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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 KIM RHODE, et al.,
14 Plaintiffs,

15 v.

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

19 Defendant.

Case No.: 3:18-cv-00802-BEN-JLB

**SECOND JOINT MOTION TO
AMEND SCHEDULING ORDER**

1 Plaintiffs Kim Rhode, Gary Brennan, Cory Henry, Edward Johnson, Scott
2 Lindemuth, Richard Ricks, Denise Welvang, Able's Sporting, Inc., AMDEP Holdings,
3 LLC, d/b/a Ammunition Depot, R&S Firearms, Inc., d/b/a Sam's Shooters' Emporium,
4 and California Rifle & Pistol Association, Incorporated, a California corporation
5 ("Plaintiffs"), and Defendant Xavier Becerra, in his official capacity as Attorney General
6 of the State of California ("Defendant") (collectively "the Parties") through their
7 respective attorneys of record, hereby request that the Court modify the Scheduling Order
8 (Dkt. No. 21) in accordance with the stipulated schedule set forth herein.

9 WHEREAS, the current fact-discovery cut-off is August 6, 2019;

10 WHEREAS, the California Department of Justice's proposed regulations
11 implementing the laws at issue in this matter were approved on June 24, 2019;

12 WHEREAS, the California Department of Justice proposed emergency
13 regulations to implement the laws at issue in this matter on June 10, 2019, which were
14 approved on June 27, 2019;

15 WHEREAS, Plaintiffs expect practical issues with the background check
16 system to occur as a result of those regulations that they believe will warrant their
17 promptly seeking preliminary relief that they did not previously expect to seek;

18 WHEREAS, Plaintiffs would be seeking preliminary relief during the last 30
19 days of the fact-discovery, requiring all parties to engage in significant briefing and
20 related work, making it difficult to simultaneously conduct discovery;

21 WHEREAS, the current fact-discovery cut-off likely will not allow Plaintiffs
22 sufficient time to conduct discovery relating to the effect of those regulations prior to
23 the current discovery cut-off date;

24 WHEREAS, the Parties believe that a ninety (90) day extension of the
25 discovery cut-off date is necessary and desirable to ensure adequate time for the Parties
26 to conduct relevant discovery;

27 WHEREAS, for these reasons, good cause exists to extend the discovery cut-
28 off date by ninety (90) days;

1 WHEREAS, for these same reasons, the Parties believe that all other pretrial
 2 dates, except for the deadline to file motions (which should only be extended by sixty-
 3 seven (67) days), should likewise be extended by ninety (90) days to conform the
 4 pretrial schedule to the discovery cut-off date, including a continuance of the Final
 5 Pretrial Conference from March 16, 2020, to June 15, 2020, or a date to be determined
 6 by the Court at its convenience; and

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

11 WHEREAS, while the Parties have previously requested an extension of these
 12 deadlines, the landscape of this action has since changed as a result of the California
 13 Department of Justice's unexpected, recent regulatory actions described above;

14 THE PARTIES HEREBY STIPULATE, AGREE, AND REQUEST, that the Court
 15 modify the pretrial schedule as follows:

16	Fact Discovery Cut-Off:	November 4, 2019
17	Expert Designation & Last Day to Serve	
18	Initial Expert Reports:	November 18, 2019
19	Last Day to Serve Rebuttal Expert Reports:	December 30, 2019
20	Expert Discovery Cut-Off:	January 27, 2020
21	Last Day to Lodge Confidential Settlement Brief:	February 3, 2020
22	Mandatory Settlement Conference with	
23	Judge Jill L. Burkhardt:	February 14, 2020 at 9 a.m.
24	Last Day to File All Pretrial Motions:	January 20, 2020
25	Last Day to File Memorandum of Contentions	
26	of Fact and Law:	May 18, 2020
27	Last Day to Comply with Pretrial Disclosure	
28	Requirements per FRCP 26(a)(3):	May 18, 2020

1 Last Day for Counsel to Meet and Take Action
2 Required by Civil Local Rule 16.1(f)(4): May 25, 2020
3 Last Day for Counsel for Plaintiffs to Provide
4 Counsel for Defendant with the Proposed
Pretrial Order: June 1, 2020
5 Last Day to Serve and Lodge the Proposed
6 Pretrial Conference Order: June 8, 2020
7 Final Pretrial Conference with
8 Judge Roger T. Benitez: June 15, 2020 at 10:30 a.m.
9

10 IT IS SO STIPULATED.

11 Respectfully submitted,

12 Dated: July 1, 2019

13 MICHEL & ASSOCIATES, P.C.

14 /s/ Sean A. Brady

15 Sean A. Brady

16 Email: sbrady@michellawyers.com

17 Attorneys for Plaintiffs

18 Dated: July 1, 2019

19 XAVIER BECERRA

20 Attorney General of California

21 TAMAR PACHTER

22 Supervising Deputy Attorney General

23 /s/ Nelson R. Richards

24 NELSON R. RICHARDS

25 Email: nelson.richards@doj.ca.gov

26 Attorneys for Defendant
27
28

CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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

Case No.: 3:18-cv-00802-JM-JMA

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:

SECOND JOINT MOTION TO AMEND SCHEDULING ORDER

on the following parties by electronically filing the foregoing on July 1, 2019, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Nelson R. Richards
Deputy Attorney General
nelson.richards@doj.ca.gov
2550 Mariposa Mall, Room 5090
Fresno, CA 93721

*Attorneys for Defendant Attorney General
Xavier Becerra*

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 1, 2019, at Long Beach, CA.

/s/ Laura Palmerin
Laura Palmerin