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 Attorney General Rob Bonta, Secretary Karen Ross,  
 8 and 32nd District Agricultural Association*

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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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 14 **B&L PRODUCTIONS, INC., d/b/a**  
 15 **CROSSROADS OF THE WEST, et**  
 16 **al.,**

17 Plaintiffs,

18 v.

19 **GAVIN NEWSOM, et al.,**

20 Defendants.

8:22-cv-01518 JWH (JDEx)

**JOINT STIPULATION TO STAY  
 PROCEEDINGS PENDING  
 APPEAL**

Courtroom: 9D  
 Judge: The Honorable John W.  
 Holcomb

21  
 22 Plaintiffs B&L Productions, Inc., Gerald Clark, Eric Johnson, Chad Littrell,  
 23 Jan Steven Merson, California Rifle & Pistol Association, Asian Pacific American  
 24 Gun Owners Association, Second Amendment Law Center, Inc., and Second  
 25 Amendment Foundation (Plaintiffs) and Defendants Gavin Newsom, Rob Bonta,  
 26 Karen Ross, and the 32nd District Agricultural Association (Defendants)  
 27 (collectively, the Parties) hereby stipulate to and request a stay of the proceedings  
 28 in this Court pending the Ninth Circuit’s decision on the appeal of this Court’s

1 Order Granting Plaintiffs’ Motion for Preliminary Injunction, ECF No. 43. *B&L*  
2 *Productions, Inc. v. Newsom*, 23-3793 (9th Cir.). The Parties further agree as  
3 follows:

4 WHEREAS, Plaintiffs commenced this action on August 12, 2022;

5 WHEREAS, Plaintiffs filed their motion for a preliminary injunction on  
6 November 16, 2022, the Parties completed all briefing by March 24, 2023, and  
7 argument was held on April 6, 2023;

8 WHEREAS, the Court issued the Order Granting Plaintiffs’ Motion for  
9 Preliminary Injunction on October 30, 2023;

10 WHEREAS, the State Defendants filed their Notice of Appeal of the Order  
11 Granting Plaintiffs’ Motion for Preliminary Injunction on November 27, 2023;

12 WHEREAS, the Ninth Circuit ordered the pending appeal of this matter to be  
13 coordinated with the appeal of a parallel case, *B&L Productions, Inc. v. Newsom*,  
14 3:21-cv-01718 (C.D. Cal.), Case No. 23-55431 (9th Cir.), and scheduled oral  
15 argument for March 6, 2024;

16 WHEREAS, the Joint Rule 26(f) report in this matter must be filed by  
17 December 29, 2023, and the scheduling conference is scheduled for January 12,  
18 2024;

19 WHEREAS, after meeting and conferring, the Parties agree that good cause  
20 exists to stay all proceedings before this Court until 30 days after the Ninth Circuit  
21 issues the mandate on the pending appeal, Case No. 23-3793, because the Ninth  
22 Circuit’s decision will bear on the issues and claims raised by Plaintiffs in this  
23 action and will affect further discovery and motion practice;

24 WHEREAS, when a party appeals a preliminary injunction, the case may  
25 generally “proceed in the lower court as though no appeal has been taken,” *Phelan*  
26 *v. Taitano*, 233 F.2d 117, 119 (9th Cir. 1956), but the Court has discretion to issue a  
27 stay of proceedings “incidental to the power inherent in every court to control the  
28 disposition of the causes on its docket with economy of time and effort for itself,

1 for counsel, and for litigants,” *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360  
2 (C.D. Cal. 1997) (citing *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936));

3 WHEREAS, as long as the preliminary injunction remains in place, neither  
4 party will be harmed by the issuance of the requested stay—instead, “granting a  
5 stay will benefit both parties to this action by sparing them the expense of  
6 contemporaneous litigation and the accompanying fees and expenditure of time”  
7 inherent in pursuing litigation in both this Court and the Court of Appeals, Order at  
8 6, *Baker v. Kealoha*, No. 11-00528 (D. Haw. June 19, 2012);

9 WHEREAS, the State Defendants have agreed not to request from the Ninth  
10 Circuit or the Supreme Court a stay of this Court’s preliminary injunction pending  
11 appeal;

12 WHEREAS, a stay of the proceedings is also in the public interest because it  
13 will avoid wasting party and judicial resources by simultaneously litigating issues  
14 that may be decided or narrowed by the Ninth Circuit on appeal;

15 NOW THEREFORE, the Parties jointly request that the Court stay all  
16 proceedings before this Court until 30 days after the Ninth Circuit issues the  
17 mandate on the pending appeal in Case No. 23-3793, and that the Court take the  
18 scheduling conference set for January 12, 2024, off calendar, until the stay is lifted.

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Dated: December 28, 2023

Respectfully submitted,  
  
ROB BONTA  
Attorney General of California  
LARA HADDAD  
Supervising Deputy Attorney General  
  
/s/NICOLE J. KAU  
NICOLE J. KAU  
Deputy Attorney General  
*Attorneys for Defendants Governor  
Gavin Newsom, Attorney General Rob  
Bonta, Secretary Karen Ross, and  
32nd District Agricultural Association*

**MICHEL & ASSOCIATES, P.C.**

Dated: December 28, 2023

/s/ Anna M. Barvir  
Anna M. Barvir  
*Counsel for Plaintiffs B&L  
Productions, Inc., California Rifle &  
Pistol Association, Incorporated,  
Gerald Clark, Eric Johnson, Chad  
Littrell, Jan Steven Merson, Asian  
Pacific American Gun Owner  
Association, Second Amendment Law  
Center, Inc.*

**LAW OFFICES OF DONALD  
KILMER, APC**

Dated: December 28, 2023

/s/ Donald Kilmer  
Donald Kilmer  
*Counsel for Plaintiff Second  
Amendment Foundation*

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**ATTESTATION OF E-FILED SIGNATURES**

Pursuant to Local Rule 5-4.3.4, all other signatories listed and on whose behalf the filing is submitted, concur in the filing’s content and have authorized the filing.

Dated: December \_28, 2023

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
LARA HADDAD  
Supervising Deputy Attorney General  
  
/s/NICOLE J. KAU  
NICOLE J. KAU  
Deputy Attorney General  
*Attorneys for Defendants Governor  
Gavin Newsom, Attorney General  
Rob Bonta, Secretary Karen Ross,  
and 32nd District Agricultural  
Association*

## CERTIFICATE OF SERVICE

Case Name: **B&L Productions, Inc., et al. v. Gavin Newsom, et al.** No. **8:22-cv-01518 JWH (JDEx)**

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I hereby certify that on December 28, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**JOINT STIPULATION TO STAY PROCEEDINGS PENDING APPEAL;  
[PROPOSED] ORDER TO STAY PROCEEDINGS PENDING APPEAL**

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 December 28, 2023, at Los Angeles, California.

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J. Sissof  
Declarant

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/s/ J. Sissof  
Signature