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IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JUNIOR SPORTS MAGAZINES
INC., RAYMOND BROWN,
CALIFORNIA YOUTH SHOOTING
SPORTS ASSOCIATION, INC.,
REDLANDS CALIFORNIA
YOUTH CLAY SHOOTING
SPORTS, INC., CALIFORNIA
RIFLE & PISTOL ASSOCIATION,
INCORPORATED, THE CRPA
FOUNDATION, AND GUN
OWNERS OF CALIFORNIA, INC.;
and SECOND AMENDMENT
FOUNDATION,

Plaintiffs,

v.

ROB BONTA, in his official capacity
as Attorney General of the State of
California; and DOES 1-10,

Defendant.

CASE NO: 2:22-cv-04663-CAS (JCx)

**STIPULATION & JOINT MOTION TO
STAY PROCEEDINGS PENDING
APPEAL AND TO EXTEND
DEADLINE FOR DEFENDANT TO
RESPOND TO COMPLAINT**

1 ROB BONTA
2 Attorney General of California
3 MARK R. BECKINGTON
4 Supervising Deputy Attorney General
5 KEVIN J. KELLY
6 Deputy Attorney General
7 State Bar No. 337425
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13 Attorneys for Defendant Rob Bonta, in his official capacity as Attorney General of
14 the State of California
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1 Plaintiffs Junior Sports Magazines, Inc., Raymond Brown, California Youth
2 Shooting Sports Association, Inc., Redlands California Youth Clay Shooting Sports,
3 Inc., California Rifle & Pistol Association, Incorporated, The CRPA Foundation,
4 Gun Owners of California, Inc., and Second Amendment Foundation and Defendant
5 Rob Bonta (collectively “the Parties”), through their respective attorneys of record,
6 hereby stipulate and jointly move this Court for an order staying this action pending
7 the resolution of Plaintiffs’ appeal to the Ninth Circuit of the Order Denying
8 Plaintiffs’ Motion for Preliminary Injunction (ECF No. 35).

9 WHEREAS, on July 8, 2022, Plaintiffs filed a complaint (ECF No. 1) in this
10 matter, challenging California’s recently enacted Assembly Bill 2571 (“AB 2571”) on First Amendment and equal protection grounds;

12 WHEREAS, on July 20, 2022, Plaintiffs filed a motion for preliminary
13 injunction (ECF No. 12), asking this Court to enjoin the enforcement of AB 2571
14 during the pendency of this action;

15 WHEREAS, this Court denied Plaintiffs’ motion for preliminary injunction
16 on October 24, 2022 (ECF No. 35);

17 WHEREAS, Plaintiffs timely appealed this Court’s denial of their motion for
18 preliminary injunction to the Ninth Circuit on November 21, 2022;

19 WHEREAS, when a party appeals a preliminary injunction, the case may
20 generally “proceed in the lower court as though no appeal has been taken,” *Phelan v.*
21 *Taitano*, 233 F.2d 117, 119 (9th Cir. 1956), but the Court has discretion to issue a
22 stay of proceedings “incidental to the power inherent in every court to control the
23 disposition of the causes on its docket with economy of time and effort for itself, for
24 counsel, and for litigants,” *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D.
25 Cal. 1997) (citing *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936)); WHEREAS,
26 neither party will be harmed by the issuance of a stay—instead, “granting a stay will
27 *benefit* both parties to this action by sparing them the expense of contemporaneous
28 litigation and the accompanying fees and expenditure of time” inherent in pursuing

1 litigation in both this Court and the Court of Appeals, Order at 6, *Baker v. Kealoha*,
2 No. 11-00528 (D. Haw. June 19, 2012) (emphasis added);

3 WHEREAS, a stay of the proceedings is also in the public interest because it
4 will avoid wasting party and judicial resources by simultaneously litigating issues
5 that may be decided or narrowed by the Ninth Circuit on appeal;

6 WHEREAS, the parties agree that good cause exists for the issuance of a stay
7 of the proceedings pending appeal.

8 IT IS HEREBY STIPULATED that, subject to this Court's approval, further
9 proceedings in this matter, including discovery, pre-trial motions, and trial, shall be
10 stayed until further order of this Court, pending resolution of Plaintiffs' appeal of
11 this Court's interlocutory order denying Plaintiffs' motion for preliminary
12 injunction.

13 IT IS FURTHER STIPULATED that Plaintiffs' counsel shall file with this
14 Court a copy of the Ninth Circuit's decision in Plaintiffs' interlocutory appeal in this
15 matter within ten (10) days of its issuance.

16 IT IS FURTHER STIPULATED that, subject to this Court's approval, the
17 deadline for Defendant Rob Bonta to answer, move, or otherwise respond to the
18 Complaint is extended until thirty (30) days after the Ninth Circuit issues a decision
19 in Plaintiffs' interlocutory appeal in this matter.

20
21 Dated: November 21, 2022

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir

Anna M. Barvir

Counsel for Plaintiffs Junior Sports Magazines,
Inc., Raymond Brown, California Youth
Shooting Sports Association, Inc., Redlands
California Youth Clay Shooting Sports, Inc.,
California Rifle & Pistol Association,
Incorporated, The CRPA Foundation, and Gun
Owners of California, Inc.

1 Dated: November 21, 2022

LAW OFFICES OF DONALD KILMER, APC

2 *s/ Donald Kilmer*

3 Donald Kilmer
4 Counsel for Plaintiff Second Amendment
Foundation

5 Dated: November 21, 2022

6 **ROB BONTA**
Attorney General of California
7 **MARK R. BECKINGTON**
Supervising Deputy Attorney General

8 *s/ Kevin J. Kelly*

9 **KEVIN J. KELLY**
Deputy Attorney General
10 Counsel for Defendant Rob Bonta, in his
11 official capacity as Attorney General of the
State of California

12
13 **ATTESTATION OF E-FILED SIGNATURES**

14 I, Anna M. Barvir, am the ECF User whose ID and password are being used
15 to file this STIPULATION & JOINT MOTION TO STAY PROCEEDINGS
16 PENDING APPEAL AND TO EXTEND DEADLINE FOR DEFENDANT TO
17 RESPOND TO COMPLAINT. In compliance with Central District of California
18 L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers and have
19 concurred in this filing.
20

21 Dated: November 21, 2022

s/ Anna M. Barvir

22 Anna M. Barvir

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

Case Name: *Junior Sports Magazines, Inc., et al. v. Bonta*
Case No.: 2:22-cv-04663-CAS (JCx)

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:

**STIPULATION & JOINT MOTION TO STAY PROCEEDINGS PENDING
APPEAL AND TO EXTEND DEADLINE FOR DEFENDANT TO RESPOND
TO 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.

Kevin J. Kelly, Deputy Attorney General
kevin.kelly@doj.ca.gov
300 South Spring Street, Suite 9012
Los Angeles, CA 90013
Attorney for Defendant

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

Executed November 21, 2022.



Laura Palmerin