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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. 68) 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, Plaintiffs' motion for summary judgment was heard before this
19 Court on May 10, 2018;

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

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

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

28 WHEREAS, in light of Plaintiffs' pending motion for summary judgment, the

1 Court has twice amended the scheduling order for cause (Dkt. Nos. 59, 68);

2 WHEREAS, this Court's July 27, 2018 Scheduling Order, set the following
3 pretrial deadlines (Dkt. No. 68):

4 (1) Memoranda of Contentions of Fact and Law, and any other actions
5 required under Local Rule 16.1(f)(2), due September 7, 2018;

6 (2) Pretrial disclosure requirements of Federal Rule of Civil Procedure
7 26(a)(3) due September 14, 2018;

8 (3) Action required under Local Rule 16.1(f)(4), due September 21, 2018;

9 (4) Parties' exchange of proposed pretrial order, due September 28, 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 October 5, 2018; and

13 (6) Final Pretrial Conference scheduled before the Honorable Roger T.
14 Benitez on October 16, 2018 at 10:30 a.m.

15 WHEREAS, only two weeks remain until the parties are scheduled to file their
16 Memoranda of Contentions of Fact and Law, and the Court has not yet issued a ruling
17 on Plaintiffs' motion for summary judgment;

18 WHEREAS, Plaintiffs' motion for summary judgment, if granted, would
19 adjudicate the entire matter and render moot the pretrial deadlines currently set;

20 WHEREAS, Plaintiffs' motion for partial summary judgment, if granted in the
21 alternative, would narrow the issues of law and fact for trial;

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

25 WHEREAS, the parties agree that it is in the best interest of both the parties and
26 the Court to extend the pretrial deadlines currently on calendar.

27 THEREFORE, the parties hereby jointly request that the Court grant the relief
28 sought by this motion and extend the pretrial deadlines and set the following new

scheduling order:

- (1) Memoranda of Contentions of Fact and Law, and any other actions required under Local Rule 16.1(f)(2), due October 5, 2018;
- (2) Pretrial disclosure requirements of Federal Rule of Civil Procedure 26(a)(3) due October 12, 2018;
- (3) Action required under Local Rule 16.1(f)(4), due October 19, 2018;
- (4) Parties' exchange of proposed pretrial order, due October 26, 2018;
- (5) Proposed final pretrial conference order, including objections to any other parties' Federal Rules of Civil Procedure 26(a)(3) pretrial disclosures, due November 2, 2018; and
- (6) Final Pretrial Conference scheduled before the Honorable Roger T. Benitez on November 13, 2018 at 10:30 a.m.

Dated: August 23, 2018

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir

ANNA M. BARVIR

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

Dated: August 23, 2018

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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 August 23, 2018, with the Clerk of the District Court using its ECF System, which electronically notifies them.

John D. Echeverria
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I declare under penalty of perjury that the foregoing is true and correct.
Executed on August 23, 2018, at Long Beach, CA.

/s/Laura Palmerin

Laura Palmerin