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22 **UNITED STATES DISTRICT COURT**
23 **CENTRAL DISTRICT OF CALIFORNIA**

24 ADAM RICHARDS, et al.,
25 Plaintiffs,
26 v.
27 GAVIN NEWSOM, et al.,
28 Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

**STIPULATION TO TAKE MOTION
TO DISMISS COMPLAINT OFF-
CALENDAR, TO DISMISS
CERTAIN CLAIMS AND PARTIES,
TO REQUEST LEAVE TO FILE
AMENDED COMPLAINT, AND TO
REQUEST BRIEFING AND
HEARING SCHEDULE THEREON**

Hearing Date: July 15, 2024
Hearing Time: 1:30 p.m.
Courtroom: 10C
Judge: Hon. James V. Selna

29 Pursuant to Local Rule 8-3, Plaintiffs and Defendants in the above-captioned
30 action (collectively, “the Parties”), through their respective attorneys of record,
31 hereby stipulate and request as follows:

1 1. On April 18, 2024, Defendants filed their motion to dismiss the
2 Complaint, currently set for hearing on **July 15, 2024, at 1:30 p.m.** (*see* ECF Nos.
3 31, 35);

4 2. Following the parties meeting and conferring, Plaintiffs have agreed to
5 voluntarily dismiss certain claims and parties and file an amended complaint. The
6 parties have further agreed to request a briefing schedule for the filing of
7 Defendants' anticipated Fed. R. Civ. P. 12 motion to dismiss the amended
8 complaint.

9 3. The Parties have further agreed that in light of this desire to dismiss
10 claims and amend the complaint, it would conserve the Parties' and the Court's
11 resources to take the pending motion to dismiss set for hearing on July 15, 2024 off
12 calendar, without prejudice to Defendants filing a renewed motion to dismiss as to
13 the current pleading or an anticipated motion to dismiss as to the proposed amended
14 pleading.

15 4. The Parties stipulate and hereby request the Court enter the following
16 orders:

17 a. Defendants' motion to dismiss the Complaint, set for hearing on
18 July 15, 2024, is taken off calendar;

19 b. Plaintiffs' Second Claim under 42 U.S.C. § 1983 for violation of
20 Equal Protection under the Fourteenth Amendment is dismissed without
21 prejudice as to all Defendants;

22 c. Plaintiffs' Third Claim under 42 U.S.C. § 1983 for violation of the
23 Second Amendment is dismissed without prejudice as to all Defendants;

24 d. All claims against Defendant Gavin Newsom are dismissed without
25 prejudice;

26 e. Plaintiffs are granted leave to file an amended complaint. Such
27 complaint must be filed and served no later than **June 28, 2024**. Such
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complaint will not reassert the aforementioned claims dismissed from the original Complaint nor will it assert any new Claims not previously pleaded;

f. Defendants will file and serve their anticipated Fed. R. Civ. P. 12 motion to dismiss the amended complaint by **August 2, 2024**;

g. Plaintiffs will file and serve their brief in opposition to Defendants’ motion by **September 5, 2024**;

h. Defendants will file and serve their reply brief on their motion by **September 27, 2024**;

i. The Court will set a hearing on Defendants’ motion to be heard on **October 7, 2024, at 1:30 p.m.**, or at another date and time amenable to the Court on or near the proposed hearing date and time.

NOW THEREFORE, the Parties stipulate to and respectfully request that the Court issue an order setting the aforementioned amended briefing and hearing schedule on Defendants’ motion to dismiss.

Dated: June 21, 2024 **MICHEL & ASSOCIATES, P.C.**
s/ Joshua Robert Dale
Joshua Robert Dale
Attorneys for Plaintiffs Adam Richards, Jeffrey Vandermeulen, Gerald Clark, Jesse Harris, On Target Indoor Shooting Range, LLC, Gaalswyk Enterprises, Inc. (D/B/A/ Smokin’ Barrel Firearms), Gun Owners of California, Inc., Gun Owners of America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

Dated: June 21, 2024 **LAW OFFICES OF DONALD KILMER, APC**
s/ Donald Kilmer
Donald Kilmer
Attorney for Plaintiff Second Amendment Foundation

1 Dated: June 21, 2024

Respectfully submitted,

2 ROB BONTA
Attorney General of California
3 MARK BECKINGTON
Supervising Deputy Attorney General
4 TODD GRABARSKY
CAROLYN DOWNS
5 Deputy Attorneys General

6
7 *s/ Christina R.B. Lopez*
CHRISTINA R.B. LOPEZ
8 Deputy Attorney General
Attorneys for Defendants California Governor
9 *Gavin Newsom and Attorney General Rob*
Bonta in their official capacities

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ATTESTATION OF E-FILED SIGNATURES

I, Joshua Robert Dale, am the ECF User whose ID and password are being used to file this STIPULATION TO TAKE MOTION TO DISMISS COMPLAINT OFF-CALENDAR, TO DISMISS CERTAIN CLAIMS AND PARTIES, TO REQUEST LEAVE TO FILE AMENDED COMPLAINT, AND TO REQUEST BRIEFING AND HEARING SCHEDULE THEREON. In compliance with Central District of California L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers and have concurred in this filing.

Dated: June 21, 2024

s/ Joshua Robert Dale

Joshua Robert Dale

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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Richards, et al. v. Newsom, et al.*
Case No.: 8:23-cv-02413 JVS (KESx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

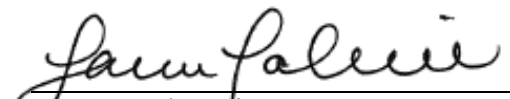
STIPULATION TO TAKE MOTION TO DISMISS COMPLAINT OFF-CALENDAR, TO DISMISS CERTAIN CLAIMS AND PARTIES, TO REQUEST LEAVE TO FILE AMENDED COMPLAINT, AND TO REQUEST BRIEFING AND HEARING SCHEDULE THEREON

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

Todd Grabarsky
Deputy Attorney General
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Christina R.B. Lopez
Deputy Attorney General
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Attorneys for Defendants

I declare under penalty of perjury that the foregoing is true and correct.

Executed June 21, 2024.



Laura Palmerin