

1 John A. Lavra, SBN 114533  
2 Jeri L. Pappone, SBN 210104  
3 Amanda L. Butts, SBN 253651  
4 Longyear, O’Dea and Lavra, LLP  
5 3620 American River Drive, Suite 230  
6 Sacramento, Ca. 95864  
7 Telephone: (916) 974-8500  
8 Facsimile: (916) 974-8510

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.

**APPLICATION FOR ORDER**  
**SHORTENING TIME FOR NOTICE**  
**AND HEARING ON DEFENDANTS’**  
**MOTION TO CONTINUE OR**  
**SUSPEND HEARING DATE ON**  
**PLAINTIFFS’ MOTION FOR**  
**SUMMARY JUDGMENT;**  
**STIPULATION OF PARTIES**

LR 6-144(e)

23 DEFENDANTS JOHN MCGINNESS and COUNTY OF SACRAMENTO filed and  
24 served their to Motion Continue or Suspend Hearing on Plaintiffs’ Motion for Summary  
25 Judgment pursuant to FRCP 56(f) on August 21, 2009, for hearing on September 24, 2009.  
26 September 24, 2009 is the same date as the scheduled hearing date on Plaintiffs’ Motion for  
27 Summary Judgment. According to the hearing schedule on Plaintiffs’ motion for summary  
28

LONGYEAR, O’DEA & LAVRA, LLP  
Attorneys at Law  
3620 American River Drive, Suite 230  
Sacramento, CA 95864-5923  
Telephone (916) 974-8500 / Facsimile (916) 974-8510

1 judgment, Defendants' opposition, if any, to Plaintiffs' motion is due on or before September 4,  
2 2009. Therefore, Defendants are requesting that the notice and hearing on their Rule 56(f)  
3 motion be shortened such that Defendants know whether or not their Rule 56(f) motion is  
4 granted or denied prior to the date their opposition to Plaintiffs' Motion for Summary Judgment  
5 is due, in order that the opposition can be prepared and filed, if necessary, by September 4th.  
6

7 To the above end, Defendants have met and conferred with Plaintiffs' counsel, who have  
8 agreed to stipulate to shortened notice and hearing time for Defendants' Motion to Continue or  
9 Suspend Hearing on Plaintiffs' Motion for Summary Judgment. Counsel for defendants Ed  
10 Prieto and County of Yolo have also agreed to this application shortening time.  
11

12 Plaintiffs' counsel have also suggested and represented that they would be willing to  
13 appear at hearing on Defendants' Rule 56(f) motion by way of telephonic appearance if this  
14 accommodates the parties and court in expediting this hearing.  
15

16 Therefore, it is respectfully requested that Defendants' Motion to Continue or Suspend  
17 Hearing on Plaintiffs' Motion for Summary Judgment (FRCP 56(f)) (both motions being  
18 currently scheduled for hearing on September 24, 2009) be heard on shortened time, and  
19 preferably one of the following dates: Thursday, August 27, 2009 or Friday, August 28, 2009.

20 **IT IS SO STIPULATED:**

21 Dated: August 24, 2009

LONGYEAR, O'DEA AND LAVRA, LLP

22 /s/ Jeri L. Pappone

23 By: \_\_\_\_\_

24 John A. Lavra  
25 Jeri L. Pappone  
26 Amanda L. Butts  
27 Attorneys for County of Sacramento and  
28 John McGinness

LONGYEAR, O'DEA & LAVRA, LLP  
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Dated: August 24, 2009

ANGELO, KILDAY & KILDUFF

/s/ J. Scott Smith

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

J. Scott Smith  
Attorneys for Defendants  
Ed Prieto and County of Yolo

Dated: August 24, 2009

GURA & POSSESSKY  
LAW OFFICES OF DONALD KILMER

/s/ Donald E.J. Kilmer, Jr.

By \_\_\_\_\_

Alan Gura  
Donald E.J. Kilmer, Jr.  
Attorneys for Plaintiffs

LONGYEAR, O'DEA & LAVRA, LLP  
Attorneys at Law  
3620 American River Drive, Suite 230  
Sacramento, CA 95864-5923  
Telephone (916) 974-8500 / Facsimile (916) 974-8510