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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

STEVEN RUPP, et al.,

Plaintiffs,

vs.

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

Defendant.

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

**JOINT STIPULATION AND
REQUEST TO MODIFY
PRETRIAL SCHEDULE TO
EXTEND DISCOVERY AND
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 (Dkt. No. 54) 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, on April 3, 2018, the Parties filed a Joint Stipulation to Extend Discovery and Pretrial Deadlines 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 June 8, 2018, the Parties filed a second Joint Stipulation to Extend Discovery and Pretrial Deadlines due to Plaintiffs having filed a Second Amended Complaint on May 30, 2018 and Defendant’s deadline to file an Answer to Plaintiffs’ Second Amended Complaint being June 13, 2018;

WHEREAS, on June 11, 2018, the Court issued an order accepting the Parties’ stipulated pretrial schedule (Dkt. No. 54) which extended the discovery cut-off to September 11, 2018;

WHEREAS, the Parties are currently discussing potential ways to satisfy

1 each other's discovery requests in an efficient manner, so as to avoid potentially
 2 unnecessary oral depositions that each side has already noticed for next week and
 3 the week after, as well as disputes that may require this Court's intervention;

4 WHEREAS, the Parties believe that a thirty (30) day extension of the fact
 5 discovery cut-off deadline is necessary and desirable to ensure adequate time for
 6 the Parties to informally resolve pending questions about discovery;

7 WHEREAS, the requested extension is intended to give the parties room
 8 to informally resolve some pending questions about each other's discovery and not
 9 to seek additional discovery, and, as such, the parties agree that no new discovery
 10 requests are valid, unless the purpose of the new request is to narrow, or to replace
 11 any existing request, and both parties agree to it in writing;

12 WHEREAS, for these reasons, good cause exists to extend the fact
 13 discovery cut-off date by thirty (30) days;

14 WHEREAS, for these same reasons, the parties believe that all other
 15 pretrial dates should likewise be extended by 30 days to conform the pretrial
 16 schedule to the new fact discovery cut-off deadline, including a continuance of the
 17 Final Pretrial Conference from May 3, 2019, to May 31, 2019, or a date to be
 18 determined by the Court at its convenience; and

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

23 THE PARTIES HEREBY STIPULATE, AGREE, AND REQUEST:

24 That the Court modify the pretrial schedule as follows:

25 Fact Discovery Cut-off:	October 11, 2018
26 Last Day to Serve Initial Expert Reports:	October 25, 2018
27 Last Day to Serve Rebuttal Expert Reports:	November 21, 2018
28 Expert Discovery Cut-Off:	December 20, 2018

Last Day to File Motions (excluding <i>Daubert</i> Motions and all other Motions in Limine):	February 11, 2019
Last Day to Conduct Settlement Proceedings:	March 21, 2019
Last Day to File <i>Daubert</i> Motions:	April 15, 2019
Last Day to File Motions in Limine (excluding <i>Daubert</i> motions):	May 6, 2019
Final Pretrial Conference (1:30 p.m.)	May 31, 2019

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

Dated: August 28, 2018	Respectfully Submitted, MICHEL & ASSOCIATES, P.C.
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/s/Sean A. Brady
Sean A. Brady
Counsel for Plaintiffs

Dated: August 28, 2018	XAVIER BECERRA ATTORNEY GENERAL OF CALIFORNIA
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/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: August 28, 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 AND 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 August 28, 2018

/s/Laura Palmerin

Laura Palmerin