

1 **JONATHAN W. BIRDT – SBN 183908**
18252 Bermuda Street
2 Porter Ranch, CA 91326
Telephone: (818) 400-4485
3 Facsimile: (818) 428-1384
4 jon@jonbirdt.com
Plaintiff

5
6
7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9

10
11 JONATHAN BIRDT,) **CASE NO. 2:10-CV-08377-RGK -JEM**
12)
Plaintiff,) **PLAINTIFF’S OPPOSITION TO**
13 vs.) **REQUEST FOR CONTINUANCE**
14) Department: 850
CHARLIE BECK, LEE BACA, THE LOS) Before: Hon. R. Gary Klausner
15 ANGELES POLICE DEPARTMENT and) Location: Roybal Courthouse,
THE LOS ANGELES COUNTY) 255 East Temple Street
16 SHERIFFS DEPARTMENT, DOES 1 to 50,) Los Angeles, CA 90012
17 Defendants.)
18)
19)

20 Plaintiff agreed to a 60 day extension pursuant to the parties meet and confer after the first
21 request by Defense, recognizing their need to conduct discovery. Plaintiff agreed to provide written
22 discovery responses within 24 hours (which he has done) and appear for deposition on 24 hours
23 notice (which he has done) and Defendants agreed to not seek a continuance barring exceptional
24 circumstances. Defendants say they need the deposition transcript, but they set the date for the
25 deposition, and it is common knowledge that an expedited deposition transcript can be provided in
26 24 hours. Defendants next suggest their expert needs time to review “gun arrest” statistics, the
27 department has yet to prepare, but offer no explanation as to what that has to do with any of the
28 issues in this case or how it is in any way germane to the issues presented by Plaintiffs motion.

1 This is a very straightforward action. Plaintiff contends the Departments' Policy of requiring
2 proof of clear and present danger violates his Second Amendment Rights. Defendants believe in
3 delay. Though, required to make applications available pursuant to a consent decree, it took
4 Plaintiff three months just to get an application and then two promises and two more months before
5 it actually arrived. Defendants seek nothing more than further delay, all to the detriment of
6 Plaintiffs' Fundamental Constitutional Rights.

7 Treating this as a second request for continuance after being given a full opportunity to conduct
8 discovery, and with no showing of what specific evidence is needed that is required to oppose the
9 motion, it is respectfully submitted that the request should be denied.

10

11

12

March 1, 2011

_____/s/ Jonathan W. Birdt_____

13

By Plaintiff Jonathan W. Birdt

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28