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9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
 12

13  
 14 **B & L PRODUCTIONS, INC., d/b/a**  
**CROSSROADS OF THE WEST, et**  
 15 **al.,**  
 16 Plaintiffs,  
 17  
 18 **v.**  
 19 **22nd DISTRICT AGRICULTURAL**  
**ASSOCIATION**  
 20 Defendant.  
 21

19-cv-0134-CAB-NLS

**JOINT MOTION AND  
 STIPULATION EXTENDING  
 DEFENDANT’S TIME TO  
 ANSWER COMPLAINT**

Judge: Hon. Cathy Ann Bencivengo  
 Action Filed: January 21, 2019

22 Pursuant to Civil Local Rules 7.2 and 12.1, the Parties submit the following  
 23 joint motion, and stipulate to the following:

24 WHEREAS, on June 18, 2019, the Court issued its preliminary Order Re  
 25 Motion To Dismiss and Motion for Summary Judgment and Setting Discovery  
 26 Schedule (“June 18, 2019 Order”), granting in part and denying in part Defendants’  
 27 Motion to Dismiss;  
 28

1 WHEREAS, Rule 12(a)(4)(A) of the Federal Rules of Civil Procedure  
2 provides that, unless the court sets a different time, a responsive pleading must be  
3 served within 14 days after notice of the Court's action denying a motion to  
4 dismiss;

5 WHEREAS, the Court's June 18, 2019 Order did not specify a different time  
6 by which sole remaining Defendant 22nd District Agricultural Association must file  
7 a responsive pleading to the Complaint;

8 WHEREAS, 14 days after the Court's June 18, 2019 Order was July 2, 2019;

9 WHEREAS, the Court's June 18, 2019 Order provided that discovery in this  
10 matter shall begin immediately, with a deadline of August 16, 2019;

11 WHEREAS, following the Court's June 18, 2019 Order, Defendant's counsel  
12 immediately began putting together a discovery plan, and:

- 13 • Prepared initial disclosures which were served on Plaintiffs' counsel  
14 on June 28, 2019;
- 15 • Prepared Requests for Production of Documents for each of the 10  
16 Plaintiffs, which were served on Plaintiffs' counsel on June 27, 2019;
- 17 • Prepared Interrogatories for each of the 10 Plaintiffs, which were  
18 served on Plaintiffs' counsel on June 28, 2019;
- 19 • Conducted a conference with Plaintiffs' counsel on July 2, 2019 to  
20 discuss depositions and availability of witnesses;

21 WHEREAS, Defendant's counsel has been and will continue to diligently  
22 defend this case;

23 WHEREAS, Defendant's counsel was focused on preparing discovery  
24 requests to meet the August discovery cut-off set in the Court's June 18, 2019  
25 Order;

26 WHEREAS, the Complaint in this matter consists of 198 separate paragraphs  
27 that Defendant must respond to;

28

1 WHEREAS, Defendant's counsel diligently tried to get its Answer on file on  
2 July 2, 2019 before midnight, but could not obtain client approval in time;

3 WHEREAS, Defendant seeks an additional day to file its Answer to the  
4 Complaint;

5 WHEREAS, Plaintiffs' counsel suffers no prejudice from a one-day delay in  
6 receiving Defendant's Answer to the Complaint;

7 WHEREAS, Defendant's counsel has agreed to provide its own discovery  
8 responses to any written discovery propounded by Plaintiffs one day earlier than  
9 otherwise required under the Federal Rules of Civil Procedure;

10 WHEREAS the Parties are working together cooperatively;

11 NOW, THEREFORE, the Parties hereby stipulate, and jointly move the  
12 Court for an Order approving the Parties' request to extend the time by which  
13 Defendant must respond to Plaintiffs' Complaint by one-day, with Defendant filing  
14 its Answer no later than July 3, 2019.

15 Dated: July 3, 2019

16 Respectfully submitted,

17 XAVIER BECERRA  
18 Attorney General of California  
19 PAUL STEIN  
Supervising Deputy Attorney General

20 S / NATASHA SAGGAR SHETH  
21 NATASHA SAGGAR SHETH  
22 Deputy Attorney General  
23 *Attorneys for Defendant 22nd District*  
24 *Agricultural Association*

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1 Dated: July 3, 2019

**MICHEL & ASSOCIATES, P.C.**

2 S / ANNA BARVIR

3 Anna Barvir

4 *Counsel for Plaintiffs B & L*

5 *Productions, Inc., Barry Bardack,*

6 *Ronald J. Diaz, Sr., John Dupree,*

7 *Christopher Irick, Lawrence Walsh,*

8 *Maximum Wholesale, Inc., California*

9 *Rifle & Pistol Association,*

*Incorporated, South Bay Rod and Gun Club, Inc.*

10 Dated: July 3, 2019

**LAW OFFICES OF DON KILMER**

11 S / DON KILMER

12 Don Kilmer

13 *Counsel for Plaintiff Second*

14 *Amendment Foundation*

15 **ATTESTATION OF E-FILED SIGNATURES**

16 I, Natasha Saggar Sheth, am the ECF User whose ID and password are being  
17 used to file this Joint Motion and Stipulation Extending Defendant's Time to  
18 Answer Complaint and Proposed Order. In compliance with Southern District of  
19 California Electronic Case Filing Administrative Policies and Procedures Section  
20 2(f)(4), I attest that Plaintiffs' Counsel Anna Barvir and Don Kilmer have  
21 concurred in this filing.  
22

23 S / NATASHA SAGGAR SHETH

24 NATASHA SAGGAR SHETH

25  
26 SA2019100346

27 Stipulation and Joint Motion Extending Defendant's Time to Answer (002).docx

**CERTIFICATE OF SERVICE**

Case Name: **B&L Productions, Inc., et al v. 22nd District Agricultural Association, et al.** No. **19-cv-0134-CAB-NLS**

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I hereby certify that on July 3, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**JOINT MOTION AND STIPULATION EXTENDING DEFENDANT'S TIME TO ANSWER COMPLAINT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 3, 2019, at San Francisco, California.

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J. Wong  
Declarant

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Signature