

1 XAVIER BECERRA
 Attorney General of California
 2 MARC A. LEFORESTIER
 Supervising Deputy Attorney General
 3 KEVIN A. CALIA
 Deputy Attorney General
 4 State Bar No. 227406
 1300 I Street, Suite 125
 5 P.O. Box 944255
 Sacramento, CA 94244-2550
 6 Telephone: (916) 322-6114
 Fax: (916) 324-8835
 7 E-mail: Kevin.Calia@doj.ca.gov
*Attorneys for Defendants Attorney General Kamala
 8 D. Harris, and Secretary of State Alex Padilla*

9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 **VINZENZ J. KOLLER, an individual and**
 14 **Presidential Elector,**

5:16-cv-07069-EJD

15 Plaintiff,

16 v.

**STIPULATION AND ~~(PROPOSED)~~
 ORDER REGARDING AMENDED
 COMPLAINT AND RESPONSE TO
 AMENDED COMPLAINT**

17 **JERRY BROWN, in his official capacity as**
 18 **Governor for the State of California;**
 19 **XAVIER BECERRA, in his official capacity**
 20 **as Attorney General for the State of**
 21 **California; ALEX PADILLA, in his official**
 22 **capacity as Secretary of State for the State**
 23 **of California; and DOES 1-10,**

Defendants.

Date: None
 Time: None
 Dept: 4
 Judge: The Honorable Edward J.
 Davila
 Trial Date: N/A
 Action Filed: December 9, 2016

1 All parties, through their undersigned counsel, hereby submit this Stipulation and
2 [Proposed] Order Regarding Amended Complaint and Response to Amended Complaint.

3 WHEREAS, on December 9, 2016, Plaintiff Vinzenz J. Koller filed the Verified Complaint
4 for Declaratory and Injunctive Relief;

5 WHEREAS, on December 13, 2016, Plaintiff caused Defendants Governor Edmund G.
6 Brown Jr., Attorney General Kamala D. Harris,¹ and Secretary of State Alex Padilla to be served
7 with the Complaint;

8 WHEREAS, on January 3, 2017, the Court endorsed the parties stipulation extending
9 Defendants' time to respond to the Complaint until February 3, 2017 (ECF No. 56);

10 WHEREAS, on January 3, 2017, the Court granted the California Republican Party's
11 motion to intervene (ECF No. 57);

12 WHEREAS, on January 11, 2017, the Court endorsed Plaintiff's voluntary dismissal of the
13 claims against Governor Brown (ECF No.62);

14 WHEREAS, the parties have met and conferred about the Complaint and Defendants'
15 anticipated response to the Complaint;

16 WHEREAS, Plaintiff has informed Defendants that he desires to file an amended
17 complaint;

18 WHEREAS, pursuant to Civil Local Rule 6-1, the parties have agreed, subject to the
19 Court's approval, to set a schedule for Plaintiff to file an amended complaint and for Defendants
20 to respond to the amended complaint;

21 THEREFORE, pursuant to Civil Local Rule 6-1, the parties stipulate as follows:

- 22 1. Plaintiff may file an amended complaint on or before **February 17, 2017**.
23 2. Defendants shall have an extension until **March 17, 2017**, in which to respond to the
24 operative complaint in any manner authorized by the Federal Rules of Civil Procedure.

25
26 _____
27 ¹ Pursuant to Federal Rule of Civil Procedure 25(d), Attorney General Xavier Becerra is
28 automatically substituted as a defendant in this matter in place of his predecessor, Kamala D. Harris.

1 Dated: February 3, 2017

Respectfully Submitted,
XAVIER BECERRA
Attorney General of California
MARC A. LEFORESTIER
Supervising Deputy Attorney General

2

3

4

5

6

/s/ Kevin A. Calia
KEVIN A. CALIA
Deputy Attorney General
Attorneys for Defendants
Attorney General Xavier Becerra and
Secretary of State Alex Padilla

7

8

9

10 Dated: February 3, 2017

KRAMER LAW OFFICE, INC.

11

12

13

/s/ Melody A. Kramer
MELODY A. KRAMER
Attorney for Plaintiff
Vinzenz J. Koller

14

15

16

Dated: February 3, 2017

BELL, McANDREWS & HILTACHK, LLP

17

18

/s/ Charles H. Bell, Jr.
CHARLES H. BELL, JR.
BRIAN T. HILDRETH
TERRY J. MARTIN
Attorneys for Intervenor
California Republican Party

19

20


21

22 **PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.**

23

24

25 Dated: February 7, 2017



Honorable Edward J. Davila
United States District Judge

26

27

28

ECF ATTESTATION

I, Kevin A. Calia, am the ECF User whose ID and Password are being used to file this:

STIPULATION AND [PROPOSED] ORDER REGARDING AMENDED COMPLAINT AND RESPONSE TO AMENDED COMPLAINT

In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Melody A. Kramer and Charles H. Bell, Jr. have concurred in this filing.

Dated: February 3, 2017

/s/ Kevin A. Calia

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Case Name: **Koller, Vinzenz, J. v. Jerry
Brown, et al.**

No. **5:16-cv-07069**

I hereby certify that on February 3, 2017, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STIPULATION AND [PROPOSED] ORDER REGARDING AMENDED COMPLAINT
AND RESPONSE TO AMENDED COMPLAINT**

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 the foregoing is true and correct and that this declaration was executed on February 3, 2017, at Sacramento, California.

Eileen A. Ennis
Declarant

/s/ Eileen A. Ennis
Signature

SA2016104833
12577585.doc