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25 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
26 **FOR THE COUNTY OF LOS ANGELES**

27 FRANKLIN ARMORY, INC. and
28 CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED

Petitioners-Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF JUSTICE,
ROBERT A. BONTA, in his official capacity
as Attorney General for the State of California,
and DOES 1-10,

Respondents-Defendants.

Case No.: 20STCP01747

[Assigned for all purposes to the Honorable
Daniel S. Murphy; Department 32]

**JOINT STIPULATION AND [PROPOSED]
ORDER TO CONTINUE TRIAL DATE
AND RELATED DEADLINES**

Action filed: May 27, 2020

FILED
Superior Court of California
County of Los Angeles
12/05/2022
Sherri R. Carter, Executive Officer / Clerk of Court
By: S. Luqueno Deputy

1 **TO THE CLERK OF THIS COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 This Stipulation, entered into by and between Plaintiffs-Respondents Franklin Armory, Inc., and
3 California Rifle & Pistol Association, Incorporated (“Plaintiffs”) and Defendants-Respondents
4 California Department of Justice (“DOJ”) and Attorney General Rob Bonta (“Defendants”) by and
5 through their respective counsel, is made with reference to the following facts and recitals:

6 **Case Status & Procedural History**

7 WHEREAS, Plaintiffs filed the original complaint in this case on May 27, 2020, raising five
8 causes of action, including both state and federal claims and a writ of mandamus. The matter was
9 initially assigned to the Honorable Judge James C. Chalfant of the Writs & Receivers Department.

10 WHEREAS, filed their First Amended Complaint on August 19, 2020, raising nine total
11 causes of action, including both state and federal claims and a writ of mandamus.

12 WHEREAS, on October 15, 2020, Judge Chalfant ordered the matter bifurcated, ordering the
13 parties to litigate only Claims 1, 2, and 8—i.e., the claims for declaratory and injunctive relief and a
14 writ of mandamus—during the first phase of the case. (See Min. Order Re: Trial Setting Conf. (Oct. 15,
15 2020) [“Petitioner has decided to pursue the 1st, 2nd, and 8th causes of action with limited discovery
16 declaratory relief, breach of duty to process firearms for DES form, and mandamus APA violations for
17 underground regulation and mandate to update the DES form. All other causes of action are ordered
18 stayed.”].);

19 WHEREAS, Judge Chalfant also continued the trial setting conference to January 26, 2021, and
20 he ordered the parties to conduct limited discovery regarding Claims 1, 2, and 8 by the date of that
21 hearing. (*Ibid.* [“Discovery must be complete and the demurrer hearing may have occurred by the next
22 hearing date.”].)

23 WHEREAS, on October 30, 2020, Defendants filed a Demurrer to the First Amended Complaint
24 as moot, setting a hearing for January 26, 2021;

25 WHEREAS, on or about January 28, 2021, the Court issued a ruling sustaining Defendants’
26 Demurrer to the First Amended Complaint, giving Plaintiffs’ leave to amend. Plaintiffs filed their
27 Second Amended Complaint on February 17, 2021.

28 WHEREAS, on February 17, 2021, pursuant to this Court’s January 28, 2021 order granting

1 Defendants DOJ's and former Attorney General Xavier Becerra's first demurrer to the First Amended
2 Complaint with leave to amend, Plaintiffs filed the Second Amended Complaint in the above-entitled
3 action;

4 WHEREAS, Defendants DOJ and former Attorney General Xavier Becerra filed a second
5 demurrer to the Second Amended Complaint on March 23, 2021, with a hearing set for June 3, 2021;

6 WHEREAS, on June 3, 2021, this Court overruled the demurrer to the Second Amended
7 Complaint, ordering Defendants DOJ and former Attorney General Xavier Becerra to file an answer on
8 or before June 23, 2021;

9 WHEREAS, on June 23, 2021, Defendants DOJ and former Attorney General Xavier Becerra
10 filed their Answer to the First, Second, and Eighth Causes of Action in the Second Amended Complaint;

11 WHEREAS, on August 4, 2021, Plaintiffs filed a demurrer to and motion to strike Defendant's
12 answer, with a hearing set for October 14, 2021;

13 WHEREAS, on October 26, 2021, this Court denied Plaintiffs' motion to strike as moot, but
14 sustained Plaintiffs' demurrer as to Defendants' affirmative defenses, giving Defendants until November
15 10, 2021, to file an amended answer;

16 WHEREAS, the attorney who was then responsible for preparing Defendants' amended answer
17 went on medical leave on November 15, 2021, and requested that Plaintiffs agree to a one-week
18 extension for Defendants to file their amended answer;

19 WHEREAS, pursuant to the Parties' agreement, Defendants filed their amended answer to the
20 Second Amended Complaint, on November 16, 2021;

21 WHEREAS, on November 29, 2021, Defendants filed a Motion to Dismiss the First, Second,
22 and Eighth Causes of Action in the Second Amended Complaint as moot with a hearing set for January
23 27, 2022;

24 WHEREAS, on January 27, 2022, the Court granted Defendants' Motion to Dismiss, holding
25 that Claims 1, 2, and 8 were moot in light of the changes to the DROS Entry System;

26 WHEREAS, this case was then transferred out of the Writs & Receivers Department to
27 Department 32 of this Court, and the remaining six causes of action were unstayed. (See Min. Order
28 Reassigning Case to an Ind. Cal. Court (Jan. 28, 2022).)

