on July 24, 2018, with the Clerk of the District Court using its ECF System, which electronically notifies them.

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I declare under penalty of perjury that the foregoing is true and correct.
Executed on July 24, 2018, at Long Beach, CA.

/s/Laura Palmerin

Laura Palmerin