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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
SACRAMENTO COUNTY
DEFENDANTS’ REQUEST FOR
SCHEDULING ORDER UPON
RECEIPT OF NINTH CIRCUIT
RULING ON *NORDYKE* CASE

23 A stay has been imposed in this case in connection with awaiting the Ninth Circuit Court
24 of Appeals’ ruling in the *Nordyke* case, which in turn is stayed awaiting the U.S. Supreme
25 Court’s ruling in *McDonald v. City of Chicago*.

26 During this time period, Plaintiffs’ counsel has informed counsel for the County of
27 Sacramento Defendants that on the same day that the ruling in *Nordyke* is issued, they will be re-

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1 filing their motion for summary judgment. Defendants wish to take the depositions of four (4)
2 Plaintiffs prior to opposing the motion for summary judgment, at the time the new law has been
3 established.

4
5 Sacramento Defendants have determined that it is essential to the manner in which the
6 depositions of the four Plaintiffs are taken and the material issues to be covered, is in part
7 dependant upon the ultimate outcome of the *McDonald* and *Nordyke* cases. Defendants' position
8 is that it is premature and futile to take these depositions prior to knowing what the Ninth Circuit
9 law will be with respect to the Second Amendment issues and the California statutes to the
10 Defendants' role in applying those statutes.

11
12 If Plaintiffs are permitted to re-file their motion for summary judgment on the date the
13 *Nordyke* decision is issued, Defendants will have only a 14-day period within which to not only
14 take the Plaintiffs' depositions, but to also oppose the motion itself. Therefore, Sacramento
15 Defendants request that the court permit a sixty-day period within which to take the depositions
16 of Plaintiffs and the organizational plaintiffs' principals, prior to Plaintiffs being permitted to re-
17 file their motion for summary judgment.

18
19 Respectfully submitted,

20 Dated: March 16, 2010

LONGYEAR, O'DEA AND LAVRA, LLP

21
22 /s/ Jeri L. Pappone

By:

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