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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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14 **MARK BAIRD and RICHARD**  
**GALLARDO,**  
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 Plaintiffs,  
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 v.  
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**XAVIER BECERRA, in his official capacity**  
**as Attorney General of the State of**  
 18 **California, and DOES 1-10,**  
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 Defendant.  
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Case No. 2:19-cv-00617-KJM-AC

**STIPULATION TO CONTINUE STATUS  
 CONFERENCE, BRIEFING  
 DEADLINES, AND HEARING DATE  
 FOR DEFENDANT’S MOTION TO  
 DISMISS PLAINTIFFS’ COMPLAINT;  
 [PROPOSED] ORDER**

Judge: Kimberly J. Mueller  
 Trial Date: None set  
 Action Filed: April 9, 2019

1 In accordance with Eastern District of California Local Rule 143, Plaintiffs Mark Baird and  
2 Richard Gallardo and Defendant Attorney General Xavier Becerra (collectively, the Parties)  
3 hereby stipulate to, and seek a Court order granting, a continuance of the August 9, 2019 status  
4 conference and hearing on Defendant's motion to dismiss. After Defendant's counsel  
5 inadvertently scheduled a hearing on Defendant's motion to dismiss for a date not available to  
6 this Court for law and motion, this Court rescheduled the hearing, as well as a status conference,  
7 for August 9, 2019. ECF No. 11. Unfortunately, Defendant's counsel has a pre-planned vacation  
8 that conflicts with that hearing date.

9 The Parties propose rescheduling the status conference and hearing on Defendant's motion  
10 to dismiss for September 6, 2019 at 10 a.m. in Courtroom 3. Because Plaintiffs anticipate filing a  
11 motion for preliminary injunction, the Parties also propose setting the hearing for that motion for  
12 September 6, 2019 at 10:00 a.m. in Courtroom 3. With approval from the Court, the Parties have  
13 agreed to the following briefing and hearing schedule:

- 14 • July 8, 2019: Plaintiffs to file preliminary injunction motion.
- 15 • July 29, 2019: Plaintiffs to file opposition to Defendant's motion to dismiss.
- 16 • August 2, 2019: Defendant to file opposition to Plaintiffs' preliminary injunction  
17 motion.
- 18 • August 30, 2019: Parties to file joint status report, Plaintiffs to file reply in support of  
19 preliminary injunction motion, and Defendant to file reply in support of motion to  
20 dismiss.
- 21 • September 6, 2019, at 10:00 a.m.: Status conference and hearing on Plaintiffs'  
22 preliminary injunction motion and Defendant's motion to dismiss.

23 This briefing and hearing schedule advances the goal of judicial efficiency and ensures that  
24 Plaintiffs' counsel will not have to make an additional cross-country trip from New York for a  
25 status conference or hearing.

1 IT IS SO STIPULATED.

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3 Dated: June 21, 2019

/s/ Amy Bellantoni  
AMY BELLANTONI  
The Bellantoni Law Firm, PLLC  
Attorneys for Plaintiffs Mark Baird and  
Richard Gallardo

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7 Dated: June 21, 2019

/s/ R. Matthew Wise  
R. MATTHEW WISE  
Deputy Attorney General  
Attorney for Defendant Attorney General  
Xavier Becerra

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11 **[PROPOSED] ORDER**

12 GOOD CAUSE APPEARING, THE COURT HEREBY ORDERS that the status  
13 conference and hearing on Defendant's motion to dismiss is rescheduled for September 6, 2019 at  
14 10 a.m. in Courtroom 3. The Court also approves the Parties' briefing and hearing schedule:

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- 16 • July 8, 2019: Plaintiffs to file preliminary injunction motion.
  - 17 • July 29, 2019: Plaintiffs to file opposition to Defendant's motion to dismiss.
  - 18 • August 2, 2019: Defendant to file opposition to Plaintiffs' preliminary injunction  
19 motion.
  - 20 • August 30, 2019: Parties to file joint status report, Plaintiffs to file reply in support of  
21 preliminary injunction motion, and Defendant to file reply in support of motion to  
22 dismiss.
  - 23 • September 6, 2019, at 10:00 a.m.: Status conference and hearing on Plaintiffs'  
24 preliminary injunction motion and Defendant's motion to dismiss.

25 IT IS SO ORDERED.

26 Dated: June \_\_, 2019

HON. KIMBERLY J. MUELLER  
United States District Judge

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## CERTIFICATE OF SERVICE

Case Name: Baird, Mark v. Xavier Becerra No. 2:19-cv-00617-KJM-AC

I hereby certify that on June 21, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STIPULATION TO CONTINUE STATUS CONFERENCE, BRIEFING DEADLINES, AND HEARING DATE FOR DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT; [PROPOSED] ORDER**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 21, 2019, at Sacramento, California.

Tracie L. Campbell

Declarant

*/s/ Tracie Campbell*

Signature