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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

**DEFENDANT CID'S NOTICE OF  
MOTION AND MOTION FOR RELIEF  
UNDER FED. R. CIV. P. 56(f).**

Date: October 16, 2009  
Time: 10:00 a.m.  
Dept: No. 2, 15th Floor  
Judge: Frank C. Damrell, Jr.  
Trial Date: None  
Action Filed: April 30, 2009

20 TO PLAINTIFFS IVAN PEÑA, ROY VARGAS, DOÑA CROSTON, BRETT  
21 THOMAS, SECOND AMENDMENT FOUNDATION, INC., and THE CALGUNS  
22 FOUNDATION, INC., and to their attorneys of record:

23 PLEASE TAKE NOTICE that on October 16, 2009, at 10:00 a.m., or as soon thereafter as  
24 the matter may be heard by this Court, located at 501 I Street, Sacramento, California 95814,  
25 Defendant Wilfredo Cid, Chief of the Bureau of Firearms of the California Department of  
26 Justice, in his official and individual capacities, will move for an order denying Plaintiffs' motion  
27 for summary judgment, or at least continuing the hearing on that motion, under Federal Rule of  
28 Civil Procedure 56(f).

1 This motion is brought under Rule 56(f) and Local Rule 78-230. It is based on this notice  
2 of motion and motion, the concurrently filed memorandum of points and authorities and  
3 declaration of Anthony R. Hakl, as well as the pleadings, orders, and other documents already on  
4 file in this action.

5 Defendant has noticed this motion for hearing on October 16 out of an abundance of  
6 caution and to comply with the Local Rules. At the same time as this motion, Defendant has  
7 filed an ex parte application for order shortening time regarding Defendant's Rule 56(f) motion so  
8 that it may be briefed, heard if necessary, and resolved before September 18, which is the last day  
9 for Defendant to otherwise oppose Plaintiffs' motion for summary judgment, if he personally  
10 serves opposition.

11 Dated: September 9, 2009

Respectfully Submitted,

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

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

16 ANTHONY R. HAKL  
17 Deputy Attorney General  
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