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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 COUNTY OF SACRAMENTO

12 **DAVID GENTRY, JAMES PARKER,**
 13 **MARK MID LAM, JAMES BASS, and**
 14 **CALGUNS SHOOTING SPORTS**
ASSOCIATION,
 15 Plaintiffs and Petitioners,
 16 v.
 17 **KAMALA HARRIS, in Her Official**
 18 **Capacity as Attorney General for the State**
 19 **of California; STEPHEN LINDLEY, in His**
 20 **Official Capacity as Acting Chief for the**
 21 **California Department of Justice, BETTY**
 22 **T. YEE, in her official capacity as State**
Controller, and DOES 1-10,
 Defendants and Respondents.

Case No. 34-2013-80001667

**RESPONDENTS' ANSWER TO FIRST
 AMENDED COMPLAINT FOR
 DECLARATORY AND INJUNCTIVE
 RELIEF AND PETITION FOR WRIT OF
 MANDAMUS**

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 24 Respondents Kamala D. Harris, in her official capacity as Attorney General of the State of
 25 California; Stephen Lindley, in his official capacity as Chief of the California Department of
 26 Justice Bureau of Firearms; and Betty T. Yee, in her official capacity as Controller of the State of
 27 California, answer the Complaint for Declaratory and Injunctive Relief and Petition for Writ of
 28 Mandamus as follows:

1 **ANSWER TO PETITIONERS' INTRODUCTORY ALLEGATIONS**

2 1. Answering the first through third sentences of paragraph 1, respondents admit the
3 allegations of those sentences. Answering the fourth sentence of paragraph 1, respondents state
4 that the matters asserted therein constitute legal argument and conclusions regarding the
5 California Penal Code, as opposed to material allegations of fact. No response to such arguments
6 and conclusions is required. To the extent the fourth sentence of paragraph 1 contains any
7 material allegations of fact, respondents deny the allegations.

8 2. Answering the first sentence of paragraph 2, respondents state that the matters
9 asserted therein constitute legal argument and conclusions regarding the California Penal Code, as
10 opposed to material allegations of fact. No response to such arguments and conclusions is
11 required. To the extent the first sentence of paragraph 2 contains any material allegations of fact,
12 respondents deny the allegations. Answering the second sentence of paragraph 2, respondents
13 deny the allegations of that sentence.

14 3. Answering paragraph 3, respondents deny the allegations of that paragraph.

15 4. Answering paragraphs 4 through 12, respondents state that the matters asserted
16 therein constitute legal arguments and conclusions regarding Senate Bill 819, Senate Bill 140, the
17 California Penal Code, and the California Constitution, and other legal authorities. No response
18 to such arguments and conclusions is required. To the extent paragraphs 4 through 12 contain
19 any material allegations of fact, respondents deny the allegations.

20 5. Answering the first sentence of paragraph 13, respondents lack sufficient information
21 and belief to admit or deny the allegations and therefore deny them. Answering the second
22 sentence of paragraph 13, respondents state that this is petitioners' description of what they
23 purportedly seek in this action in terms of relief, as opposed to material allegations of fact. No
24 response to such description is required. To the extent this sentence contains any material
25 allegations of fact, respondents deny the allegations.

26 6. Answering paragraphs 14 through 16, respondents state that this is petitioners'
27 description of what they purportedly seek in this action in terms of relief, as opposed to material
28

1 allegations of fact. No response to such description is required. To the extent these paragraphs
2 contains any material allegations of fact, respondents deny the allegations.

3 **ANSWER TO PETITIONERS' ALLEGATIONS REGARDING**
4 **JURISDICTION AND VENUE**

5 7. Answering paragraph 17, respondents admit that this court has jurisdiction.
6 Paragraph 17 does not contain any other material allegations of fact. No further response is
7 therefore required. To the extent this paragraphs contains any other material allegations of fact,
8 respondents deny the allegations.

9 8. Answering paragraph 18, respondents admit that venue is proper and that respondents
10 are public officers who each maintain an official office in Sacramento. Respondents otherwise
11 deny any material allegations of the first sentence of paragraph 18. Answering the second
12 sentence of paragraph 18, respondents lack sufficient information and belief to admit or deny the
13 allegations and therefore deny them.

14 **ANSWER TO PETITIONERS' DESCRIPTION OF PARTIES**

15 9. Answering paragraphs 19 through 25, respondents lack sufficient information and
16 belief to admit or deny the allegations and therefore deny them.

17 10. Answering paragraphs 26 through 29, respondents admit the allegations of those
18 paragraphs.

19 11. Answering paragraph 30, respondents lack sufficient information and belief at this
20 time to admit or deny the allegations of that paragraph and therefore deny them.

