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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
of California; STEPHEN LINDLEY, in His
19 Official Capacity as Acting Chief for the
California Department of Justice, BETTY
20 T. YEE, in her official capacity as State
Controller, and DOES 1-10,**

21 Defendants and
22 Respondents.

Case No. 34-2013-80001667

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

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

6 **ANSWER TO PETITIONERS' INTRODUCTORY ALLEGATIONS**

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

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

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

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

25 5. Answering the first sentence of paragraph 13, respondents lack sufficient information
26 and belief to admit or deny the allegations and therefore deny them. Answering the second
27 sentence of paragraph 13, respondents state that this is petitioners' description of what they
28 purportedly seek in this action in terms of relief, as opposed to material allegations of fact. No

1 response to such description is required. To the extent this sentence contains any material
2 allegations of fact, respondents deny the allegations.

3 6. Answering paragraphs 14 through 16, respondents state that this is petitioners'
4 description of what they purportedly seek in this action in terms of relief, as opposed to material
5 allegations of fact. No response to such description is required. To the extent these paragraphs
6 contains any material allegations of fact, respondents deny the allegations.

7 **ANSWER TO PETITIONERS' ALLEGATIONS REGARDING**
8 **JURISDICTION AND VENUE**

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

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

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

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

21 10. Answering paragraphs 26 through 29, respondents admit the allegations of those
22 paragraphs. However, respondents note that the current Controller of the State of California is
23 Betty T. Yee.

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

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FIFTH AFFIRMATION DEFENSE

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

SIXTH AFFIRMATIVE DEFENSE

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

PRAYER FOR RELIEF

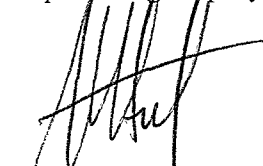
Respondents pray for judgment as follows:

1. That petitioners take nothing by way of their petition and complaint;
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: March 5, 2015

Respectfully Submitted,

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



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

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DECLARATION OF SERVICE BY 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; my business address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

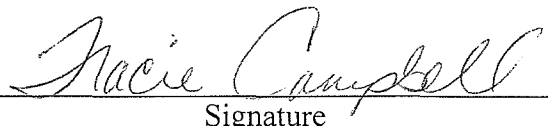
On March 6, 2015, I served the attached **RESPONDENTS' ANSWER TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION FOR WRIT OF MANDAMUS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Sacramento, California, addressed as follows:

Scott Franklin, Esq.
C. D. Michel, Esq.
Michel & Associates, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802

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 March 6, 2015, at Sacramento, California.

Tracie L. Campbell

Declarant



Signature