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7 Attorneys for Plaintiffs

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

11 THE UNITED STATES
12 SPORTSMEN’S ALLIANCE
FOUNDATION, an Ohio nonprofit
13 corporation; SAFARI CLUB
INTERNATIONAL, an Arizona
14 nonprofit corporation; and
CONGRESSIONAL
15 SPORTSMEN’S FOUNDATION,

16 Plaintiffs,

17 v.

18 ROB BONTA, in his official
capacity as Attorney General of the
19 State of California; and DOES 1-25,
inclusive,

20 Defendants.
21

Case No. 2:22-cv-01395-DAD-JDP

**Stipulation and Joint Motion to Stay
Proceedings Pending Appeal**

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23 Plaintiffs the United States Sportsmen’s Alliance Foundation, Safari Club
24 International, and Congressional Sportsmen’s Foundation (collectively,
25 “Plaintiffs”), on the one hand, and Defendant Rob Bonta, on the other hand (jointly,
26 the “Parties”), through their respective attorneys of record, hereby stipulate and
27 jointly move this Court for an order staying this action pending the resolution of
28

1 Plaintiffs’ appeal to the Ninth Circuit of this Court’s Order Denying Plaintiffs’
2 Motion for Preliminary Injunction (“Order”) (ECF No. 23).

3 On August 5, 2022, Plaintiffs filed their complaint (ECF No. 1) in this
4 matter, challenging California’s recently enacted Assembly Bill 2571 (“AB 2571”)
5 as unconstitutional on multiple grounds. Plaintiffs subsequently filed their
6 operative First Amended Complaint (ECF No. 12) and, on October 21, 2022, filed a
7 motion for preliminary injunction (ECF No. 13), asking this Court to enjoin the
8 enforcement of AB 2571 during the pendency of this action. Defendants opposed
9 that motion (ECF No. 17).

10 On January 12, 2023, this Court issued the Order denying Plaintiffs’ motion
11 for preliminary injunction (ECF No. 23). On February 10, 2023, Plaintiffs timely
12 appealed the Order to the Ninth Circuit (ECF No. 25). That appeal is currently
13 pending.

14 The Parties jointly request that this Court issue a stay of proceedings pending
15 Plaintiffs’ appeal of the Order. When a party appeals a preliminary injunction, the
16 district court has discretion to issue a stay of proceedings “incidental to the power
17 inherent in every court to control the disposition of the causes on its docket with
18 economy of time and effort for itself, for counsel, and for litigants.” *Rivers v. Walt*
19 *Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (citing *Landis v. North Am.*
20 *Co.*, 299 U.S. 248, 254 (1936)). A court must consider several factors when
21 deciding whether to exercise that discretion to issue a stay: 1) the “possible damage
22 which might result from granting a stay,” 2) the “hardship or inequity which a party
23 might suffer in being required to go forward,” and 3) the “orderly course of justice
24 measured in terms of the simplifying or complicating of issues, proof, and questions
25 of law which could be expected to result from a stay.” *CMAX, Inc. v. Hall*, 300
26 F.2d 265, 268 (9th Cir. 1962). Moreover, “[T]he filing of a notice of interlocutory
27 appeal divests the district court of jurisdiction over the particular issues involved in
28

1 that appeal.” *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254
2 F.3d 882, 886 (9th Cir. 2001).

3 Good causes exists here for a stay. Because of the scope of Plaintiffs’
4 motion for preliminary injunction and the Order, Plaintiffs’ appeal has divested this
5 court of jurisdiction over most if not all substantive matters at issue in this
6 litigation. To the extent any jurisdiction remains in this Court, the relevant factors
7 also favor a stay. Neither party would be damaged by a stay—to the contrary, a
8 stay would benefit both parties by sparing them the potentially unnecessary expense
9 and time of contemporaneous litigation in this Court and the Court of Appeals. A
10 stay of the proceedings would also promote the orderly course of justice by
11 permitting the Ninth Circuit to simplify the issues in this case before proceedings
12 resume in this Court.

13 For these reasons, the Parties respectfully ask the Court to enter the
14 concurrently filed [Proposed] Order and thereby stay proceedings in this Court
15 pending Plaintiffs’ appeal of the Order.

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17 [Signatures on Next Page]
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1 Dated: April 26, 2023

Respectfully submitted,

2 SNELL & WILMER L.L.P.

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4 By: 

5 Michael B. Reynolds
6 Collin R. Higgins
7 Cameron J. Schlagel
8 Attorneys for Plaintiffs

8 Dated: April 26, 2023

ROB BONTA

9 Attorney General of California

10 ANTHONY R. HAKL

Supervising Deputy Attorney General

11
12 By: /s/ Gabrielle D. Boutin (auth on 4/26)

Gabrielle D. Boutin

13 Deputy Attorney General

14 Attorneys for Defendant Attorney

15 General Rob Bonta, in his official
16 capacity

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Case No. 2:22-cv-01395-DAD-JDP

**[Proposed] Order Granting Stay of
Proceedings Pending Appeal**

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23 Upon stipulation of the parties and good cause having been shown, the Court
24 **HEREBY ORDERS** as follows:

25 **IT IS ORDERED** that further proceedings in this matter, including
26 discovery, pre-trial motions, and trial, are stayed pending the resolution of
27 Plaintiffs’ appeal to the Ninth Circuit of this Court’s Order Denying Plaintiffs’
28 Motion for Preliminary Injunction (ECF No. 23).

1 **IT IS FURTHER ORDERED** that the parties shall file a joint status report
2 within twenty-one (21) days after the Ninth Circuit’s mandate issues. That joint
3 status report shall include the parties’ proposals for how to proceed in light of the
4 Ninth Circuit’s ruling.

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6 Dated: _____

7 Honorable Dale A. Drozd
8 United States District Court Judge
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