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15 * *App. Pro Hac Vice Forthcoming*
16 *Attorneys for Plaintiffs*

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 JAMES FAHR; DESIREE
17 BERGMAN; COLIN RUDOLPH;
18 SAN DIEGO COUNTY GUN
OWNERS PAC; and FIREARMS
POLICY COALITION, INC.,

19 Plaintiffs,

20 v.

21 CITY OF SAN DIEGO,
22 CALIFORNIA; and DAVID
NISLEIT, in his official capacity as
23 Chief of Police of San Diego City,
California,

24 Defendants.

Case No.:
21-CV-1676-BAS-BGS

**JOINT MOTION AND STIPULATION
TO CONTINUE BRIEFING
SCHEDULE FOR MOTION TO
DISMISS**

Judge: Hon. Cynthia Bashant
Date: February 7, 2022
Courtroom: 4B
Trial: Not Set

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

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1 Plaintiffs James Fahr, et al., and Defendants City of San Diego and David
2 Nisleit, in his official capacity as Chief of Police, through their respective counsel
3 of record, and pursuant to Civil Local Rule 7.2 and Hon. Judge Bashant’s Standing
4 Order for Civil Cases, 4(B), hereby jointly move the Court to continue the current
5 briefing schedule to Parties’ stipulated briefing schedule set forth below.

6 **RELEVANT PROCEDURAL BACKGROUND**

7 Plaintiffs filed their complaint on September 23, 2021. ECF No. 1. On
8 September 23, 2021, Plaintiffs filed Plaintiffs’ ex parte Motion for Temporary
9 Restraining Order, or Alternatively Preliminary Injunction (“Motion for a TRO”) and
10 ex parte application for an order shortening time. ECF Nos. 2, 5. After this motion
11 was initially denied, Plaintiffs filed Plaintiffs’ motion to Renew Application For
12 Temporary Restraining Order and Alternative Motion For Preliminary Injunction
13 Upon Completion of Service. ECF No. 9. The hearing for Plaintiffs’ TRO Motion
14 was conducted on October 19, 2021. ECF No. 20. This Court denied Plaintiffs’ TRO
15 Motion on October 20, 2021. ECF No. 21. Defendants then filed their notice of
16 motion and motion to dismiss Plaintiffs’ Complaint on November 5, 2021. ECF No.
17 22.

18 **I. GOOD CAUSE EXISTS TO GRANT THE PARTIES’ MOTION**
19 **AND STIPULATED BRIEFING SCHEDULE**

20 Under the current briefing schedule, Plaintiffs’ opposition brief is due
21 December 20, 2021, and Defendants’ reply brief is due December 27, 2021. Good
22 cause exists to continue the current briefing schedule. First, all parties agree that the
23 rescheduling is consistent with their calendar and other pre-existing calendar
24 commitments. Second, the additional time will avoid preparation of the opposition
25 and reply briefing during the important upcoming holidays. Third, this short
26 extension will not cause any prejudice to the parties and will not unnecessarily delay
27 the overall trial process.
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1 WHEREFORE, IT IS STIPULATED AND AGREED, by and between the
2 Parties, through their respective undersigned counsel, as follows:

3 1. The new hearing date for Defendants’ Motion to Dismiss will be on or
4 after Monday, February 7, 2022.

5 2. Pursuant to Local Rule 7.1(e), Plaintiffs must file and serve their
6 opposition to Defendants’ motion to dismiss on or before January 24, 2022 (14
7 calendar days before the hearing). Defendants’ reply brief must be filed and served
8 on or before January 31, 2022 (7 calendar days before the hearing).

9 3. A proposed order will be lodged with the Court concurrently with
10 submission of this joint motion and stipulation.

11 December 6, 2021

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13 THE DIGUISEPPE LAW FIRM, P.C.

DILLON LAW GROUP, APC

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/s/ Raymond M. DiGuiseppe

/s/ John W. Dillon

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23 *Attorneys for Plaintiffs*

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1 December 6, 2021

MARA W. ELLIOTT, City Attorney

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By: /s/ Matthew L. Zollman

Matthew L. Zollman
Deputy City Attorney


Attorneys for Defendants CITY OF
SAN DIEGO AND SAN DIEGO
CHIEF OF POLICE DAVID
NISLEIT

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**Certification re: Electronic Signatures Pursuant to Electronic Case Filing
Administrative Policies and Procedures Manual, Section 2(f)(4)**

I, John W. Dillon, hereby certify and attest that the content of this document is acceptable to all persons required to sign the document and that I have obtained authorization for use of the electronic signatures of all parties on the document, including Mr. Matthew L. Zollman, attorney for Defendants.

December 6, 2021

By: 

John W. Dillon
Attorney for Plaintiffs