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14 **IN THE UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **WESTERN DIVISION**

17 CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED;
18 THE SECOND AMENDMENT
FOUNDATION; GUN OWNERS OF
19 CALIFORNIA, INC.,

20 Plaintiffs,

21 v.

22 CITY OF GLENDALE; GLENDALE
CHIEF OF POLICE CARL
23 POVILAITIS, in his official capacity;
GLENDALE CITY CLERK SUZIE
24 ABAJIAN, in her official capacity;
and DOES 1-10,

25 Defendants.
26

CASE NO: 2:22-CV-07346-SB-JC

**STIPULATION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

Complaint Served: October 18, 2022

Hon. Stanley Blumenfeld Jr.

1 **WHEREAS:**

2 1. Once Defendants have confirmed what portions of City Property they
3 concede are not sensitive, Plaintiffs intend to file a renewed motion for a
4 preliminary injunction, and the issue of standing was disputed in the original
5 motion proceedings;

6 2. Plaintiffs intend to amend their complaint to add two individual Plaintiffs to
7 this action prior to proceeding with their renewed motion for preliminary
8 injunction;

9 3. Rule 15(a)(2) of the Federal Rules of Civil Procedure allows complaints to be
10 amended “with the opposing party's written consent or the court's leave”;

11 4. Local Rule 15-1 requires that “[a]ny proposed amended pleading must be
12 filed as an attachment to the related motion or stipulation”;

13 5. While this is a stipulation and not a motion, this Court’s standing order dated
14 August 10, 2022 requires that motions to amend pleadings must state: “(a) the
15 effect of the amendment and (b) the page, line numbers, and wording of any
16 proposed change or addition of material.” In addition, a redlined version of the
17 proposed amended pleading must be delivered to Chambers in paper form and to
18 Chambers email. Opposing counsel must have a chance to review the amended
19 pleading as well; and

20 6. Plaintiffs delivered to Counsel for Defendants a copy of the proposed First
21 Amended Complaint in redline as well as a “clean” copy on January 2, 2023;

22 **IT IS HEREBY STIPULATED**, by and between Plaintiffs California Rifle
23 & Pistol Association, Incorporated, Second Amendment Foundation, and Gun
24 Owners of California, Inc. (collectively “Plaintiffs”), and Defendants City of
25 Glendale, Glendale Chief of Police Carl Povilaitis, and Glendale City Clerk Suzie
26 Abajian (collectively “Defendants”), through their undersigned counsel, that
27 Plaintiffs may file the proposed First Amended Complaint which is attached to this
28 stipulation in redline form as **Exhibit A**. That redlined version will be provided to
this Court as digital and physical Chambers copies as well. A “clean” copy with the

1 changes in redline incorporated is also attached as **Exhibit B**.

2 The effect of the amendment is to add two individual Plaintiffs to this matter,
3 and to delete a paragraph explaining the prior reason for why individual Plaintiffs
4 were not included, California Code of Civil Procedure section 1021.11, which has
5 now been successfully enjoined through a separate lawsuit brought by some of the
6 Plaintiffs in this matter. *See S. Bay Rod & Gun Club, Inc. v. Bonta*, No. 22cv1461-
7 BEN (JLB), 2022 U.S. Dist. LEXIS 228195 (S.D. Cal. Dec. 19, 2022).

8 As to the page, line numbers, and wording of any changes, they are as
9 follows (all page references are to the redline version):

- 10 1. Added “Nelson Gibbs and John Leyba” to page 1, line 8, as well as to the
11 caption of the case in lines 18-20;
- 12 2. Added “Nelson Gibbs and John Leyba” to page 2, lines 2-3;
- 13 3. Added “either individuals or” to page 5, line 15;
- 14 4. Added “either their own or their” to page 5, line 18;
- 15 5. Added new paragraphs 16 and 17, which run from page 6, line 19 through
16 page 7, line 4 (these paragraphs introduce the two individual Plaintiffs);
- 17 6. Deleted paragraph 22 as it is no longer relevant, on page 8, lines 14-21;
- 18 7. Added “The individual Plaintiffs, as well as members” to page 8, line 22;
- 19 8. Added “the individual Plaintiffs and” to page 8, lines 26-27;
- 20 9. Deleted the word “Members” from page 18, line 10; and
- 21 10. Lastly, Plaintiffs made a number of changes that add references to the
22 individual Plaintiffs so that instead of the Complaint referring solely to
23 members of the associational Plaintiffs, it now refers to “the individual
24 Plaintiffs and members of the associational Plaintiffs”. This change can be
25 found on page 18 (lines 12 and 16-17), page 19 (lines 8-9 and 12), page 20
26 (lines 4, 14, 21-22), page 21 (lines 3-6, 11, 13-14, 22, and 26), page 22 (lines
27 11, 15-16, 21, and 25), page 23 (lines 6-7, 12, 18, and 23-24), and page 24
28 (lines 2, 17-18, and 26).

1 Good cause exists to approve the instant stipulation because Plaintiffs
 2 previously chose not to include individual plaintiffs due to the potential liability
 3 created by the now-enjoined California Code of Civil Procedure section 1021.11.
 4 Furthermore, this matter has only recently started, and Defendants have yet to file
 5 an answer, so this amendment should have little effect on the trajectory of this
 6 litigation. Finally, adding individual Plaintiffs may help narrow the issues in
 7 dispute in the renewed motion for preliminary injunction, and therefore approval of
 8 the instant stipulation will promote judicial economy and conserve the Court's and
 9 parties' resources.

10 In entering into this stipulation, Defendants do not concede or waive any
 11 arguments available to them regarding the sufficiency of the first amended
 12 complaint and hereby expressly reserve the right to make such arguments in
 13 subsequent pleadings. Defendants enter into this stipulation solely to preserve the
 14 parties and Court's resources, and in light of the liberal policy of granting
 15 amendments to pleadings.

16 DATED: January 4, 2023

MICHEL & ASSOCIATES, P.C.

17
 18 By: /s/ C.D. Michel

C.D. Michel

Attorneys for Plaintiffs

California Rifle & Pistol Association
 and Gun Owners of California, Inc.

22 DATED: January 4, 2023

MICHAEL J. GARCIA, CITY ATTORNEY

24 By: /s/ Edward B. Kang

EDWARD B. KANG

Attorneys for Defendants

ATTESTATION

Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.