

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 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. 62) in accordance with the stipulated schedule set forth herein.

II.

RECITALS & GROUNDS FOR RELIEF

WHEREAS, the Parties finished conducting nine expert witness depositions between December 4, 2018 and December 20, 2018 and are still awaiting the delivery of five deposition transcripts; WHEREAS, the Parties’ experts will be given thirty (30) days to review and make any changes to their deposition transcripts;

WHEREAS, the Parties will need to review the deposition transcript exhibit numbers to make sure that they are in consecutive order (in compliance with Local Rule 26-3.1);

WHEREAS, despite the best efforts of the Parties, duplicate exhibits might have been used because certain depositions were taken on the same date and a number of depositions were taken on consecutive days; thus, the Parties may need to renumber certain duplicate exhibits and conform the transcripts to the renumbered exhibits (in compliance with Local Rule 26-3.3);

WHEREAS, the deadline to file dispositive motions is set for February 8, 2019;

///

1 WHEREAS, both Plaintiffs and Defendant expect to file motions for
2 summary judgment;

3 WHEREAS, the Parties believe that a forty-five (45) day extension of the
4 deadline to file dispositive motions is necessary and desirable to ensure adequate
5 time for the Parties' experts to review their deposition transcripts and for the
6 Parties to organize the deposition transcript exhibits, potentially renumber exhibits
7 and conform the transcripts accordingly, review the final deposition transcripts,
8 and prepare for the filing of their motions for summary judgment;

9 WHEREAS, for these reasons, good cause exists to extend the motion
10 filing deadline by forty-five (45) days;

11 WHEREAS, for these same reasons, the parties believe that all other
12 pretrial dates should likewise be extended by forty-five (45) days to conform the
13 pretrial schedule to the motion filing deadline, including a continuance of the Final
14 Pretrial Conference from May 31, 2019, to July 19, 2019, or a date to be
15 determined by the Court at its convenience; and

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

20 THE PARTIES HEREBY STIPULATE, AGREE, AND REQUEST:

21 That the Court modify the pretrial schedule as follows:

22 Last Day to File Motions (excluding <i>Daubert</i>	
23 Motions and all other Motions in Limine):	March 25, 2019
24 Last Day to Conduct Settlement Proceedings:	May 6, 2019
25 Last Day to File <i>Daubert</i> Motions:	May 27, 2019
26 Last Day to File Motions in Limine	
27 (excluding <i>Daubert</i> motions):	June 17, 2019
28 Final Pretrial Conference (1:30 p.m.)	July 19, 2019

Accordingly, the Parties request that the Court issue the attached Proposed

1 Order granting the extension of the briefing schedule described herein above.

2
3 Dated: December 28, 2018

Respectfully Submitted,
MICHEL & ASSOCIATES, P.C.

4 /s/Sean A. Brady

5 Sean A. Brady
6 Counsel for Plaintiffs

7 Dated: December 28, 2018

XAVIER BECERRA
ATTORNEY GENERAL OF CALIFORNIA

8
9 /s/Peter H. Chang

10 Peter H. Chang
11 Attorneys for Defendant
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 to Extend 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: December 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 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
E-mail: peter.chang@doj.ca.gov
John D. Echeverria
Deputy Attorney General
E-mail: john.echeverria@doj.ca.gov
Deputy Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

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

Executed December 28, 2018

/s/Laura Palmerin

Laura Palmerin