

1 C.D. Michel – SBN 144257  
Clint B. Monfort – SBN 255609  
2 Sean A. Brady – SBN 262007  
cmichel@michellawyers.com  
3 MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Blvd., Suite 200  
4 Long Beach, CA 90802  
Telephone: (562) 216-4444  
5 Facsimile: (562) 216-4445  
Attorneys for Plaintiffs / Petitioners

6 Paul Neuharth, Jr. – SBN 147073  
7 pneuharth@sbcglobal.net  
PAUL NEUHARTH, JR., APC  
8 1440 Union Street, Suite 102  
San Diego, CA 92101  
9 Telephone: (619) 231-0401  
Facsimile: (619) 231-8759  
10 Attorney for Plaintiff / Petitioner EDWARD PERUTA

11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**  
13

14 EDWARD PERUTA, MICHELLE  
15 LAXSON, JAMES DODD, DR.  
16 LESLIE BUNCHER, MARK  
17 CLEARY, and CALIFORNIA RIFLE  
AND PISTOL ASSOCIATION  
FOUNDATION

18 Plaintiffs,

19 v.

20 COUNTY OF SAN DIEGO,  
21 WILLIAM D. GORE,  
INDIVIDUALLY AND IN HIS  
22 CAPACITY AS SHERIFF,

23 Defendants.  
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**CASE NO: 09-CV-2371 IEG (BGS)**

**JOINT MOTION OF THE PARTIES  
TO MODIFY CASE SCHEDULING  
ORDER**

*Pursuant to Fed. R. Civ. P. 16(b)(4)*

Honorable Irma E. Gonzalez, presiding

Date Action Filed: October 23, 2009

**I.**

**INTRODUCTION**

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3 The parties, Plaintiffs Edward Peruta, Michelle Laxson, James Dodd, Dr.  
4 Leslie Buncher, Mark Cleary, and California Rifle and Pistol Association  
5 Foundation (collectively “Plaintiffs”) and Defendants County of San Diego and  
6 Sheriff William D. Gore (collectively “Defendants”), through their respective  
7 attorneys of record, hereby move the Court to set a new Case Management  
8 Conference in order to reschedule certain dates set by this Court in the Case  
9 Management Conference Order Regulating Discovery and Other Pretrial  
10 Proceedings dated (“Case Scheduling Order”) dated August 6, 2010.

**II.**

**RECITALS**

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13 WHEREAS, Plaintiffs in this matter filed their Motion for Partial Summary  
14 Judgment on September 3, 2010;

15 WHEREAS, Defendants filed their Opposition to Plaintiffs’ Motion, and  
16 simultaneously Defendants’ Cross-Motion for Summary Judgement on October 4,  
17 2010;

18 WHEREAS, Plaintiffs must file their Reply to Defendants’ Opposition and  
19 simultaneously Plaintiffs’ Opposition to Defendants’ Cross-Motion on or before  
20 October 18, 2010;

21 WHEREAS, Defendants must file their Reply to Plaintiffs’ Opposition on or  
22 before November 1, 2010;

23 WHEREAS, under this Court’s Case Management Conference Order  
24 Regulating Discovery and Other Pretrial Proceedings (“Case Scheduling Order”)  
25 dated August 6, 2010, the current fact discovery deadline of November 24, 2010  
26 requires that all written discovery be served via mail by October 22, 2010;

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1           WHEREAS, both Plaintiffs' Motion for Partial Summary Judgment and  
2 Defendants' Cross-Motion for Summary Judgment are set to be heard before the  
3 Honorable Chief Judge Irma Gonzalez on November 15, 2010 at 10:00 a.m. in  
4 Courtroom 1, or as soon thereafter as may be heard by the court;

5           WHEREAS, the hearing before Chief Judge Gonzalez on the parties' cross-  
6 motions may dispose of or alter one or more of Plaintiffs' claims, and therefore  
7 change the scope of, or even possibly eliminate potential discovery requests for  
8 both parties;

9           WHEREAS, the parties wish to avoid costly discovery that may be  
10 unnecessary or insufficient, depending on the disposition of the parties cross-  
11 motions;

12           WHEREAS, all parties believe this Court's Order of August 6, 2010 should  
13 be vacated, and a new Fed. R. Civ. P. 26 (f) Case Management Conference for this  
14 Action should be scheduled to establish a new discovery schedule one week  
15 following a ruling on the parties' cross-motions, or as soon thereafter as the court  
16 deems convenient;

17           WHEREAS, the parties do not believe a new Case Management Conference  
18 will prejudice any party or result in undue delay;

19           WHEREAS, Federal Rule of Civil Procedure ("FRCP") Rule 16(b)(4)  
20 requires good cause and judicial consent as prerequisites to modifying a scheduling  
21 order;

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1 THE PARTIES HEREBY STIPULATE AND MOVE THIS COURT TO MODIFY  
2 THE ORDER OF AUGUST 6, 2010 AND ESTABLISH A REVISED  
3 DISCOVERY SCHEDULE TO BE DETERMINED AT A NEW CASE  
4 MANAGEMENT CONFERENCE.

5 **IT IS SO STIPULATED AND AGREED.**  
6

7 Dated: October 6, 2010

**MICHEL & ASSOCIATES, P.C.**

8

/s/ C. D. Michel

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C.D. Michel

Attorney for Plaintiff Edward Peruta

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11 Dated: October 6, 2010

**PAUL NEUHARTH, JR., APC**

12

/s/ Paul Neuharth, Jr.(as approved on 10/6/10)

13

Paul Neuharth, Jr.

Attorney for Plaintiff Edward Peruta

14

15 Dated: October 6, 2010

**JAMES M. CHAPIN, County Counsel**

16

/s/ James M. Chapin (as approved on 10/6/10)

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Attorney for Defendants County of San

Diego and William D. Gore

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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EDWARD PERUTA,  
MICHELLE LAXSON, JAMES  
DODD, DR. LESLIE  
BUNCHER, MARK CLEARY,  
and CALIFORNIA RIFLE  
AND PISTOL ASSOCIATION  
FOUNDATION

Plaintiffs,

v.

COUNTY OF SAN DIEGO,  
WILLIAM D. GORE,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS SHERIFF,

Defendants.

CASE NO. 09-CV-2371 IEG (BGS)  
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

**JOINT MOTION OF THE PARTIES TO MODIFY  
CASE SCHEDULING ORDER**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

James M. Chapin  
County of San Diego  
Office of County Counsel  
1600 Pacific Highway  
Room 355  
San Diego, CA 92101-2469  
(619) 531-5244  
Fax: (619-531-6005  
james.chapin@sdcounty.ca.gov

Paul Neuharth, Jr. (State Bar #147073)  
PAUL NEUHARTH, JR., APC  
1440 Union Street, Suite 102  
San Diego, CA 92101  
Telephone: (619) 231-0401  
Facsimile: (619) 231-8759  
pneuharth@sbcglobal.net

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on October 6, 2010.

/s/ C. D. Michel  
C.D. Michel  
Attorney for Plaintiff