21 **ANSWER TO PETITIONERS' OVERVIEW OF**
22 **CALIFORNIA REGULATORY SCHEME**

23 12. Answering paragraphs 31 through 70, respondents state that the matters asserted
24 therein constitute petitioners' legal argument and conclusions regarding various legal authorities,
25 including but not limited to the California Constitution, Proposition 26, the California Penal
26 Code, the California Code of Regulations, and various legislative bills, as opposed to material
27 allegations of fact. No response to such arguments and conclusions is required. To the extent
28 those paragraphs contain any material allegations of fact, respondents deny the allegations.

1 13. Answering paragraphs 71 and 72, respondents lack sufficient information or belief to
2 admit or deny the allegations of those paragraphs and therefore deny them.

3 **ANSWER TO PETITIONERS' FIRST CAUSE OF ACTION**

4 14. Answering paragraph 73, respondents incorporate by reference their responses to
5 paragraphs 1 through 72 to the same extent petitioner has incorporated the allegations of those
6 paragraphs into the petition and complaint.

7 15. Answering paragraphs 74 through 77, respondents state that the matters stated therein
8 constitute legal argument and conclusions, as opposed to material allegations of fact. No
9 response to such arguments and conclusions is required. To the extent paragraphs 74 through 77
10 contain any material allegations of fact, respondents deny the allegations.

11 **ANSWER TO PETITIONERS' SECOND CAUSE OF ACTION**

12 16. Answering paragraph 78, respondents incorporate by reference their responses to
13 paragraphs 1 through 77 to the same extent petitioner has incorporated the allegations of those
14 paragraphs into the petition and complaint.

15 17. Answering paragraphs 79 through 83, respondents state that the matters stated therein
16 constitute legal argument and conclusions, as opposed to material allegations of fact. No
17 response to such arguments and conclusions is required. To the extent paragraphs 79 through 83
18 contain any material allegations of fact, respondents deny the allegations.

19 **ANSWER TO PETITIONERS' THIRD CAUSE OF ACTION**

20 18. Answering paragraph 84, respondents incorporate by reference their responses to
21 paragraphs 1 through 83 to the same extent petitioner has incorporated the allegations of those
22 paragraphs into the petition and complaint.

23 19. Answering paragraph 85, respondents state that the matters stated therein constitute
24 legal argument and conclusions, as opposed to material allegations of fact. No response to such
25 arguments and conclusions is required. To the extent paragraph 85 contains any material
26 allegations of fact, respondents deny the allegations.

1 **ANSWER TO PETITIONERS' FOURTH CAUSE OF ACTION**

2 20. Answering paragraph 86, respondents incorporate by reference their responses to
3 paragraphs 1 through 85 to the same extent petitioner has incorporated the allegations of those
4 paragraphs into the petition and complaint.

5 21. Answering paragraphs 87 through 88, respondents state that the matters stated therein
6 constitute legal argument and conclusions, as opposed to material allegations of fact. No
7 response to such arguments and conclusions is required. To the extent paragraphs 87 through 88
8 contain any material allegations of fact, respondents deny the allegations.

9 **ANSWER TO PETITIONERS' FIFTH CAUSE OF ACTION**

10 22. Answering paragraph 89, respondents incorporate by reference their responses to
11 paragraphs 1 through 88 to the same extent petitioners have incorporated the allegations of those
12 paragraphs into their petition and complaint.

13 23. Answering paragraph 90, respondents state that the matters asserted therein constitute
14 legal argument and conclusions, as opposed to material allegations of fact. No response to such
15 arguments and conclusions is required. To the extent paragraph 90 contain any material
16 allegations of fact, respondents deny the allegations.

17 24. Answering paragraph 91, respondents deny the allegations of that paragraph.

18 25. Answering paragraph 92, respondents admit that the current DROS fee is \$19.00.
19 Respondents deny the remaining material allegations of that paragraph.

20 26. Answering paragraph 93, respondents deny the allegations of that paragraph.

21 27. Answering paragraph 94, respondents lack sufficient information or belief at this time
22 to admit or deny the allegations of that paragraph and therefore deny them.

23 28. Answering paragraph 95 through 100, respondents state that the matters asserted
24 therein constitute legal argument and conclusions, as opposed to material allegations of fact. No
25 response to such arguments and conclusions is required. To the extent paragraphs 95 through 100
26 contain any material allegations of fact, respondents deny the allegations.

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ANSWER TO PETITIONERS' SIXTH CAUSE OF ACTION

29. Answering paragraph 101, respondents incorporate by reference their responses to paragraphs 1 through 100 to the same extent petitioner has incorporated the allegations of those paragraphs into the petition and complaint.