1 WHEREAS, the Court and the parties participated in a Case Management Conference on March
2 2, 2022, and the Court scheduled a Final Status Conference for May 25, 2023, and a Jury Trial for June
3 6, 2023;

4 WHEREAS, the parties engaged in and completed substantial discovery during the first phase of
5 this litigation, but that discovery was limited in scope to matters relevant to the the first, second, and
6 eighth causes of action;

7 WHEREAS, Plaintiffs have notified counsel for Defendants that they intend to take the
8 deposition of two Persons Most Knowledgeable at the Department of Justice (DOJ), as well as several
9 other DOJ employees;

10 WHEREAS, on November 11, 2022, Plaintiff Franklin Armory propounded Special
11 Interrogatories, Set Two, Requests for Admission, Set Three, and Requests for Production of
12 Documents, Set Three, on Defendant DOJ;

13 WHEREAS, counsel for Defendants has a three-week trial beginning on November 28, 2022,
14 and will not be available to respond to written discovery or defend or take depositions during that time
15 and there is no other attorney assigned to the case to cover these matters;

16 WHEREAS, Plaintiffs intend to file a motion for summary judgment or summary adjudication
17 and Defendants intend to file a motion for judgment on the pleadings, and/or motion for summary
18 judgment, either of which will likely dispose of some or all of the remaining claims without the need for
19 trial;

20 WHEREAS, the current deadline to file a motion for summary judgment is February 17, 2023,
21 and the parties require additional time to complete the pending written discovery and depositions in
22 order to prepare the best possible record for Plaintiffs' intended motion for summary judgment or
23 summary adjudication.

24 **Good Cause for a Continuance**

25 WHEREAS, this the first stipulation and request for a continuance of this trial;

26 WHEREAS, the Parties agree there is good cause for a continuance of the June 6, 2023, Jury
27 Trial and all associated deadlines;

28 WHEREAS, the Parties agree that a continuance of the trial and all related deadlines will allow

1 the parties to continue to participate in meaningful discovery and prepare potentially dispositive motions
2 for without the need to simultaneously engage in costly trial preparation;

3 WHEREAS, the Parties bring this stipulation and request for a continuance for the reasons of
4 good cause stated herein and not for any improper purpose;

5 WHEREAS, the Parties agree that the continuance requested herein will not prejudice either
6 party but will instead serve the purposes of conserving the Parties' and this Court's resources.

7 IT IS THEREFORE STIPULATED by and between Plaintiffs and Defendants by and through
8 their attorneys of record, and the Parties respectfully request the Court issue an order that:

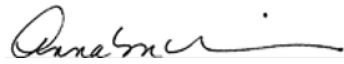
9 1. The Final Status Conference in this matter is continued for 120 days from May 25, 2023,
10 to September 22, 2023, or as soon thereafter as the Court's schedule permits.

11 2. The Jury Trial in this matter is continued for 119 days from June 6, 2023, to October 3,
12 2023, or until such time as this court deems appropriate.

13 3. All discovery, motion cut-off dates, and other pretrial deadlines will be based upon the
14 new trial date.

15 Date: December 1, 2022

MICHEL & ASSOCIATES, P.C.



Anna M. Barvir
Attorneys for Petitioners-Plaintiffs

18 Date: December 1, 2022

ROB BONTA
Attorney General of California



KENNETH G. LAKE
Deputy Attorney General
Attorneys for Respondents-Defendants

~~[PROPOSED]~~ ORDER

Pursuant to the stipulation by and between Plaintiffs-Respondents Franklin Armory, Inc., and California Rifle & Pistol Association, Incorporated (“Plaintiffs”) and Defendants-Respondents California Department of Justice and Attorney General Rob Bonta (“Defendants”), by and through their respective counsel, and good cause appearing therefor:

1. The Final Status Conference in this matter is continued for 120 days from May 25, 2023, to ~~September 22, 2023, or as soon thereafter as the Court’s schedule permits.~~

2. The Jury Trial in this matter is continued for 119 days from June 6, 2023, to ~~October 3, 2023, or until such time as this court deems appropriate.~~

3. All discovery, motion cut-off dates, and other pretrial deadlines will be based upon the new trial date.

IT IS SO ORDERED.



Daniel S. Murphy / Judge

Dated: 12/05/2022

The Honorable Daniel S. Murphy
Judge of the Superior Court

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I
5 am over the age eighteen (18) years and am not a party to the within action. My business address is 180
6 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On December 1, 2022, I served the foregoing document(s) described as

8 **JOINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE TRIAL DATE AND
9 RELATED DEADLINES**

10 on the interested parties in this action by placing
11 [] the original
12 [X] a true and correct copy
13 thereof by the following means, addressed as follows:

14 Kenneth G. Lake
15 Deputy Attorney General
16 Email: Kenneth.Lake@doj.ca.gov
17 California Department of Justice
18 300 South Spring Street, Suite 1702
19 Los Angeles, CA 90013
20 *Attorney for Respondents-Defendants*

21 X **(BY ELECTRONIC MAIL)** As follows: I served a true and correct copy by electronic
22 transmission through One Legal. Said transmission was reported and completed without error.

23 X **(STATE)** I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Executed on December 1, 2022, at Long Beach, California.

26 

27 _____
28 Laura Palmerin