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12 Attorney for Plaintiff Second Amendment Foundation

13  
 14 IN THE UNITED STATES DISTRICT COURT  
 15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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

17 Plaintiffs,

18 v.

19 GAVIN NEWSOM, in his official  
 20 capacity as Governor of the State of  
 California and in his personal capacity; et  
 21 al.,

22 Defendants.

CASE NO: 21CV1718 AJB KSC

**JOINT MOTION OF THE PARTIES  
 TO EXTEND BRIEFING  
 SCHEDULE FOR DEFENDANTS’  
 MOTIONS TO DISMISS THE  
 COMPLAINT**

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1 Under Rules 7.2 and 12.1 of the Local Rules for the United States District  
2 Court for the Southern District of California, and this Court’s Civil Case  
3 Procedures, Plaintiffs B & L Productions, Inc., d/b/a Crossroads of the West,  
4 Ronald J. Diaz, Sr., John Dupree, Christopher Irick, Robert Solis, Lawrence M.  
5 Walsh, Captain Jon’s Lockers, LLC., LAX Firing Range, Inc., d/b/a LAX Ammo,  
6 California Rifle & Pistol Association, Incorporated, South Bay Rod and Gun Club,  
7 Inc., and Second Amendment Foundation (collectively, “Plaintiffs”), and  
8 Defendants Governor Gavin Newsom, in his official and individual capacity,  
9 Attorney General Rob Bonta, in his official and individual capacity, Karen Ross,  
10 Secretary of California Department of Food & Agriculture, in her official and  
11 individual capacity, the 22nd District Agricultural Association, District Attorney  
12 Summer Stephan, in her official capacity, and County Counsel Lonnie Eldridge, in  
13 his official capacity (collectively, “Defendants,” and together with Plaintiffs, “the  
14 Parties”), by and through their attorneys, hereby stipulate and jointly move as  
15 follows:

16 WHEREAS, Plaintiffs’ filed their Complaint (ECF No. 1.) in this Court on  
17 October 4, 2021;

18 WHEREAS, counsel for Plaintiffs previously agreed to Defendants’ request  
19 for a 60-day extension to file their responsive pleadings as a convenience to ensure  
20 that all responsive pleadings for all Defendants would have the same deadline.  
21 (Decl. of Anna M. Barvir Supp. Jt. Mot. to Extend Br. Sched. (“Barvir Decl.”) ¶¶ 2-  
22 3.) The Parties thus filed a Joint Motion (ECF No. 13) asking the Court to extend  
23 the deadline for all Defendants’ to file their responsive pleadings by 60 days.

24 WHEREAS, on November 24, 2021, this Court granted the Parties’ Joint  
25 Motion, ordering all Defendants’ to file their responsive pleadings on or before  
26 January 24, 2022. (ECF No. 14.)

27 WHEREAS, on November 17, 2021, Ms. Anna M. Barvir, counsel for  
28 Plaintiffs in this matter, filed *Briseno v. Bonta*, Case No. 2:21-cv-09018, in the

1 United States District Court for the Central District of California. (Barvir Decl ¶ 4.)  
2 The *Briseno* case names as defendants Attorney General Rob Bonta, as well as Luis  
3 Lopez, the Acting Chief of the California Department of Justice Bureau of  
4 Firearms, and the California Department of Justice. (*Id.* ¶ 5.) All defendants in  
5 *Briseno*, like the State Defendants in this case (i.e., Defendants Newsom, Bonta,  
6 Ross, and the 22nd District Agricultural Association), are represented by attorneys  
7 at the California Department of Justice (“DOJ”). (*Id.* ¶ 6.)

8 WHEREAS, Mr. Charles Sarosy, counsel for the State Defendants, emailed  
9 Ms. Barvir on December 7, 2021, on behalf of his colleagues at the DOJ who would  
10 soon be assigned to the *Briseno* matter. He asked if the *Briseno* plaintiffs would  
11 agree to an extension, giving the State until January 24, 2022, to file its responsive  
12 pleading in that case. (*Id.* ¶ 7.) Ms. Barvir did not oppose the request, but expressed  
13 concern that, if DOJ attorneys in both this matter and the *Briseno* matter intended to  
14 file motions to dismiss, she would be unable to effectively respond to either or both  
15 without an extended notice period or briefing schedule in at least one of the cases.  
16 (*Id.* ¶ 8.) Mr. Sarosy thus offered to consider Plaintiffs’ counsel’s schedule when  
17 selecting a hearing date for any potential motion to dismiss in this case. (*Id.* ¶ 9.)  
18 Ms. Barvir thus agreed to the extension, and the *Briseno* parties filed a stipulation  
19 resulting in a January 24, 2022 deadline for the *Briseno* defendants’ responsive  
20 pleading. (*Id.* ¶ 10.)

