

1 C.D. Michel (SBN 144258)
Anna M. Barvir (SBN 268728)
2 Tiffany D. Chevront (SBN 317144)
MICHEL & ASSOCIATES, P.C.
3 180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
4 Telephone: (562) 216-4444
Fax: (562) 216-4445
5 Email: cmichel@michellawyers.com

*Attorneys for Plaintiffs B & L Productions, Inc., Barry Bardack, Ronald J. Diaz, Sr.,
6 John Dupree, Christopher Irick, Lawrence Walsh, Maximum Wholesale, Inc.,
California Rifle & Pistol Association, Incorporated, South Bay Rod and Gun Club,
7 Inc.*

8 Donald Kilmer (SBN 179986)
Law Offices of Donald Kilmer, APC
9 14085 Silver Ridge Road
Caldwell, Idaho 83607
10 Telephone: (408) 264-8489
Fax: (408) 264-8487
11 Email: Don@DKLawOffice.com

Attorney for Plaintiff Second Amendment Foundation

12 XAVIER BECERRA, Attorney General of California
13 PAUL STEIN, Supervising Deputy Attorney General
JOSHUA M. CAPLAN (SBN 245469)
14 CHAD A. STEGEMAN (SBN 225745)
NATASHA SAGGAR SHETH (SBN 282896)
15 P. PATTY LI (SBN 266937)
Deputy Attorneys General
16 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
17 Telephone: (415) 510-3817
Fax: (415) 703-1234
18 E-mail: Patty.Li@doj.ca.gov

Attorneys for Defendant 22nd District Agricultural Association

19
20 IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

21 B & L PRODUCTIONS, INC., d/b/a
22 CROSSROADS OF THE WEST, et al.,

23 Plaintiffs,

v.

24 22nd DISTRICT AGRICULTURAL
25 ASSOCIATION, et al.,

26 Defendants.

CASE NO.: 3:19-cv-00134-CAB-NLS

**JOINT EMERGENCY MOTION FOR
RECONSIDERATION OF COURT
ORDER DENYING THE PARTIES'
REQUEST FOR EXTENSION OF
DEADLINES IN LIGHT OF COVID-
19 STATE OF EMERGENCY**

[L.R. 7.2]

Judge: Honorable Cathy Ann Bencivengo
Action Filed: January 21, 2019

1 Pursuant to Rule 7.2 of the Local Rules for the United States District Court for
2 the Southern District of California, Plaintiffs B & L Productions, Inc., Barry Bardack,
3 Ronald J. Diaz, Sr., John Dupree, Christopher Irick, Lawrence Walsh, Maximum
4 Wholesale, Inc., California Rifle & Pistol Association, Incorporated, South Bay Rod
5 and Gun Club, Inc., and Second Amended Foundation (“Plaintiffs”) and Defendant
6 22nd District Agricultural Association (“Defendant”) (collectively “the Parties”) by
7 and through their counsel of record, hereby stipulate and jointly move as follows:

8 WHEREAS, the Court previously granted two joint requests to extend
9 discovery and summary judgment deadlines so that the Parties could engage in
10 settlement negotiations (ECF No. 32; ECF No. 34);

11 WHEREAS, on March 10, 2020, the Parties filed a Joint Motion to Further
12 Engage in Settlement Discussions and Extend Discovery and Summary Judgment
13 Deadlines, (ECF No. 36);

14 WHEREAS, on March 11, 2020, the Court issued an Order Denying to Extend
15 Case Management Deadlines, (ECF No. 37);

16 WHEREAS, as explained in the Parties’ March 10, 2020 joint motion, the
17 Parties have engaged in extensive settlement discussions, including a mediation
18 session and regular telephone conferences and written communications;

19 WHEREAS, the Parties are likely to agree to the terms of settlement for
20 Plaintiffs’ current claims in the coming days;

21 WHEREAS, any settlement of this litigation would require consultation with
22 and approval by Defendant’s Board of Directors at its April 14, 2020 meeting,
23 consistent with the requirements of the Bagley-Keene Open Meeting Act, Cal. Gov’t
24 Code, §§ 11120 *et seq.*, including the requirement to provide ten days’ notice of
25 agenda items, *id.* § 11125;

26 WHEREAS, Plaintiffs will file a motion for leave to file a supplemental
27 complaint to address events that occurred after the filing of the original pleading on or
28 before March 27, 2020;

1 WHEREAS, once Plaintiffs file their motion for leave to file a supplemental
2 complaint, the Parties will require additional time to finalize settlement, while the
3 parties brief and the Court hears Plaintiffs’ motion for leave;

