

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

**SHERIFF CLAY PARKER, TEHAMA
COUNTY SHERIFF; HERB BAUER
SPORTING GOODS; CALIFORNIA
RIFLE AND PISTOL ASSOCIATION
FOUNDATION; ABLE'S SPORTING,
INC.; RTG SPORTING COLLECTIBLES,
LLC; AND STEVEN STONECIPHER,**

Case No. S215265

Plaintiffs and Respondents,

v.

**THE STATE OF CALIFORNIA;
KAMALA D. HARRIS, in her official
capacity as Attorney General for the State of
California; AND THE CALIFORNIA
DEPARTMENT OF JUSTICE,**

Defendants and Appellants.

Fifth Appellate District, Case Nos. F062490, F062079
Fresno County Superior Court, Case No. 10CECG02116
The Honorable Jeffrey Y. Hamilton, Judge

**APPLICATION OF *FFLGuard* LLC AND GUN OWNERS OF
CALIFORNIA, INC. TO FILE *AMICI CURIAE* BRIEF**

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*Application for *Pro Hac Vice*
Admission Pending

Attorneys for *Amici Curiae FFLGuard* LLC
and Gun Owners of California, Inc.

**To the Honorable Tani Cantil-Sakauye, Chief Justice
of the Supreme Court of California**

Pursuant to Rule 8.520(f), California Rules of Court, FFLGuard LLC and Gun Owners of California, Inc., hereby apply for permission to file the accompanying *amici curiae* brief in support of Respondents Sheriff Clay Parker *et al.*

THE APPLICANTS' INTEREST

FFLGuard LLC

FFLGuard LLC is a Delaware corporation located at 244 Fifth Ave., Suite 1960, New York, New York 10001. *FFLGuard LLC* offers a cooperative compliance and legal defense program (“Program”) for Federal Firearms Licensees (“FFLs”) by providing clients with lawyers, subject matter experts, professionals and para-professionals who are specialists in the area of firearms law and compliance. The Program delivers FFLs with cost-efficient access to these legal and firearms compliance specialists – providing educational training and rapid response services – with the focus as safeguarding the viability of the client’s license. The *FFLGuard* clients participating in the Program subscribe voluntarily to *FFLGuard*’s heightened compliance standards and best practices. All *FFLGuard* clients pool their financial and intelligence resources, by agreement, for the *FFLGuard* lawyers, subject matter experts, professionals and para-

professionals to serve as their de facto “on-call compliance team” and general counsel.

Compliance with all provisions of law in the highly-regulated firearms industry requires that licensed firearms dealers and their counsel understand what the law is. This case falls squarely within the interest of *FFLGuard*, including its compliance and legal team, and its clients who are licensed dealers, the latter being subject to criminal penalties for unintentional violation of the law.

Based on their long-term and wide experience rendering advice and litigating cases on firearms law issues, counsel for *FFLGuard* are well equipped to offer insights into the issues at bar and to contribute perspectives not set forth by the parties. *FFLGuard* filed an *amici curiae* brief in this case in the Court of Appeal.

Gun Owners of California, Inc.

Gun Owners of California, Inc. (“GOC”) (www.gunownersca.com) was founded in 1974 by Senator H. L. “Bill” Richardson, who served in the California Senate for 22 years. GOC became a California non-profit corporation in 1982, is organized under § 501(c)(4) of the Internal Revenue Code, and is located at 1831 Iron Point Road, Folsom, CA 95630. With offices in Sacramento, GOC is a leading voice in California in support of the right to self-defense and to keep and bear arms guaranteed by the

Second Amendment to the United States Constitution. It monitors government activities at the national, state and local levels that may affect the rights of the American public to choose to own firearms.

GOC has considerable experience and expertise in assisting the courts with its insights regarding the Second Amendment, having joined in *amici curiae* briefs in federal cases such as *District of Columbia v. Heller* (2008) 554 U.S. 570 and *McDonald v. City of Chicago* (2010) 130 S.Ct. 3020, and state cases such as this case in the Court of Appeal; *Fiscal v. City & County of San Francisco* (1st Dist. 2008) 158 Cal. App.4th 895, 70 Cal.Rptr.3d 324; and *Kasler v. Lockyer* (2000) 23 Cal.4th 472, 2 P.3d 581. The interest of GOC in this case is to protect the rights of law-abiding gun owners from vague criminal statutes so that those rights are consistent with due process and with the right to keep and bear arms.

Counsel for *FFLGuard* and GOC on this brief includes lead counsel in challenges to firearm laws that were held to be unconstitutionally vague. *See, e.g., Robertson v. City of Denver* (Colo. 1994) 874 P.2d 325; *Springfield Armory, Inc. v. City of Columbus* (6th Cir. 1994) 29 F.3d 250; and *Peoples Rights Organization, Inc. v. City of Columbus* (6th Cir. 1998) 152 F.3d 522.

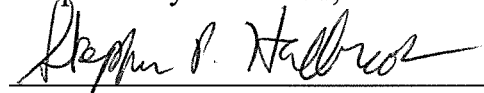
No party or counsel for any party has authored this brief in whole or

in part. No party or counsel for any party has made a monetary contribution intended to fund the preparation or submission of the brief.

The accompanying proposed *amici curiae* brief will assist the Court by identifying problems of vagueness in the statutory scheme at issue which the parties do not address, but which are critical to a complete understanding of the issues herein.

Date: October ²³__, 2014

Respectfully submitted,



Stephen P. Halbrook*

*Application for *Pro Hac Vice*
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Counsel for FFLGuard LLC and
Gun Owners of California, Inc.