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25 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
26 **FOR THE COUNTY OF LOS ANGELES**

27 FRANKLIN ARMORY, INC. and
28 CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED

Petitioners-Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF JUSTICE,
ROBERT A. BONTA, in his official capacity
as Attorney General for the State of California,
and DOES 1-10,

Respondents-Defendants.

Case No.: 20STCP01747

[Assigned for all purposes to the Honorable
Daniel S. Murphy; Department 32]

**SECOND JOINT STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
TRIAL DATE AND RELATED
DEADLINES**

Action filed: May 27, 2020

FILED
Superior Court of California
County of Los Angeles
05/30/2023
David W. Slayton, Executive Officer / Clerk of Court
By: S. Luqueno Deputy

1 **TO THE CLERK OF THIS COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 This Stipulation, entered into by and between Plaintiffs-Respondents Franklin Armory, Inc., and
3 California Rifle & Pistol Association, Incorporated (“Plaintiffs”) and Defendants-Respondents
4 California Department of Justice (“DOJ”) and Attorney General Rob Bonta (“Defendants”) by and
5 through their respective counsel, is made with reference to the following facts and recitals:

6 **Case Status & Procedural History**

7 WHEREAS, Plaintiffs filed the original complaint in this case on May 27, 2020, raising five
8 causes of action, including both state and federal claims and a writ of mandamus. The matter was
9 initially assigned to the Honorable Judge James C. Chalfant of the Writs & Receivers Department.

10 WHEREAS, Plaintiffs filed their First Amended Complaint on August 19, 2020, raising nine
11 total causes of action, including both state and federal claims and a writ of mandamus.

12 WHEREAS, on October 15, 2020, Judge Chalfant bifurcated the matter, ordering the parties to
13 litigate only Claims 1, 2, and 8—i.e., the claims for declaratory and injunctive relief and a
14 writ of mandamus—during the first phase of the case. (See Min. Order Re: Trial Setting Conf. (Oct. 15,
15 2020) [“Petitioner has decided to pursue the 1st, 2nd, and 8th causes of action with limited discovery
16 declaratory relief, breach of duty to process firearms for DES form, and mandamus APA violations for
17 underground regulation and mandate to update the DES form. All other causes of action are ordered
18 stayed.”].)

19 WHEREAS, Judge Chalfant also continued the trial setting conference to January 26, 2021, and
20 he ordered the Parties to conduct limited discovery regarding Claims 1, 2, and 8 by the date of that
21 hearing. (*Ibid.* [“Discovery must be complete and the demurrer hearing may have occurred by the next
22 hearing date.”].)

23 WHEREAS, from January 2021 through January 2022, the parties litigated two demurrers to
24 Claims 1, 2, and 8 brought by Defendants, one demurrer and motion to strike the answer brought by
25 Plaintiffs, and one motion to dismiss Claims 1, 2, and 8 on mootness grounds.

26 WHEREAS, on January 27, 2022, the Court granted Defendants’ Motion to Dismiss, holding
27 that Claims 1, 2, and 8 were moot in light of the changes to the DROS Entry System.

28 WHEREAS, this case was then transferred out of the Writs & Receivers Department to

1 Department 32 of this Court, and the remaining six causes of action were unstayed. (See Min. Order
2 Reassigning Case to an Ind. Cal. Court (Jan. 28, 2022).)

3 WHEREAS, this Court and the Parties participated in a Case Management Conference on March
4 2, 2022, and the Court scheduled a Final Status Conference for May 25, 2023, and a Jury Trial for June
5 6, 2023.

6 WHEREAS, the Parties engaged in and completed substantial discovery during the first phase of
7 this case, but that discovery was limited by court order to matters relevant to Claims 1, 2, and 8 only.

8 WHEREAS, on November 11, 2022, Plaintiff Franklin Armory propounded Special
9 Interrogatories, Set Two, Requests for Admission, Set Three, and Requests for Production of
10 Documents, Set Three, on Defendant DOJ.

11 WHEREAS, counsel for Defendants had a three-week trial beginning on November 28, 2022,
12 and was not available to respond to written discovery or defend or take depositions during that time and
13 there was no other attorney assigned to the case to cover these matters, so the parties agreed to an
14 extension on responses.

15 WHEREAS, the Court granted the parties' first Joint Stipulation and Proposed Order to Continue
16 the Jury Trial, continuing the Final Status Conference to September 28, 2023, and the Jury Trial to
17 October 10, 2023.

18 WHEREAS, on February 2, 2023, Defendant DOJ served responses to Plaintiff Franklin
19 Armory's Special Interrogatories, Set Two, Requests for Admission, Set Three, and Requests for
20 Production of Documents, Set Three.

21 WHEREAS, the parties have been engaged in a lengthy, but fruitful, process of meeting and
22 conferring about the sufficiency of Defendant DOJ's discovery responses to Special Interrogatories, Set
23 Two, Requests for Admission, Set Three, and Requests for Production of Documents, Set Three.

24 WHEREAS, by agreement of the Parties, Defendant DOJ served supplemental responses on 5,
25 2023, and Plaintiffs are in the process of weighing the sufficiency of those responses and considering
26 whether further meet-and-confer efforts and/or a motion to compel will be necessary.

