UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM WIESE, an individual; JEERMIAH MORRIS, an individual; LANCE COWLEY, an individual; SHERMAN MACASTON, an individual; CLIFFORD FLORES, individually and as trustee of the Flores Family Trust; L.Q. DANG, an individual; FRANK FEDEREAU, an individual; ALAN NORMANDY, an individual; TODD NIELSEN, an individual; THE CALGUNS FOUNDATION; FIREARMS POLICY COALITION; FIREARMS POLICY FOUNDATION; and SECOND AMENDMENT FOUNDATION,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as Attorney General of California; and MARTHA SUPERNOR, in her official capacity as Acting Chief of the Department of Justice Bureau of Firearms,

Defendants.

No. 2:17-cv-903 WBS KJN

ORDER

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

In light of the fact that the parties have not engaged in any discovery in this case, and considering the Declaration of Robert L. Meyerhoff regarding what discovery plaintiffs wish to conduct and why, defendants' request to conduct discovery in order to respond to plaintiff's motion for summary judgement (Docket Nos. 125-1, 129) is GRANTED pursuant to Federal Rule of Civil Procedure 56(d). See, e.g., Burlington N. Santa Fe R.R. Co. v. Assiniboine & Sioux Tribes of Fort Peck Rsrv., 323 F.3d 767, 773 (9th Cir. 2003) (Rule 56(d) requests should granted "fairly freely" where a party has not had "a realistic opportunity to pursue discovery relating to its theory of the case.").

Defendants may depose L.Q. Dang, Frank Federau, Clifford W. Flores, Alan Gottlieb, Gene Hoffman, Sherman Macaston, Jeremiah Morris, Todd Nielsen, Alan Normandy, Jeff Silvester, William Wiese, D. Allen Youngman, and James Curcuruto. Such depositions shall be completed by **July 28, 2023.**

Defendants shall file their amended opposition to plaintiffs' motion for summary judgment and amended cross motion for summary judgment by **August 18, 2023.** Plaintiffs shall file their amended reply and amended opposition to the cross motion by **September 8, 2023.** Defendants shall file their amended reply in support of the cross motion by **October 2, 2023.** The hearing on the parties' cross motions for summary judgment currently set for July 11, 2023 is RESET for **October 30, 2023** at 1:30 p.m.

IT IS SO ORDERED.

Dated: June 27, 2023

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE