

By FAX

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**FILED/ENDORSED**  
MAY 24 2017  
*A-lee*  
By S. Lee, Deputy Clerk

10  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF SACRAMENTO

13 DAVID GENTRY, JAMES PARKER,  
14 MARK MIDLAM, JAMES BASS, and  
15 CALGUNS SHOOTING SPORTS  
16 ASSOCIATION,

17 Plaintiffs and Petitioners,

18 vs.

19 KAMALA HARRIS, in Her Official  
20 Capacity as Attorney General for the State  
21 of California; STEPHEN LINDLEY, in His  
22 Official Capacity as Acting Chief for the  
23 California Department of Justice, JOHN  
24 CHIANG, in his official capacity as State  
25 Controller for the State of California, and  
26 DOES 1-10.

27 Defendants and Respondents.

CASE NO. 34-2013-80001667

**SECOND AMENDED STIPULATION RE:  
BIFURCATION AND SETTING PARTIAL  
MERITS HEARING; [~~PROPOSED~~] ORDER**

Dept.: 31  
Judge: Hon. Michael P. Kenny  
Action filed: 10/16/13  
Hearing Date: 08/04/17

28 The parties to this Action, through their respective counsel, hereby stipulate and agree to  
the following.

**AVERMENTS**

WHEREAS, on November 4, 2016, this Court issued an order bifurcating the case and  
setting a briefing and hearing schedule for the parties to bring motions for summary adjudication,  
limited to Plaintiffs' Fifth and Ninth Causes of Action. Specifically, based on a stipulation of the  
parties, the Court ordered the parties' motions were due no later than March 10, 2017, oppositions

1 no later than March 24, 2017, and replies no later than March 31, 2017, and set a tentative hearing  
2 date of April 14, 2017.

3 WHEREAS, on February 17, 2017, Defendants' attorney emailed Plaintiffs' attorney and  
4 stated that the attorney handling the preparation of the Defendants' primary "Person Most  
5 Qualified" witness had been hospitalized. In light of the foregoing, Defendants' attorney asked if  
6 the upcoming deposition (set for the next business day, February 21, 2017), could be rescheduled.

7 WHEREAS, on February 17, 2017, the parties agreed to rescheduling the relevant  
8 deposition, and that the parties would stipulate to extending the relevant briefing date due to the  
9 unforeseen delay.

10 WHEREAS, on March 15, 2017, this Court ordered the relevant briefing deadlines  
11 extended as follows: the motion filing and service deadline of March 10, 2017, was continued to  
12 May 26, 2017; the opposition brief filing and service deadline of March 24, 2017, was continued  
13 to June 16, 2017; and the reply brief filing and service deadline of March 31, 2017, was continued  
14 to June 30, 2017. The Court's order of March 15, 2017, also set the hearing on this matter for  
15 9:00 a.m. on August 4, 2017.

16 WHEREAS, the parties had difficulty scheduling the deposition of Stephen Lindley,  
17 Acting Director of the Division of Law Enforcement, sufficiently before the current motion filing  
18 deadline, and further the parties agreed that deposing Stephen Lindley after the Informal  
19 Discovery Conference of May 12, 2017, would serve judicial economy because the discovery  
20 dispute discussed on May 12, 2017, was based on a previously made objection that was likely to  
21 be raised again during Acting Director's deposition.

#### 22 STIPULATION

23 THEREFORE, based on the foregoing facts, the parties hereby stipulate as follows.

24 1. If either party desires to file a summary adjudication/trial brief and separate  
25 statement of undisputed facts as to the Fifth or Ninth Cause of Action (or both) pleaded in  
26 Plaintiffs' First Amended Complaint, such documents must be filed by June 9, 2017, with  
27 opposition briefs filed no later than June 30, 2017, and reply briefs filed no later than July 21,  
28 2017. The modification of the briefing schedule will not affect the hearing date for the relevant

1 motion(s), previously set for August 4, 2017 at 9:00 a.m.

2 **SO STIPULATED.**

3 Dated: May 19, 2017 <sup>23 sf</sup>

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

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5 \_\_\_\_\_  
6 Scott M. Franklin  
7 Attorneys for the Plaintiffs/Petitioners

8 Dated: May 19, 2017 <sup>22 AD</sup>

**XAVIER BECERRA**  
9 Attorney General of California  
10 **STEPAN A. HAYTAYAN**  
11 Supervising Deputy Attorney General

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14 Anthony R. Haki  
15 Deputy Attorney General  
16 Attorneys for Defendants/Respondents

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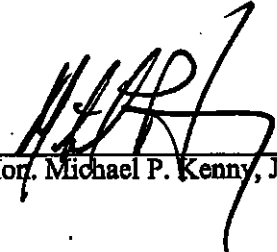
**ORDER**

Based on the Stipulation of the parties dated May 17, 2017, the Court **ORDERS** the following briefing deadlines extended as stipulated. To wit, it is **ORDERED** that:

1. The Motion filing and service deadline of May 26, 2017, is continued to June 9, 2017.
2. The opposition brief filing and service deadline of June 16, 2017, is continued to June 30, 2017.
3. The reply brief filing and service deadline of June 30, 2017, is continued to July 21, 2017.

**IT IS SO ORDERED.**

Date: 5/24/17

  
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Hon. Michael P. Kenny, Judge of the Superior Court