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CARLOS A. GARCIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KEVIN M. HALL, an individual,)	No.: C 10-03799 EMC
)	
Plaintiff,)	MOTION FOR EXTENSION OF TIME
)	
vs.)	
)	
CARLOS A. GARCIA, in his official capacity as)	
Superintendent of the San Francisco Unified)	
School District,)	
)	
Defendant.)	

Pursuant to Local Rule 6-3 and for the reasons stated below, defendant Carlos A. Garcia, Superintendent of the San Francisco Unified School District, respectfully requests a 30-day extension of time in which to answer or otherwise respond to the Complaint in the above-captioned case.

The case involves plaintiff's challenge to the Superintendent's refusal to grant him an exemption from the Gun Free School Zone Act of 1995 (Cal. Penal Code § 626.9) so that he may "openly carry an unloaded handgun outside of his residence for purposes of self-defense." Complaint, ¶ 1. Plaintiff alleges that the Superintendent's decision violates his rights under the Second and Fourteenth Amendments to the federal Constitution. *Id.*

Defendant was served on September 9, 2010 and retained defense counsel on September 13, 2010. Defendant's responsive pleading is currently due on September 30, 2010. Defendant's chief counsel, Robin Johansen, is scheduled to be out of the country for a family wedding from September 22 through September 29, 2010. Decl. of Robin B. Johansen at ¶ 3. Counsel believes that this matter can most efficiently be resolved on a motion to dismiss, but particularly in light of recent changes in the case law regarding the Second Amendment, she will not be able to prepare such a motion within the 21 days allotted by Rule 12 of the Federal Rules of Civil Procedure. Therefore, substantial harm or prejudice will result if an extension is not granted. Counsel asked plaintiff, who is appearing *in propria persona*, to stipulate to a 30-day extension of time, but he has not responded to her request. Johansen Decl. at ¶ 4.

Defendant therefore respectfully requests an extension to and including October 29, 2010 in which to file a motion to dismiss or otherwise respond to plaintiff's complaint.

Dated: September 20, 2010

Respectfully submitted,

REMCHO, JOHANSEN & PURCELL, LLP

By: _____/s/
Robin B. Johansen

Attorneys for Defendant Carlos A. Garcia

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