21 WHEREAS, on or about January 19, 2022, Mr. Sarosy informed Ms. Barvir  
22 that Defendants intended to move to dismiss this lawsuit, and he asked Ms. Barvir  
23 to let him know of her availability so that he could take it into consideration when  
24 selecting a hearing date, as counsel for the Parties previously agreed. (*Id.* ¶ 11.)

25 WHEREAS, because Ms. Barvir had previously met and conferred with DOJ  
26 attorneys assigned to the *Briseno* matter, she knew that the *Briseno* defendants  
27 would also be moving to dismiss. (*Id.*) She thus responded to Mr. Sarosy,  
28 requesting an April hearing date, if possible, to accommodate briefing in both this

1 matter and the *Briseno* matter, as well as other pending deadlines in unrelated  
2 matters. (*Id.* ¶ 12.)

3 WHEREAS, in the afternoon of January 24, 2022, the State Defendants filed  
4 their motion to dismiss and supporting documents in this matter. (ECF No. 17.) The  
5 State Defendants’ motion was noticed to be heard on April 7, 2022. (*Id.*)

6 WHEREAS, this Court immediately issued an order setting a briefing  
7 schedule for the State Defendants’ motion to dismiss, ordering Plaintiffs to file their  
8 opposition on or before February 7, 2022, and ordering the State Defendants to file  
9 their reply on or before February 14, 2022. (ECF No. 18.) The Court’s order did not  
10 disturb the April 7, 2022 hearing date. (*Id.*)

11 WHEREAS, the *Briseno* defendants also filed their motion to dismiss and  
12 supporting documents in the afternoon of January 24, 2022. (Barvir Decl. ¶ 16.)  
13 The *Briseno* motion to dismiss was noticed to be heard on February 28, 2022,  
14 making the deadline for the *Briseno* plaintiffs, represented by Ms. Barvir, to file  
15 their opposition also February 7, 2022. (*Id.*)

16 WHEREAS, the County Defendants (i.e., Defendants Stephan and Eldridge),  
17 filed their motion to dismiss and joinder to the State Defendants’ motion to dismiss  
18 late in the evening of January 24, 2022. (ECF Nos. 19 & 20.) The County  
19 Defendants also noticed their motion to be heard on April 7, 2022. (*Id.*)

20 WHEREAS, on the January 25, 2022, the Court issued an amended  
21 scheduling order, making Plaintiffs’ opposition to all Defendants’ motions to  
22 dismiss due on or before February 7, 2022, and all Defendants’ replies due on or  
23 before February 14, 2022. (ECF No. 21.) The Court’s order did not disturb the  
24 April 7, 2022 hearing date. (*Id.*)

25 WHEREAS, including the deadlines now set in the *Briseno* matter, Ms.  
26 Barvir, the attorney primarily responsible for drafting Plaintiffs’ oppositions in this  
27 case, is under a heavy press of business with coinciding deadlines in other matters  
28 in the coming weeks. Indeed, having already exhausted her right to a 60-day

1 extension in the matter of *Kirk v. City of Morgan Hill*, Case No. 19CV346360, Ms.  
2 Barvir must file a reply brief in the California Court of Appeal on or before  
3 February 14, 2022. (Barvir Decl. ¶ 17.) She must also file an opening brief in the  
4 matter of *Wallingford v. Bonta*, Case No. 21-56292, in the Ninth Circuit on or  
5 before January 27, 2022, and a petition for writ of certiorari in the United States  
6 Supreme Court in the matter of *Duncan v. Bonta* on or before February 28, 2022.  
7 (*Id.* ¶ 17.)

8 WHEREAS, Mr. Donald Kilmer, counsel for Plaintiff Second Amendment  
9 Foundation, has amicus briefs due in the Montana Supreme Court matter of *Board*  
10 *of Regents of Higher Education of the State of Montana v. State of Montana*, Case  
11 No. DA 21-0605, and in the *Duncan v. Bonta* matter as soon as that is filed in the  
12 United States Supreme Court. (*Id.* ¶ 18.) He also has a one- or two-day trial in mid-  
13 February. (*Id.*) Though he is not primarily responsible for the briefing in this  
14 matter, he will be largely unavailable to assist Ms. Barvir as a result of these and  
15 other deadlines. (*Id.*)

16 WHEREAS, with these deadlines already on calendar for Plaintiffs'  
17 attorneys, the briefing schedule for responses ordered by this Court on January 25,  
18 2022, will impair Plaintiffs' counsel's ability to represent Plaintiffs most effectively  
19 in this matter. The additional time requested will allow counsel to prepare their  
20 oppositions in a way that will be most helpful to both their clients and the Court.

21 WHEREAS, this request is made in good faith for the reasons of substantial  
22 need identified in this joint motion and in the supporting Declaration of Anna M.  
23 Barvir, and not for the purpose of delay. (*Id.* ¶ 19.)

24 WHEREAS, the Parties' requested extensions would still give the Court  
25 three weeks to review the briefing before the motion to dismiss hearing on April 7,  
26 2022, which is two weeks longer than the typical time for the Court to review  
27 briefing in accordance with the schedule outlined in Local Rule 7.1(e). (*Id.* ¶ 20.)

