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5 Attorneys for Defendant,
ANDREW'S SPORTING GOODS, INC.
6 dba TURNER'S OUTDOORSMAN
and S.G. DISTRIBUTING, INC.
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO
10

11 Judicial Council Coordination Proceeding)	JUDICIAL COUNCIL COORDINATION
Special Title (Rule 1550(b)))	PROCEEDINGS NO. 4095
12)	
13 FIREARM CASES)	
14)	
Coordinated actions:)	
15)	
16 THE PEOPLE OF THE STATE OF)	Superior Court of California City & County of
CALIFORNIA, ex rel. the County of Los)	San Francisco No. 303753
Angeles, et. al.,)	
17)	
v.)	Superior Court of California County of Los
18)	Angeles No. BC210894
ARCADIA MACHINE & TOOL, et. al.,)	
19)	
20 THE PEOPLE OF THE STATE OF)	DEFENDANT ANDREWS SPORTING
CALIFORNIA, by and through JAMES K.)	GOODS, INC.'S AND S.G.
HAHN, City Attorney of the City of Los)	DISTRIBUTING'S NOTICE OF MOTION
21 Angeles, et. al.,)	AND MOTION FOR JUDGMENT ON
22)	THE PLEADINGS.
v.)	
23)	Date:
ARCADIA MACHINE & TOOL, et. al.,)	Time:
24)	Dept. 65
THE PEOPLE OF THE STATE OF)	Hon. Vincent. P. DiFiglia
25)	
CALIFORNIA, by and through San)	
26)	
Francisco City Attorney Louise H. Renne,)	
27)	
v.)	
ARCADIA MACHINE & TOOL, et. al.)	
28)	

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on _____, 2003 at _____ a.m., or as soon as can
3 be heard, in Department 65, of the above-entitled court, Defendant, ANDREW'S SPORTING
4 GOODS, INC. dba TURNERS OUTDOORSMAN, and S.G. DISTRIBUTING will move this
5 Court for an Judgment on the Pleadings on some claims brought against ANDREWS by plaintiffs
6 involved in the three separate actions that have been coordinated in this Court.

7 In essence, Plaintiffs' three separate actions allege that defendants' otherwise lawful
8 manufacture, distribution, and sale of firearms creates a public nuisance and constitutes unfair
9 business practices. All 23 plaintiffs allege causes of action for injunctive relief based on public
10 nuisance (Code of Civil Procedure section 731 ("Section 731")) and unfair business practices
11 (Business and Professions Code §§ 17200 et seq. ("Section 17200")). Eleven of those plaintiffs
12 also include a cause of action for false advertising (Business and Professions Code §§ 17500 et
13 seq. ("Section 17500")). Plaintiffs further seek civil penalties under the latter two causes of action
14 (under Sections 17206 and 17536). Thus, most plaintiffs seek injunctive and monetary relief
15 under five separate statutes—75 statutory claims, in all. A threshold problem, however, is that
16 most plaintiffs lack standing to raise some or any of those claims.

17 This Motion is based upon this Notice and Motion, the Memorandum of Points and
18 Authorities filed herewith, the files and records of this case, and any evidence, argument, or
19 authorities to be presented at the hearing on the motion.

20 Dated: January 3, 2003

TRUTANICH • MICHEL, LLP:

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22 *C. D. Michel*
23 _____
C. D. Michel
24 Attorneys for Defendant
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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I, Haydee Villegas, declare:

1. That I am employed in the City of San Pedro, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 407 North Harbor Boulevard, San Pedro, California 90731.

2. On January 13, 2003, I served the foregoing document(s) described as **DEFENDANT ANDREWS SPORTING GOODS, INC.’S AND S.G. DISTRIBUTING’S NOTICE OF MOTION AND MOTION FOR JUDGMENT ON THE PLEADINGS** on the interested parties in this action by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty that the foregoing is true and correct. Executed this 13th day of January, 2003, at San Pedro, California.

Haydee Villegas

Haydee Villegas