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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

JOINT STATUS REPORT

BACKGROUND

On October 1, 2019, the parties participated in a telephonic status conference, during which the Court suspended the existing discovery cut-off dates and instructed counsel for the parties to meet and confer to develop agreed upon dates for new discovery deadlines to propose to the Court. Tr. of Proceedings at 45:22-46:1-2, 46:7-13, Oct. 1, 2019. The Court indicated it would hold another status conference sometime in late November and also suggested that it might hold an evidentiary hearing before ruling on Plaintiffs' Motion for Preliminary Injunction. Tr. of Proceedings at 43:15-17, 46:7-10, Oct. 1, 2019. The Court also invited Plaintiffs to file a supplemental brief, which they did on October 29, 2019. (ECF No. 46).

JOINT STATUS REPORT & REQUESTS

Counsel for the parties have met and conferred and, based thereon, jointly and respectfully request the following from the Court:

- 1) That no evidentiary hearing take place prior to the Court ruling on Plaintiffs' Motion for Preliminary Injunction, due not only to the significant costs and time required to hold one, and the potential redundancy of the merits stage, but also because the parties agree that the material facts are generally undisputed and that counsel should be able to address most, if not all, of the Court's questions about the issues currently before the Court sufficient to decide the pending motion;
- 2) That the Court grant Defendant an opportunity to respond to Plaintiffs' supplemental brief, either via a written brief not to exceed 10 pages to be filed within 14 days of the Court's response to this Joint Status Report, or at a hearing with counsel for all parties present to take place on the first convenient date for the Court (but excluding November 22, 25 and December 2, 4, 5, 2019);
- 3) That the Court allow the parties to wait until after the Court rules on Plaintiffs' Motion for Preliminary Injunction to meet and confer and finalize their stipulation concerning all new discovery deadlines at that time, because the parties believe that awaiting a ruling from the Court on the pending motion would likely add clarity to the issues that would facilitate the parties agreeing upon a case schedule going forward.

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2 Dated: November 7, 2019

Respectfully submitted,
MICHEL & ASSOCIATES, P.C.

3
4 s/ Sean A. Brady
Sean A. Brady
Email: sbrady@michellawyers.com
Attorneys for Plaintiffs

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7 Dated: November 7, 2019

XAVIER BECERRA
Attorney General of California
TAMAR PACHTER
Supervising Deputy Attorney General

9
10 s/ Nelson R. Richards
NELSON R. RICHARDS
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Attorneys for Defendant

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14 **Attestation of Concurrence in Filing**

15 I, Sean A. Brady, am the ECF user whose ID and password are being
16 used to file the foregoing Joint Status Report. I hereby attest that all signatories listed
17 above, and on whose behalf this filing is submitted, concur in the filings content and have
18 authorized the filing.

19
20 Dated: November 7, 2019

s/ Sean A. Brady
Sean A. Brady

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:

JOINT STATUS REPORT

on the following parties by electronically filing the foregoing on November 7, 2019, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Nelson R. Richards
Deputy Attorney General
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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 November 7, 2019, at Long Beach, CA.

s/ Laura Palmerin
Laura Palmerin