SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Civil Department - Non-Limited	Entered by:
TITLE OF CASE: **Kim Belemjian vs. Kamala D. Harris**	
LAW AND MOTION MINUTE ORDER	Case Number: **15CECG00029 AMS**

Hearing Date: **APRIL 15, 2015** Hearing Type: **Demurrer**
Department: **503** Judge/Temporary Judge: **Alan Simpson**
Court Clerk: **L. DeSantiago** Reporter/Tape: **N/A**

Appearing Parties: No Appearances
Plaintiff: Defendant:
Counsel: Counsel:

☐ Off Calendar

☐ Continued to ☐ Set for _____ at _____ Dept. _____ for _____

☐ Submitted on points and authorities with/without argument. ☐ Matter is argued and submitted.

☐ Upon filing of points and authorities.

☐ Motion is granted ☐ in part and denied in part. ☐ Motion is denied ☐ with/without prejudice.

☐ Taken under advisement

☐ Demurrer ☐ overruled ☐ sustained with _____ days to ☐ answer ☐ amend

☒ Tentative ruling becomes the order of the court. No further order is necessary.

☒ Pursuant to CRC 391(a) and CCP section 1019.5(a), no further order is necessary. The minute order adopting the tentative ruling serves as the order of the court.

☒ Service by the clerk will constitute notice of the order.

☐ Time for amendment of the complaint runs from the date the clerk serves the minute order.

☐ Judgment debtor _____ sworn and examined.

☐ Judgment debtor _____ failed to appear.
Bench warrant issued in the amount of $ _____

Judgment:

☐ Money damages ☐ Default ☐ Other _____ entered in the amount of:
Principal $_____ Interest $_____ Costs $_____ Attorney fees $_____ Total $_____

☐ Claim of exemption ☐ granted ☐ denied. Court orders withholdings modified to $ _____ per _____

Further, court orders:

☐ Monies held by levying officer to be ☐ released to judgment creditor. ☐ returned to judgment debtor.

☐ $ _____ to be released to judgment creditor and balance returned to judgment debtor.

☐ Levying Officer, County of _____, notified. ☐ Writ to issue

☐ Notice to be filed within 15 days. ☐ Restitution of Premises

☒ Other: See attached Tentative Ruling.

(5)

Tentative Ruling

Re: ***Belemjian et al. v. Harris, in her capacity as Attorney General et al.***
Superior Court Case No. 15 CECG 00029

Hearing Date: April 15, 2015 **(Dept. 503)**

Motion: Demurrer to the First Amended Complaint and Petition for Writ of Mandate

Tentative Ruling:

To grant all requests for judicial notice. To sustain the general demurrers without leave to amend on the grounds that the action is moot.

The prevailing party is directed to submit to this court, within 7 days of service of the minute order, a proposed judgment dismissing the action as to the demurring defendant.

Explanation:

On January 6, 2015, Plaintiffs Kim Belemjian, Jonathan Fairfield, T.J. Johnston, Matthew Pimentel, Stanley Roy, FFLGuard, Inc., and California Rifle and Pistol Association filed a verified Complaint/Petition for a Writ of Mandate seeking declaratory and injunctive relief prohibiting Defendants Kamala D. Harris, Attorney General for the State of California, Stephen Lindley, Chief of the California Department of Justice Bureau of Firearms, and the California Department of Justice, their employees, agents, and persons acting with them on their behalf, from enforcing the following rules related to the newly enacted Firearm Safety Certificate ("FSC") Program:

(1) That all Department-certified FSC instructors have access to a personal computer, printer, and email;
(2) That all FSC Program payments be made by major credit card;
(3) That all Department-certified FSC instructors obtain a Certificate of Eligibility ("COE") that must be renewed annually; and
(4) That all Department-certified FSC instructors include the "steps in long gun safety" procedures contained in the "FSC Manual" in all long-gun safe-handling demonstrations.

Plaintiffs also sought injunctive relief preventing the Defendants, their employees, agents, and persons acting with them on their behalf, from enforcing the long-gun safe-handling demonstration requirements of Penal Code § 26860, subdivisions (a), (c), and (d) pertaining to the delivery of long guns and safety handling demonstration requirements.

On February 2, 2015, Plaintiffs filed a verified First Amended Complaint alleging six causes of action seeking declaratory and injunctive relief and a seventh cause of action seeking a writ of mandate. On March 4, 2015, Defendants filed a demurrer to the entire First Amended Complaint. The gravamen of the demurrer is that the controversy is moot because Defendants have enacted emergency regulations regarding the implementation of the Firearm Safety Certificate Program and long gun safe-handling demonstrations. On April 2, 2015, the Plaintiffs filed a statement of **non-opposition** and agree that the controversy is moot.

However, Plaintiffs request a delay in entering judgment to allow them to conduct discovery in support of a motion seeking an award of attorney's fees. Notably, no authority for this request was cited. In its reply, the Defendants submit that this request is improper. This is correct. Typically, after a demurrer is sustained without leave to amend as to all causes of action, a judgment of dismissal is entered. See CCP § 581(f)(1). Therefore, the request will be denied. But, the Plaintiffs are free to move for an award of attorney's fees within the jurisdictional time limits set forth in the California Rules of Court.

Pursuant to California Rules of Court, Rule 3.1312, subd. (a) and Code of Civil Procedure section 1019.5, subd. (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling
Issued By: _____ **on** 4/13/15.
(Judge's initials) (Date)

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Civil Department, Central Division 1130 "O" Street Fresno, CA 93724 (559) 457-1900	FOR COURT USE ONLY
TITLE OF CASE: **Kim Belemjian vs. Kamala D. Harris**	
CLERK'S CERTIFICATE OF MAILING	CASE NUMBER: **15CECG00029 AMS**

Name and address of person served:

C. D. Michel
Michel & Associates
180 East Ocean Blvd. Suite 200
Long Beach, CA 90802

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the minute order and tentative ruling was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at, California, on:

Date: **April 16, 2015** Clerk, by L. DeSantiago, Deputy
L. DeSantiago

C. D. Michel, 180 East Ocean Blvd., Suite 200, Long Beach CA 90802