28 WHEREAS, because the Parties' requested extensions would give Plaintiffs

1 an additional 17 days to respond to Defendants’ motions to dismiss, the requested  
2 extensions would also give Defendants an additional 14 days to file their reply  
3 briefs in response to Plaintiffs’ opposition briefs. Any extension for Plaintiffs  
4 should correspond with an extension for Defendants to ensure the Parties can most  
5 effectively assist the Court in deciding on the motions to dismiss given the number  
6 and complexity of the claims and defenses raised, as well as to ensure relative  
7 equity in the times the Parties have to respond to each others’ briefs.

8 NOW, THEREFORE, in consideration of the foregoing, the Parties hereby  
9 stipulate and jointly move the Court to order that:

10 1. Plaintiffs’ deadline to file their Oppositions to the Motions to Dismiss  
11 (ECF Nos. 17, 19 & 20) will be extended to Thursday, February 24, 2022; and

12 2. Defendants’ deadline to file their Replies to Plaintiffs’ Oppositions to  
13 the Motions to Dismiss (ECF Nos. 17, 19 & 20) be extended to Thursday, March  
14 17, 2022.

15 Respectfully submitted,

16 Dated: January 27, 2022

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

17  
18 *s/ Anna M. Barvir*  
19 Anna M. Barvir  
20 Attorney for Plaintiffs B&L Productions, Inc.,  
21 Barry Bardack, Ronald J. Diaz, Sr., John  
22 Dupree, Christopher Irick, Robert Solis,  
23 Lawrence Michael Walsh, Captain Jon’s  
24 Lockers, LLC, L.A.X. Firing Range, Inc.,  
25 California Rifle & Pistol Association,  
26 Incorporated, South Bay Rod and Gun Club,  
27 Inc.  
28 Email: [abarvir@michellawyers.com](mailto:abarvir@michellawyers.com)

Dated: January 27, 2022

LAW OFFICES OF DON KILMER

*s/ Donald Kilmer*  
Donald Kilmer  
Attorney for Plaintiff Second Amendment  
Foundation  
Email: [don@dklawoffice.com](mailto:don@dklawoffice.com)

1 Dated: January 27, 2022

ROB BONTA  
Attorney General of California  
ANTHONY R. HAKL  
Supervising Deputy Attorney General

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4  
5 By: s/ Charles J. Sarosy

CHARLES J. SAROSY  
Deputy Attorney General  
*Attorneys for Defendants Governor Gavin  
Newsom, Attorney General Rob Bonta,  
Secretary Karen Ross, and 22<sup>nd</sup> District  
Agricultural Association*  
Email: [Charles.Sarosy@doj.ca.gov](mailto:Charles.Sarosy@doj.ca.gov)

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10 Date: January 27, 2022

OFFICE OF COUNTY COUNSEL

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13 By: s/ Timothy M. White

TIMOTHY M. WHITE, Senior Deputy  
*Attorneys for Defendants SUMMER  
STEPHAN, sued in her official capacity as  
District Attorney of San Diego County;  
and LONNIE ELDRIDGE, sued in his official  
capacity as County Counsel of San Diego  
County*  
E-mail: [Timothy.White@sdcounty.ca.gov](mailto:Timothy.White@sdcounty.ca.gov)

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20 **ATTESTATION OF E-FILED SIGNATURES**

21 I, Anna M. Barvir, am the ECF User whose ID and password are being used  
22 to file this Joint Motion of the Parties to Extend Briefing Schedule for Defendants'  
23 Motions to Dismiss the Complaint. In compliance with Southern District of  
24 California Electronic Case Filing Administrative Policies and Procedures Section  
25 2(f)(4), I attest that Defendants' counsel, Charles J. Sarosy and Timothy M. White,  
26 have concurred in this filing.

27 Dated: January 27, 2022

s/ Anna M. Barvir  
Anna M. Barvir

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

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Case Name: *B & L Productions, Inc., et al. v. Newsom, et al.*  
Case No.: 21CV1718 AJB KSC

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 MOTION OF THE PARTIES TO EXTEND BRIEFING SCHEDULE  
FOR DEFENDANTS’ MOTIONS TO DISMISS THE COMPLAINT**

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

Charles J. Sarosy, Deputy Attorney General  
[charles.sarosy@doj.ca.gov](mailto:charles.sarosy@doj.ca.gov)


*Attorneys for Defendants Governor Gavin Newsom,  
Attorney General Rob Bonta, Secretary Karen Ross, and  
22<sup>nd</sup> District Agricultural Association*

Timothy M. White, Senior Deputy  
[timothy.white@sdcounty.ca.gov](mailto:timothy.white@sdcounty.ca.gov)

*Attorneys for Defendants Summer Stephan, Attorney of  
San Diego County and Lonnie Eldridge, County Counsel  
of San Diego County*

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

Executed January 27, 2022.

  
\_\_\_\_\_  
Laura Palmerin