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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARK BAIRD and
RICHARD GALLARDO,
Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Attorney General of the State of
California, and DOES 1-10,

Defendants.

Case No. 2:19-CV-00617-KJM-AC

**PLAINTIFFS' WITHDRAWAL OF
NOTICE OF INTENT TO
PRESENT SWORN TESTIMONY AT THE
HEARING ON PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

Date: October 8, 2019
Time: 10:00 a.m.
Courtroom: 3
Judge: Hon. Kimberly J. Mueller
Trial Date: None set
Action Filed: April 9, 2019

On September 9, 2019, Defendant filed an objection to the notice provided by Plaintiffs on September 6, 2019 of their intention to present the testimony of one witness at the hearing on Plaintiffs' motion for a preliminary injunction, currently scheduled for October 8, 2019.

For clarification purposes, Eastern District Local Rule 231(d)(3), requires all parties to "inform the Court in their briefs of the following: (i) whether they desire to present oral testimony

1 at the hearing, and (ii) an estimate of the amount of time they anticipate will be required for the
2 hearing. The parties shall inform the Court and all other parties immediately upon learning of a
3 change in the need for a preliminary injunction, the length of time the hearing will require, or
4 other similar information.”

5
6 At the time that Plaintiffs filed their motion for a preliminary injunction, they did not
7 intend to present the oral testimony of an expert witness. It was not until after the filing of
8 Defendant opposition to Plaintiffs’ motion, which contained the declaration of former police chief
9 Kim Raney, that Plaintiffs sought to present the testimony of an expert witness to rebut Mr.
10 Raney’s declaration.

11 Had Plaintiffs abided by Local Rule 231(d)(3), the notice of their intention to present oral
12 testimony at the hearing would have been provided in Plaintiff’s Reply brief, which is not due to
13 be filed until October 1, 2019. Thus, Defendant was afforded notice in excess of the time
14 contemplated by Local Rule 231(d)(3).

15
16 Notwithstanding the above, Plaintiffs herein withdraw their notice of intention to present
17 oral testimony at the hearing on their motion for a preliminary injunction.

18 Dated: September 10, 2019

Respectfully submitted,

19
20 /s/ Amy L. Bellantoni, Esq.
21 Amy L. Bellantoni, Esq.
22 *Attorney for Plaintiffs*
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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 September 10, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

PLAINTIFFS' WITHDRAWAL OF NOTICE OF INTENT TO PRESENT SWORN TESTIMONY AT THE HEARING ON PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

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 September 9, 2019, at Sacramento, California.

Amy L. Bellantoni
Declarant

/s/ Amy L. Bellantoni, Esq.
Signature