

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
14 STEVEN RUPP, et al.,

15 Plaintiffs,

16 vs.

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

19 Defendant.
20

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

**JOINT STIPULATION TO STAY
LITIGATION OF COSTS
PENDING APPEAL**

1 The parties, Plaintiffs Steven Rupp, Steven Dember, Cheryl Johnson, Michael
2 Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and the
3 California Rifle & Pistol Association, Incorporated, (“Plaintiffs”) and Defendant
4 Xavier Becerra, in his official capacity as Attorney General of the State of California
5 (“Defendant”) (collectively, the “Parties”), through their respective attorneys of
6 record, hereby stipulate and jointly request an order staying all proceedings
7 regarding recovery of costs in this action until 30 days after the completion of all
8 appellate proceedings. The Parties’ joint request is based on the good cause shown
9 below.

10 WHEREAS, on July 22, 2019, this Court granted Defendant’s motion for
11 summary judgment and denied Plaintiffs’ motion for summary judgment, in this
12 matter. ECF. No. 108;

13 WHEREAS, on July 31, 2019, the Court issued its final judgment in this
14 matter declaring Defendant the prevailing party and entitled to recovery of
15 reasonable costs of suit, making Defendant’s bill of costs currently due on August
16 14, 2019 (*see* Fed. R. Civ. P. 54(d)(2)(B)), ECF No. 111;

17 WHEREAS, Plaintiffs intend to appeal the judgment;

18 WHEREAS, a district court may defer litigation of attorneys’ fees and costs
19 until a pending appeal has been decided, *see* Fed. R. Civ. P. 54 cmt. (1993 amend.)
20 (“If an appeal on the merits of the case is taken, the court may rule on the claim for
21 fees, may defer its ruling on the motion, or may deny the motion without prejudice,
22 directing under subdivision (d)(2)(B) a new period for filing after the appeal has
23 been resolved”); and

24 WHEREAS, granting the requested stay would preserve judicial resources, the
25 Parties’ resources, and allow the parties to focus on preparing the merits appeal for
26 the Ninth Circuit;

27 IT IS HEREBY STIPULATED AND AGREED that good cause exists for an
28 order staying litigation of costs during the pendency of the Plaintiffs’ appeal of this

1 Court's judgment. And, based on that good cause, the Parties hereby stipulate to a
2 joint request that the Court grant an order staying all proceedings regarding costs in
3 this action until 30 days after a mandate issues from the appellate court.

4 IT IS SO STIPULATED.

5
6
7 Dated: August 1, 2019

Respectfully Submitted,
MICHEL & ASSOCIATES, P.C.

8 s/ Sean A. Brady

9 Sean A. Brady
10 Attorneys for Plaintiffs

11 Dated: August 1, 2019

XAVIER BECERRA
ATTORNEY GENERAL OF CALIFORNIA

12
13 s/ John D. Echeverria

14 John D. Echeverria
15 Attorneys for Defendant

16
17 Attestation of Concurrence in Filing

18 I, Sean A. Brady, am the ECF user whose ID and password are being
19 used to file the foregoing Joint Stipulation and Request to Modify Pretrial Schedule.
20 Pursuant to Local Rule 5-4.3(a)(2), I hereby attest that all signatories listed above,
21 and on whose behalf this filing is submitted, concur in the filings content and have
22 authorized the filing.

23 Dated: August 1, 2019

s/ Sean A. Brady

24 Sean A. Brady
25 Attorneys 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 TO STAY LITIGATION
OF COSTS PENDING APPEAL**

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
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

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

Executed August 1, 2019.

s/ Laura Palmerin
Laura Palmerin