30. Answering paragraphs 102 through 112, respondents state that the matters stated therein constitute legal argument and conclusions, as opposed to material allegations of fact. No response to such arguments and conclusions is required. To the extent paragraphs 102 through 112 contain any material allegations of fact, respondents deny the allegations.

ANSWER TO PETITIONERS' SEVENTH CAUSE OF ACTION

31. Answering paragraph 113, respondents incorporate by reference their responses to paragraphs 1 through 112 to the same extent petitioner has incorporated the allegations of those paragraphs into the petition and complaint.

32. Answering paragraphs 114 through 124, respondents state that the matters stated therein constitute legal argument and conclusions, as opposed to material allegations of fact. No response to such arguments and conclusions is required. To the extent paragraphs 114 through 124 contain any material allegations of fact, respondents deny the allegations.

ANSWER TO PETITIONERS' EIGHTH CAUSE OF ACTION

33. Answering paragraph 125, respondents incorporate by reference their responses to paragraphs 1 through 124 to the same extent petitioner has incorporated the allegations of those paragraphs into the petition and complaint.

34. Answering paragraphs 126 through 135, respondents state that the matters stated therein constitute legal argument and conclusions, as opposed to material allegations of fact. No response to such arguments and conclusions is required. To the extent paragraphs 126 through 135 contain any material allegations of fact, respondents deny the allegations.

ANSWER TO PETITIONERS' NINTH CAUSE OF ACTION

35. Answering paragraph 136, respondents incorporate by reference their responses to paragraphs 1 through 135 to the same extent petitioner has incorporated the allegations of those paragraphs into the petition and complaint.

1 36. Answering paragraphs 137 through 143, respondents state that the matters stated
2 therein constitute legal argument and conclusions, as opposed to material allegations of fact. No
3 response to such arguments and conclusions is required. To the extent paragraphs 137 through
4 143 contain any material allegations of fact, respondents deny the allegations.

5 **FIRST AFFIRMATIVE DEFENSE**

6 On information and belief, and recognizing that discovery in this case is ongoing,
7 respondents state that petitioners lack standing to maintain this action.

8 **SECOND AFFIRMATIVE DEFENSE**

9 This action is barred by reason of petitioners' laches in pursuing their claims.

10 **THIRD AFFIRMATIVE DEFENSE**

11 By conduct, representations and omissions, petitioners are equitably estopped from
12 asserting any claim for relief against respondents respecting the matters alleged in the petition and
13 complaint.

14 **FOURTH AFFIRMATIVE DEFENSE**

15 By conduct, representations and omissions, petitioners have waived, relinquished and
16 abandoned any claim for relief against respondents respecting the matters alleged in the petition
17 and complaint.

18 **FIFTH AFFIRMATION DEFENSE**

19 This action is barred by the doctrines of res judicata and collateral estoppel as a result of the
20 resolution of another action in the United States District Court involving the same parties and
21 causes of action. (See *Bauer, et al. vs. Harris, et al.*, Case No. 1:11-cv-01440-LJO-MJS (E.D.
22 Cal.).)

23 **SIXTH AFFIRMATIVE DEFENSE**

24 By conduct, representations and omissions, petitioners have failed to exhaust administrative
25 remedies respecting the matters alleged in the petition and complaint.

26 **PRAYER FOR RELIEF**

27 Respondents pray for judgment as follows:

- 28 1. That petitioners take nothing by way of their petition and complaint;

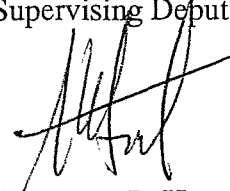
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- 2. The Court enter judgment in favor of respondents on all claims and causes of action alleged in the petition and complaint;
- 3. For costs incurred in the defense of this action; and
- 4. For such other and further relief that the Court may deem proper.

Dated: January 28, 2016

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
STEPAN A. HAYTAYAN
Supervising Deputy Attorney General



ANTHONY R. HAKL
Deputy Attorney General
Attorneys for Defendants and Respondents

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DECLARATION OF SERVICE BY E-MAIL and U.S. Mail

Case Name: **Gentry, David, et al. v. Kamala Harris, et al.**
No.: **34-2013-80001667**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **January 29, 2016**, I served the attached **RESPONDENTS' ANSWER TO FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION FOR WRIT OF MANDAMUS** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Scott Franklin
Michel & Associates, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802
E-mail: SFranklin@michellawyers.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 29, 2016, at Sacramento, California.

Tracie L. Campbell
Declarant


Signature