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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**TRACY RIFLE AND PISTOL LLC;
MICHAEL BARYLA; TEN PERCENT
FIREARMS; WESLEY MORRIS;
SACRAMENTO BLACK RIFLE, INC.;
ROBERT ADAMS; PRK ARMS, INC.; and
JEFFREY MULLEN,**

Plaintiffs,

v.

**KAMALA D. HARRIS, in her official
capacity as Attorney General of California;
AND STEPHEN J. LINDLEY, in his official
capacity as Chief of the California
Department of Justice Bureau of Firearms,**

Defendants.

2:14-cv-02626-TLN-DAD

**STIPULATION AND [PROPOSED]
ORDER REGARDING PRELIMINARY
INJUNCTION HEARING AND
NOVEMBER 10, 2014 ORDER
REQUIRING JOINT STATUS REPORT**

Hearing Date: Jan. 29, 2015

Hearing Time: 2:00 p.m.

Judge: Hon. Troy L. Nunley

Action Filed: Nov. 10, 2014

1 WHEREAS Plaintiffs filed this action on November 10, 2014 challenging the
2 constitutionality of California Penal Code section 26820;

3 WHEREAS on November 10, 2014 the Court issued an order requiring that the parties hold
4 the conference required by Federal Rule of Civil Procedure 26(f) and file a joint status report
5 within 60 days of service of the complaint;

6 WHEREAS Plaintiffs served the complaint on November 10, 2014, thus requiring the
7 parties to hold the Rule 26(f) conference and submit a joint status report on or before January 9,
8 2015;

9 WHEREAS Plaintiffs have filed a motion for preliminary injunction scheduled for hearing
10 on January 29, 2014;

11 WHEREAS the parties agree that good cause exists to continue the hearing to March 12,
12 2015, and have the briefing schedule based on that hearing date;

13 WHEREAS Defendants agree not to take any action against any plaintiff, including Tracy
14 Rifle and Pistol, on accusations of past violations of section 26820 until this Court has ruled on
15 Plaintiffs' motion for preliminary injunction;

16 WHEREAS the parties agree that by stipulating to this continuance, no party's position on
17 the preliminary injunction shall be prejudiced, and specifically and without limitation, Plaintiffs
18 do not waive or forfeit their ability to argue or attempt to establish at the preliminary injunction
19 hearing that section 26820 causes them irreparable harm;

20 WHEREAS the parties further agree that good cause exists to postpone the joint status
21 report until after the hearing on Plaintiffs' motion for preliminary injunction;

22 IT IS HEREBY STIPULATED by and between:

23 Plaintiffs Tracy Rifle and Pistol LLC, Michael Baryla, Ten Percent Firearms; Wesley
24 Morris; Sacramento Black Rifle, Inc., Robert Adams; PRK Arms, Inc., and Jeffrey Mullen and
25 Defendants Kamala D. Harris, in her official capacity as the Attorney General of California, and
26 Stephen J. Lindley, in his official capacity as the Chief of the California Department of Justice
27 Bureau of Firearms, that good cause exists:
28

1 1. To continue the hearing on Plaintiffs' motion for preliminary injunction from January
2 29, 2015, to March 12, 2015 at 2:00 p.m.; and

3 2. For the briefing schedule to be set as follows: Defendants' Response in Opposition to
4 be due on or before February 23, 2015, and Plaintiffs' Reply Brief to be due on or before March
5 4, 2015; and

6 3. For the Federal Rule of Civil Procedure 26(f) conference and Joint Status Report
7 ordered by this Court on November 10, 2014 to be postponed until no more than 14 days after the
8 hearing on Plaintiffs' motion for preliminary injunction.

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10 Dated: January 8, 2015

KAMALA D. HARRIS
Attorney General of California

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13 /s/ Nelson R. Richards
14 NELSON R. RICHARDS
15 DEPUTY ATTORNEY GENERAL
Attorneys for Defendants

16 Dated: January 8, 2015

BENBROOK LAW GROUP, PC

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19 /s/ Bradley A. Benbrook (as authorized on 01/08/15)
20 BRADLEY A. BENBROOK
Attorneys for Plaintiffs

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FOR THE EASTERN DISTRICT OF CALIFORNIA

**TRACY RIFLE AND PISTOL LLC;
MICHAEL BARYLA; TEN PERCENT
FIREARMS; WESLEY MORRIS;
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2:14-cv-02626-TLN-DAD

**[PROPOSED] ORDER REGARDING
PRELIMINARY INJUNCTION
HEARING AND NOVEMBER 10, 2014
ORDER REQUIRING JOINT STATUS
REPORT**

Upon Consideration of the Parties' Stipulation Regarding Preliminary Injunction Hearing and November 10, 2014 Order Requiring Joint Status Report, and good cause appearing therefore, IT IS HEREBY ORDERED THAT:

1. The January 29, 2015 hearing on Plaintiffs' motion for preliminary injunction is continued to March 12, 2015 at 2:00 p.m.; and
2. Defendants' Response in Opposition will be due on or before February 23, 2015, and Plaintiffs' Reply Brief will be due on or before March 4, 2015; and
3. The Federal Rule of Civil Procedure 26(f) conference and Joint Status Report ordered by this Court on November 10, 2014 shall be postponed until 14 days after the hearing on Plaintiffs' motion for preliminary injunction.

IT IS SO ORDERED.

DATED: _____, 2015

HONORABLE TROY L. NUNLEY
UNITED STATES DISTRICT JUDGE