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IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

LANCE BOLAND, AN INDIVIDUAL; MARIO SANTELLAN, AN INDIVIDUAL; RENO MAY, AN INDIVIDUAL, JEROME SCHAMMEL, AN INDIVIDUAL; AND CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED, A CALIFORNIA CORPORATION; Plaintiffs, v. **ROBERT BONTA, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF CALIFORNIA,** Defendant.	Case No. 8:22-cv-01421-CJC-ADS **STIPULATION RE: SCHEDULING ORDER** Courtroom: 9B Judge: Hon. Cormac J. Carney Action Filed: August 1, 2022 Trial Date: February 27, 2024

Plaintiffs Lance Boland, Mario Santellan, Reno May, Jerome Schammel, and California Rifle & Pistol Association, Inc. (Plaintiffs) and Defendant Rob Bonta in his official capacity as Attorney General of California (Defendant, and together with Plaintiffs, the Parties) hereby stipulate and agree as follows:

WHEREAS, on November 15, 2022, Plaintiffs filed their Motion for Preliminary Injunction (the Motion) (Dkt. 23);

WHEREAS, on December 8, 2022, this Court entered a Scheduling Order in this matter (Dkt. No. 32), setting a discovery cut-off of October 19, 2023, a deadline for all non-discovery motions of December 18, 2023, and a trial date of February 27, 2024;

WHEREAS, on March 20, 2023, the Court granted Plaintiffs' Motion for a Preliminary Injunction (Dkt. No. 60), but stayed the effect of the preliminary injunction for fourteen (14) days so that Defendant could "file an appeal and seek a further stay of this preliminary injunction" (Dkt. No. 61);

WHEREAS, on March 27, 2023, Defendant filed a notice of appeal to the Ninth Circuit Court of Appeals of the order granting the preliminary injunction (Dkt. No. 62), and an emergency motion for a partial stay of the preliminary injunction pending appeal (9th Cir. Dkt. No. 2-1);

WHEREAS, on March 31, 2023, the Ninth Circuit granted Defendant's motion for a partial stay pending appeal, ordered the opening brief in the appeal to be filed on April 28, 2023, the answering brief to be filed by May 26, 2023, and the optional reply brief to due within twenty-one (21) days of the filing of the answering brief; the Ninth Circuit additionally stated that no streamlined extensions of time would be approved, and ordered the clerk to place the appeal on the next available calendar upon the completion of briefing (Dkt. No. 64);

Stipulation re: Scheduling Order
(Case No. 2:22-cv-01421)

1   **WHEREAS**, on May 3, 2023, the Ninth Circuit informed the parties that the

2   appeal was being considered for oral argument in August, September, or October of

3   2023;

4   **WHEREAS**, the Ninth Circuit's resolution of the appeal of that order granting

5   the preliminary injunction may provide guidance to the Parties and to the Court

6   with respect to Plaintiffs' claims and the scope of relevant discovery;

7   **WHEREAS**, because the Ninth Circuit is likely to hear argument in August,

8   September, or October, it appears probable that without intervention from this

9   Court, discovery will close and the parties will need to start drafting (and

10   potentially file) dispositive motions before the appeal is resolved;

11   **WHEREAS,** the Parties believe that vacating the Scheduling Order (Dkt. No.

12   32) and entering a new scheduling order setting new deadlines based on the

13   resolution of the Ninth Circuit appeal and modeled on the timing of the original

14   Scheduling Order will properly conserve the resources of the parties and this Court

15   while also not needlessly delaying a determination by this Court of the underlying

16   merits of Plaintiffs' claims;

17   NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the

18   Parties that, with the Court's permission, that the original Scheduling Order be

19   vacated, and a new scheduling order be entered providing the following:

20   • All discovery (including discovery motions) shall be completed ninety (90)

21   days after issuance of the mandate in the appeal of the Court's order granting

22   preliminary injunction;

23   • The parties are referred to ADR Procedure No. 1—Magistrate Judge, have

24   until fourteen (14) days after the close of discovery to conduct settlement

25   proceedings, and shall file a Joint Status Report no later than five (5) days

26   after the ADR proceeding is completed advising the Court of their settlement

27   efforts and status;

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1   • The parties shall have until sixty (60) days after the close of discovery to file

2   and have heard all other motions;

3   • The case shall be set for trial on a date convenient for the Court at least

4   seventy-five (75) days after the deadline for all non-discovery motions; and

5   • The pretrial conference shall be set on a date convenient to the Court at least

6   fourteen (14) days prior to the trial date.

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8   Dated: May 25, 2022   Respectfully submitted,

9   ROB BONTA
                                             Attorney General of California
10   MARK R. BECKINGTON
                                             Supervising Deputy Attorney General

11   /s/ Robert L. Meyerhoff
                                             ROBERT L. MEYERHOFF
12   Deputy Attorney General

13   *Attorneys for Rob Bonta in his official
                                             capacity as Attorney General for the
14   State of California*

15   Dated: May 25, 2022   Respectfully submitted,

16
                                             /s/ Joshua Robert Dale
17   C.D. MICHEL
                                             JOSHUA ROBERT DALE
18   ALEXANDER A. FRANK
                                             KONSTADINOS T. MOROS
19
                                             Michel & Associates, P.C.
20
                                             *Attorneys for Plaintiffs Lance Boland,
21   Mario Santellan, Reno May, Jerome
                                             Schammel, and the California Rifle &
22   Pistol Association, Incorporated*

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CERTIFICATE OF SERVICE

Case Name: **Boland, et al. v. Bonta**   No.   **8:22-cv-01421-CJC-ADS**

I hereby certify that on <u>May 25, 2023</u>, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATION RE: SCHEDULING 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 and the United States of America the foregoing is true and correct and that this declaration was executed on <u>May 25, 2023</u>, at Los Angeles, California.

<u>Robert Leslie Meyerhoff</u>
Declarant

<u>Robert M</u>
Signature