4 WHEREAS, nothing in this Joint Motion constitutes a consent or waiver of
5 objections by Defendant, any previously dismissed defendants, or any defendants to
6 be named in a supplemental complaint, to the filing of a supplemental complaint in the
7 above-captioned action;

8 WHEREAS, on March 17, 2020, the U.S. District Court for the Southern
9 District of California posted the Order of the Chief Judge No. 18, suspending jury
10 trials and other proceedings during the COVID-19 public emergency;

11 WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive
12 Order N-33-20, ordering “all individuals living in the State of California to stay home
13 or at their place of residence except as needed to maintain continuity of operations of
14 the federal critical infrastructure sectors”;

15 WHEREAS, several other federal, state, and local entities have issued orders,
16 guidelines, or recommendations regarding the COVID-19 public emergency to avoid
17 the gathering of persons for unnecessary or non-“essential” reasons;

18 WHEREAS, the current discovery cut-off date is April 10, 2020;

19 WHEREAS, compliance with the current discovery deadline would require the
20 parties to respond to each other’s written discovery requests and to conduct
21 depositions within the next three weeks, during which the COVID-19 public
22 emergency is currently expected to remain in place, which would likely require the
23 parties to take actions contrary to current government mandate or recommendation;

24 WHEREAS, it is uncertain if any individuals who might be the subject of
25 written discovery or deposition in this matter will be available during the current
26 discovery window, in light of the COVID-19 public emergency;

27 NOW THEREFORE, in consideration of the new developments since the Order
28 Denying to Extend Case Management Deadlines in response to the parties’ previous to

1 Further Engage in Settlement Discussions and Extend Discovery and Summary
2 Judgment Deadlines, Plaintiffs and Defendant hereby stipulate and jointly move as
3 follows:

4 1. The discovery deadline in this matter is extended from April 10, 2020, to
5 July 9, 2020.

6 2. The deadline to file motion(s) for summary judgment is extended from
7 May 8, 2020 to August 6, 2020. The deadline to file opposition(s) is extended from
8 May 22, 2020 to August 20, 2020. The deadline to file any reply is extended from
9 June 5, 2020 to September 3, 2020. A hearing on any motion(s) for summary
10 judgment shall be set by future order of the Court.

11 **IT IS SO STIPULATED.**

12
13 Dated: March 23, 2020

MICHEL & ASSOCIATES, P.C.

14
15 s/ Anna M. Barvir
16 Anna M. Barvir
17 Attorneys for Plaintiffs B & L
18 Productions, Inc., Barry Bardack, Ronald
19 J. Diaz, Sr., John Dupree, Christopher
Irick, Lawrence Walsh, Maximum
Wholesale, Inc., California Rifle & Pistol
Association, Incorporated, South Bay
Rod and Gun Club, Inc.
Email: abarvir@michellawyers.com

20 Dated: March 23, 2020

Law Offices of Donald Kilmer, APC

21
22 s/ Donald Kilmer
23 Donald Kilmer
24 Attorneys for Plaintiff Second Amended
Foundation
Email: Don@DKLawOffice.com

25
26 ///

27 ///

28 ///

1 Dated: March 23, 2020

XAVIER BECERRA
Attorney General of California
PAUL STEIN
Supervising Deputy Attorney General
JOSHUA M. CAPLAN
NATASHA SAGGAR SHETH
CHAD A. STEGEMAN
Deputy Attorneys General

6 *s/ P. Patty Li*

P. Patty Li
Deputy Attorney General
Attorneys for Defendant 22nd District
Agricultural Association
Email: Patty.Li@doj.ca.gov

10 Pursuant to Southern District of California Electronic Case Filing
11 Administrative Policies and Procedures, Section 2(f)(4), the below filer attests that
12 concurrence in the filing of this document has been obtained from the above
13 signatories.

14 *s/ Anna M. Barvir*

Anna M. Barvir

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *B & L Productions, Inc., et al. v. 22nd District Agricultural Association, et al.*

Case No.: 3:19-cv-00134 CAB (NLS)

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 EMERGENCY MOTION FOR RECONSIDERATION OF COURT ORDER DENYING THE PARTIES’ REQUEST FOR EXTENSION OF DEADLINES IN LIGHT OF COVID- 19 STATE OF EMERGENCY

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
P. Patty Li
Deputy Attorney General
E-mail: patty.li@doj.ca.gov
Natasha Saggar Sheth
Deputy Attorney General
E-mail: natasha.sheth@doj.ca.gov
Chad A. Stegeman
Deputy Attorney General
E-mail: chad.stegeman@doj.ca.gov
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Attorneys for Defendants

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

Executed March 23, 2020.

s/ Laura Palmerin

Laura Palmerin