27 WHEREAS, Defendants have notified counsel for Plaintiffs that they currently intend to take the
28 deposition of two witnesses, and Plaintiffs have notified counsel for Defendants that they currently

1 intend to take the depositions of two Persons Most Knowledgeable at the Department of Justice (DOJ),
2 as well as at least six other DOJ employees. Counsel for the parties are working together to create a
3 mutually agreeable deposition schedule while working to accommodate the summer schedules of the
4 employee witnesses.

5 WHEREAS, Defendants' anticipate filing a motion for judgment on the pleadings in the coming
6 days; such motion could potentially dispose of some or all of the remaining claims without the need for
7 trial or substantial additional discovery. The parties recently met and conferred over Defendants'
8 anticipated motion and were successful in clarifying and narrowing the remaining claims and issues.

9 WHEREAS, if Defendants' motion for judgment on the pleadings does not fully adjudicate all
10 the remaining claims, either or both parties are likely to file a motion for summary judgment; such
11 motion could potentially dispose of some or all of the remaining claims without the need for trial.

12 WHEREAS, the current deadline to file a motion for summary judgment is June 29, 2023. The
13 Parties require additional time to litigate Defendants' motion for judgment on the pleadings (which
14 could further narrow the claims and defenses), to resolve any last disputes over the parties' written
15 discovery, and to take depositions.

16 **Good Cause for a Continuance**

17 WHEREAS, this is the Parties' second stipulation and request for a continuance of this trial.

18 WHEREAS, the Parties agree there is good cause for a 120-day continuance of the jury trial and
19 all associated deadlines.

20 WHEREAS, the Parties agree that a continuance of the trial and all related deadlines will allow
21 the Parties to continue to participate in meaningful discovery and prepare potentially dispositive motions
22 without the need to simultaneously engage in costly trial preparation.

23 WHEREAS, counsel for Plaintiffs also requires additional time to prepare for summary
24 judgment because she has oral argument in the Ninth Circuit on June 28, 2023—one day before the
25 current deadline to file any motion for summary judgment.

26 WHEREAS, the Parties bring this stipulation and request for a continuance for the reasons of
27 good cause stated herein and not for any improper purpose.

28 WHEREAS, the Parties agree that the continuance requested herein will not prejudice either

1 party but will instead serve the purposes of conserving the Parties' and this Court's resources.

2 IT IS THEREFORE STIPULATED by and between Plaintiffs and Defendants by and through
3 their attorneys of record, and the Parties respectfully request the Court issue an order that:

4 1. The Final Status Conference in this matter is continued for 120 days from September 28,
5 2023, to January 26, 2024, or as soon thereafter as the Court's schedule permits.

6 2. The Jury Trial in this matter is continued for 120 days from October 10, 2023, to
7 February 7, 2024, or until such time as this court deems appropriate.

8 3. All discovery, motion cut-off dates, and other pretrial deadlines will be based on the new
9 trial date.

10 Date: May 25, 2023

MICHEL & ASSOCIATES, P.C.



11
12 Anna M. Barvir
Attorneys for Petitioners-Plaintiffs

13 Date: May 25, 2023

14 ROB BONTA
Attorney General of California



15
16 KENNETH G. LAKE
Deputy Attorney General
17 Attorneys for Respondents-Defendants

~~[PROPOSED]~~ ORDER

Pursuant to the stipulation by and between Plaintiffs-Respondents Franklin Armory, Inc., and California Rifle & Pistol Association, Incorporated (“Plaintiffs”) and Defendants-Respondents California Department of Justice and Attorney General Rob Bonta (“Defendants”), by and through their respective counsel, and good cause appearing therefor:

1. The Final Status Conference in this matter is continued for 120 days from September 22, 2023, to ~~January 26, 2024, or as soon thereafter as the Court’s schedule permits.~~

2. The Jury Trial in this matter is continued for 120 days from October 10, 2023, to ~~February 7, 2024, or until such time as this court deems appropriate.~~

3. All discovery, motion cut-off dates, and other pretrial deadlines will be based on the new trial date.

IT IS SO ORDERED.



Dated: ~~_____~~

Daniel S. Murphy / Judge

The Honorable Daniel S. Murphy
Judge of the Superior Court

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I
5 am over the age eighteen (18) years and am not a party to the within action. My business address is 180
6 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On May 25, 2023, I served the foregoing document(s) described as

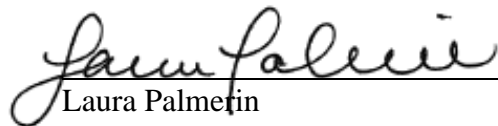
8 **SECOND JOINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE TRIAL DATE
AND RELATED DEADLINES**

9 on the interested Parties in this action by placing
10 [] the original
11 [X] a true and correct copy
thereof by the following means, addressed as follows:

12 Kenneth G. Lake
13 Deputy Attorney General
14 Email: Kenneth.Lake@doj.ca.gov
15 California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Attorney for Respondents-Defendants

- 16 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic
17 transmission through One Legal. Said transmission was reported and completed without error.
18 X (STATE) I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20 Executed on May 25, 2023, at Long Beach, California.

21
22 
23 _____
Laura Palmerin