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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 TRACY RIFLE AND PISTOL LLC;
16 MICHAEL BARYLA; TEN PERCENT
17 FIREARMS; WESLEY MORRIS;
18 SACRAMENTO BLACK RIFLE, INC.;
19 ROBERT ADAMS; PRK ARMS, INC.; and
20 JEFFREY MULLEN,

Plaintiffs,

v.

21 KAMALA D. HARRIS, in her official capacity
22 as Attorney General of California; AND
23 STEPHEN J. LINDLEY, in his official
24 capacity as Chief of the California Department
25 of Justice Bureau of Firearms,

Defendants.

2:14-cv-02626-TLN-DAD

**STIPULATION AND [PROPOSED]
ORDER REGARDING JOINDER OF
ADDITIONAL PLAINTIFFS**

Judge: Hon. Troy L. Nunley
Action Filed: Nov. 10, 2014

1 Plaintiffs and Defendants submit the following stipulation requesting the Court permit
2 Imbert & Smithers, Inc. and Alex Rolsky to join this action as Plaintiffs pursuant to Federal Rule
3 of Civil Procedure 20(a)(1).

4 WHEREAS Plaintiffs filed this action on November 10, 2014 challenging the
5 constitutionality of California Penal Code section 26820.

6 WHEREAS Imbert & Smithers, Inc. is a California corporation that operates a firearms
7 dealership in San Carlos, California, and is listed as a firearms dealer in the California
8 Department of Justice's Centralized List of Firearms Dealers.

9 WHEREAS Alex Rolsky is the individual licensee associated with Imbert & Smithers;

10 WHEREAS on January 28, 2015, the DOJ Bureau of Firearms inspected Imbert & Smithers.
11 At the time of the inspection, the building's exterior displayed the dealership's logo, which
12 incorporates the outline of a single-action revolver.

13 WHEREAS the Bureau of Firearms issued a "Notification of Inspection Findings" citing
14 Imbert & Smithers and Rolsky for, among other things, violating Section 26820, and requiring
15 them to take corrective action by July 28, 2015.

16 WHEREAS the parties agree that Imbert & Smithers and Rolsky meet the requirements for
17 permissive joinder of plaintiffs set forth in Federal Rule of Civil Procedure 20(a)(1), and should
18 be joined as plaintiffs in this action. Specifically, Imbert & Smithers and Rolsky will assert the
19 same right to declaratory and injunctive relief as Plaintiffs arising out of Defendants' enforcement
20 of Penal Code section 26820, and the overriding question concerning the constitutionality of
21 Section 26820 is common to the resolution of the claims of Plaintiffs, Imbert & Smithers, and
22 Rolsky.

23 WHEREAS the joinder of Imbert & Smithers and Rolsky in this action will promote
24 judicial economy by permitting related claims for relief to be tried in a single proceeding, thereby
25 avoiding multiple trials involving identical issues.

26 WHEREAS the parties agree that the joinder of Imbert & Smithers and Rolsky in this action
27 does not require modification of the hearing schedule for Plaintiffs' motion for preliminary
28 injunction, and specifically request that the Court leave in place the current briefing schedule and

1 hearing date.

2 IT IS HEREBY STIPULATED by and between:

3 Plaintiffs Tracy Rifle and Pistol LLC, Michael Baryla, Ten Percent Firearms; Wesley
4 Morris; Sacramento Black Rifle, Inc., Robert Adams; PRK Arms, Inc., and Jeffrey Mullen and
5 Defendants Kamala D. Harris, in her official capacity as the Attorney General of California, and
6 Stephen J. Lindley, in his official capacity as the Chief of the California Department of Justice
7 Bureau of Firearms, that the Court should:

- 8 1. Permit Imbert & Smithers, Inc. and Alex Rolsky to join this action as Plaintiffs
9 pursuant to Federal Rule of Civil Procedure 20(a)(1);
- 10 2. Enter an order filing or allowing Plaintiffs to file their First Amended Complaint for
11 Declaratory, Injunctive, or Other Relief, which is attached as Exhibit A;
- 12 3. Permit Imbert & Smithers, Inc. and Alex Rolsky to join in the pending Motion for
13 Preliminary Injunction that Plaintiffs filed on November 17, 2014, upon the filing of the First
14 Amended Complaint.

15
16 Dated: February 13, 2015

KAMALA D. HARRIS
Attorney General of California

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19 /s/ Nelson R. Richards
NELSON R. RICHARDS
DEPUTY ATTORNEY GENERAL
Attorneys for Defendants

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21
22 Dated: February 13, 2015

BENBROOK LAW GROUP, PC

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25 /s/ Bradley A. Benbrook
BRADLEY A. BENBROOK
Attorneys for Plaintiffs

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3
4 TRACY RIFLE AND PISTOL LLC;
5 MICHAEL BARYLA; TEN PERCENT
6 FIREARMS; WESLEY MORRIS;
7 SACRAMENTO BLACK RIFLE, INC.;
8 ROBERT ADAMS; PRK ARMS, INC.; and
9 JEFFREY MULLEN,

10 Plaintiffs,

11 v.

12 KAMALA D. HARRIS, in her official capacity
13 as Attorney General of California; AND
14 STEPHEN J. LINDLEY, in his official
15 capacity as Chief of the California Department
16 of Justice Bureau of Firearms,

17 Defendants.

2:14-cv-02626-TLN-DAD

**[PROPOSED] ORDER REGARDING
JOINER OF ADDITIONAL
PLAINTIFFS**

18 Upon Consideration of the Parties' Stipulation Regarding Joinder of Imbert & Smithers,
19 Inc. and Alex Rolsky to this action, the Court finds that the conditions for permissive joinder set
20 forth in Federal Rule of Civil Procedure 20(a)(1), are satisfied.

21 IT IS HEREBY ORDERED THAT:

22 1. Imbert & Smithers, Inc. and Alex Rolsky may join this action as Plaintiffs pursuant to
23 Federal Rule of Civil Procedure 20(a)(1). The joinder of Imbert & Smithers and Alex Rosky as
24 Plaintiffs does not require modification of the hearing schedule on Plaintiffs' motion for
25 preliminary injunction, which is set for hearing on March 12, 2015.

26 2. Plaintiffs are directed to file an amended complaint within 5 days of this order.

27 3. Upon the filing of the amended complaint, Imbert & Smithers, Inc. and Alex Rolsky
28 will be joined in the pending Motion for Preliminary Injunction that Plaintiffs filed on November
17, 2014.

IT IS SO ORDERED.

DATED: _____, 2015

HONORABLE TROY L. NUNLEY
UNITED STATES DISTRICT JUDGE