

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 Xavier
 8 Becerra and Secretary of State Alex Padilla, in their
 official capacities*

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

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

5:16-cv-07069-EJD

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 16 Plaintiff,

17 v.

**STIPULATION AND [PROPOSED]
 ORDER REGARDING SCHEDULE FOR
 MOTIONS TO DISMISS**

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

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

22 Defendants.
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1 The parties, through their undersigned counsel, hereby submit this Stipulation and
2 [Proposed] Order Regarding Schedule for Motions to Dismiss.

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

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

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

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

11 WHEREAS, on February 7, 2017, the Court endorsed the parties' stipulation providing a
12 schedule for Plaintiff to file an amended complaint and for Defendants to respond to the amended
13 complaint (ECF No. 78);

14 WHEREAS, on February 17, 2017, Plaintiff filed an Amended Complaint for Declaratory
15 and Injunctive Relief (ECF No. 83) against the "Official Capacity Defendants" (Attorney General
16 Becerra and Secretary of State Padilla, in their official capacities) and the "Individual Capacity
17 Defendants" (former Attorney General Kamala Harris and Alex Padilla, in their individual
18 capacities);

19 WHEREAS, the Individual Capacity Defendants have not yet been served with the
20 Amended Complaint or waived service pursuant to the Federal Rules of Civil Procedure;

21 WHEREAS, the Official Capacity Defendants and the California Republican Party
22 contacted the Courtroom Deputy to reserve a date for a hearing on their motions to dismiss and
23 reserved August 17, 2017 for those motions;

24 WHEREAS, the parties have conferred regarding a schedule for briefing on those motions
25 and reached agreement on the schedule set forth below;

26 WHEREAS, the parties agree that it would be most efficient for the Court to set a case
27 management conference after the August 17, 2017 hearing on the motions to dismiss;

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1 THEREFORE, pursuant to Civil Local Rules 6-1 and 16-2(d), and subject to the Court's
2 approval, the parties stipulate as follows:

3 1. The Official Capacity Defendants and the California Republican Party shall have
4 until March 31, 2017 to file motions to dismiss the Amended Complaint, which will be noticed
5 for hearing on August 17, 2017 at 9:00 am;

6 2. Plaintiff shall have until May 5, 2017 to file his opposition to those motions to
7 dismiss;

8 3. The Official Capacity Defendants and the California Republican Party shall have
9 until May 26, 2017 to file reply briefs in support of their motions to dismiss;

10 4. The briefing schedule above does not apply to the Individual Capacity Defendants,
11 who, if served, will be permitted to respond to the Amended Complaint at the time required by
12 the Federal Rules of Civil Procedure or further order of this Court; and

13 5. A case management conference will be scheduled by further order of the Court for a
14 time after the August 17, 2017 hearing on the motions to dismiss.

15 Dated: March 17, 2017

Respectfully Submitted,

16 XAVIER BECERRA
17 Attorney General of California
18 MARC A. LEFORESTIER
19 Supervising Deputy Attorney General

20 _____
21 /s/ Kevin A. Calia
22 KEVIN A. CALIA
23 Deputy Attorney General
24 Attorneys for Defendants
25 Attorney General Xavier Becerra and
26 Secretary of State Alex Padilla, in their
27 official capacities

24 Dated: March 17, 2017

KRAMER LAW OFFICE, INC.

27 _____
28 /s/ Melody A. Kramer
29 MELODY A. KRAMER
30 Attorney for Plaintiff
31 Vinzenz J. Koller

1 Dated: March 17, 2017

BELL, McANDREWS & HILTACHK, LLP

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3
4 /s/ Charles H. Bell, Jr.

CHARLES H. BELL, JR.

BRIAN T. HILDRETH

TERRY J. MARTIN

Attorneys for Intervenor

California Republican Party

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

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11 Dated: _____

Honorable Edward J. Davila
United States District Judge

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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 SCHEDULE FOR MOTIONS TO DISMISS

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: March 17, 2017

/s/ Kevin A. Calia