

1 EDMUND G. BROWN JR., State Bar No. 37100
Attorney General of California
2 STEPHEN P. ACQUISTO, State Bar No. 172527
Supervising Deputy Attorney General
3 ANTHONY R. HAKL, State Bar No. 197335
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 322-9041
6 Fax: (916) 324-8835
E-mail: Anthony.Hakl@doj.ca.gov

7 *Attorneys for Defendant Wilfredo Cid*

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11

12 **IVAN PEÑA, ROY VARGAS, DOÑA**
13 **CROSTON, BRETT THOMAS, SECOND**
14 **AMENDMENT FOUNDATION, INC., and**
THE CALGUNS FOUNDATION, INC.,

15 Plaintiffs,

16 v.

17 **WILFREDO CID,**

18 Defendant.
19

2:09-cv-01185-FCD-KJM

**EX PARTE APPLICATION FOR ORDER
SHORTENING TIME ON DEFENDANT
CID'S RULE 56(f) MOTION.**

Date: To be determined
Time: To be determined
Dept: No. 2, 15th Floor
Judge: Frank C. Damrell, Jr.
Trial Date: None
Action Filed: April 30, 2009

20
21 Defendant Wilfredo Cid, Chief of the Bureau of Firearms of the California Department of
22 Justice, in his official and individual capacities, will and hereby does apply ex parte for an order
23 shortening time for the briefing and, if necessary, a hearing on his motion for relief under Federal
24 Rule of Civil Procedure 56(f). This ex parte application is brought under Local Rule 6-144(e) and
25 is supported by the declaration of Anthony R. Hakl, who is Cid's attorney of record.

26 As explained in counsel's declaration, this ex parte application is made on the grounds that
27 Cid does not have sufficient time under the applicable rules to be heard on his Rule 56(f) motion
28 prior to the hearing on Plaintiffs' motion for summary judgment, which Plaintiffs filed last week

1 on September 2 and noticed for hearing on October 2, and without being prejudiced in opposing
2 the summary judgment motion. Based on the current hearing date, the Local Rules make Cid's
3 opposition to the motion due no later than September 18, if he personally serves the opposition.
4 Defendant Cid's motion to dismiss is also set to be heard on October 2.

5 Cid has filed his Rule 56(f) motion and supporting brief and declaration concurrently with
6 this application. Out of an abundance of caution and to comply with the Local Rules, Cid has
7 noticed the motion for hearing on October 16. However, Cid respectfully requests that the Court
8 issue an order setting a expedited briefing schedule on the motion, including appropriate
9 deadlines for the filing of any opposition and reply briefs and, if necessary, a hearing date, so that
10 the motion can be resolved prior to September 18.

11 Dated: September 9, 2009

Respectfully Submitted,

12 EDMUND G. BROWN JR.
13 Attorney General of California
14 STEPHEN P. ACQUISTO
Supervising Deputy Attorney General

15 /s/ ***Anthony R. Hakl***

16 ANTHONY R. HAKL
17 Deputy Attorney General
Attorneys for Defendant

18 SA2009310413
19 10487049.doc