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9 Attorneys for COUNTY OF SACRAMENTO  
10 JOHN MCGINNESS

11 UNITED STATES DISTRICT COURT EASTERN DISTRICT  
12 OF CALIFORNIA SACRAMENTO DIVISION

13 DEANNA SYKES, ANDREW WITHAM, )  
14 ADAM RICHARDS, SECOND )  
15 AMENDMENT FOUNDATION, INC., AND )  
16 THE CALGUNS FOUNDATION, INC. )

17 Plaintiffs )

18 v. )

19 JOHN MCGINNESS, COUNTY OF )  
20 SACRAMENTO, ED PRIETO, AND )  
21 COUNTY OF YOLO )

22 Defendants. )

**CASE NO.** 2:09-cv-01235-MCE-KJM

**Date:** September 24, 2009

**Time:** 2:00 p.m.

**Ctrm:** 7

**Judge:** Morrison C. England, Jr.

**DEFENDANT JOHN MCGINNESS  
AND COUNTY OF SACRAMENTO’S  
NOTICE OF MOTION AND MOTION  
TO CONTINUE OR SUSPEND  
HEARING ON PLAINTIFFS’  
MOTION FOR SUMMARY  
JUDGMENT  
FRCP 56(f)**

23 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

24 PLEASE TAKE NOTICE that on September 24, 2009, at 2:00 p.m., or as soon thereafter  
25 as the matter may be heard, at 501 I Street, Sacramento, California, Courtroom 7, Defendants  
26 John McGinness and County of Sacramento will move for an order continuing or suspending the  
27 currently scheduled hearing date on Plaintiffs’ Motion for Summary Judgment, pursuant to  
28 Federal Rule of Civil Procedure 56(f). Defendants cannot properly respond to Plaintiffs’ motion

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1 for summary judgment by affidavits regarding facts essential to justify Defendants' opposition,  
2 and require time to conduct discovery in order to do so.

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4 This motion is based upon this notice and motion, the memorandum of points and  
5 authorities filed in support thereof, the pleadings on file herein, the declaration of counsel, and  
6 any oral or other evidence which may be introduced at the time of the hearing on this motion.

7 Dated: August 21, 2009

LONGYEAR, O'DEA AND LAVRA, LLP

8 /s/ *Jeri L. Pappone*

9 By: \_\_\_\_\_

10 John A. Lavra  
11 Jeri L. Pappone  
12 Amanda L. Butts  
13 Attorneys for County of Sacramento and  
14 John McGinness

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26  
27 **DEFENDANTS' NOTICE OF MOTION AND MOTION TO CONTINUE  
OR SUSPEND HEARING ON PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**