

1 XAVIER BECERRA
 Attorney General of California
 2 STEPAN A. HAYTAYAN
 Supervising Deputy Attorney General
 3 P. PATTY LI
 Deputy Attorney General
 4 JONATHAN M. EISENBERG
 Deputy Attorney General
 5 State Bar No. 184162
 300 South Spring Street, Suite 1702
 6 Los Angeles, CA 90013
 Telephone: (213) 897-6505
 7 Fax: (213) 897-5775
 E-mail: Jonathan.Eisenberg@doj.ca.gov
 8 *Attorneys for Xavier Becerra, Attorney
 General of California*

9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12 WESTERN DIVISION (TEMPLE STREET)

13
 14 **MICHELLE FLANAGAN, SAMUEL
 15 GOLDEN, DOMINIC NARDONE,
 16 JACOB PERKIO, AND THE
 CALIFORNIA RIFLE & PISTOL
 ASSOCIATION,**

17 Plaintiffs,

18 v.

19
 20 **CALIFORNIA ATTORNEY
 GENERAL XAVIER BECERRA, IN
 HIS OFFICIAL CAPACITY AS ATTORNEY
 21 GENERAL OF THE STATE OF
 CALIFORNIA; SHERIFF JAMES
 22 MCDONNELL, IN HIS OFFICIAL
 CAPACITY AS SHERIFF OF LOS
 23 ANGELES COUNTY, AND DOES 1-10,**

24 Defendants.

Case No. 2:16-cv-6164-JAK-AS

**ANSWER OF DEFENDANT
 XAVIER BECERRA, ATTORNEY
 GENERAL OF CALIFORNIA**

Judge: Hon. John A. Kronstadt
 Trial Date: Not Set Yet
 Action Filed: August 17, 2016

26 Defendant Xavier Becerra, Attorney General of California (the “Attorney
 27 General”), sued in his official capacity only, in place of Defendant Kamala D.
 28 Harris, former Attorney General of California, sued in her official capacity only,

1 submits the following answer to the August 17, 2016, “Complaint for Declaratory
2 and Injunctive Relief” (the “Complaint”), filed herein by Plaintiffs Michelle
3 Flanagan, Samuel Golden, Dominic Nardone, Jacob Perkio, and the California Rifle
4 & Pistol Association (together, “Plaintiffs”).

5 **INTRODUCTION**

6 1. As to numbered paragraph 1 of the Complaint, the Attorney General,
7 for lack of information and belief, denies that “Plaintiffs are residents of Los
8 Angeles County.” The other statements in the paragraph are assertions of law for
9 which answers are not required. The Attorney General also notes that (former) Co-
10 Defendant James McDonnell, Sheriff of Los Angeles County, Plaintiffs’
11 constitutional challenge to restrictions on the concealed carry of firearms in public,
12 and Plaintiff’s Equal Protection Clause Claim have been removed from the
13 Complaint by the Court’s order on the motions to dismiss the Complaint brought by
14 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
15 foregoing, to the extent that the paragraph contains allegations of fact, the Attorney
16 General denies each and every allegation in the paragraph.

17 2. As to numbered paragraph 2 of the Complaint, the statements in the
18 paragraph are assertions of law for which answers are not required.
19 Notwithstanding the foregoing, to the extent that the paragraph contains allegations
20 of fact, the Attorney General denies each and every allegation in the paragraph.

21 3. As to numbered paragraph 3 of the Complaint, the statements in the
22 paragraph are assertions of law for which answers are not required.
23 Notwithstanding the foregoing, to the extent that the paragraph contains allegations
24 of fact, the Attorney General denies each and every allegation in the paragraph.

25 4. As to numbered paragraph 4 of the Complaint, the statements in the
26 paragraph are assertions of law for which answers are not required.
27 Notwithstanding the foregoing, to the extent that the paragraph contains allegations
28 of fact, the Attorney General denies each and every allegation in the paragraph.

1 5. As to numbered paragraph 5 of the Complaint, the statements in the
2 paragraph are assertions of law for which answers are not required. The Attorney
3 General also notes that Sheriff McDonnell has been dismissed from this case by the
4 Court's order on the motions to dismiss the Complaint brought by Attorney General
5 and, separately, Sheriff McDonnell. Notwithstanding the foregoing, to the extent
6 that the paragraph contains allegations of fact, the Attorney General denies each
7 and every allegation in the paragraph.

8 6. As to numbered paragraph 6 of the Complaint, the statements in the
9 paragraph are assertions of law for which answers are not required. The Attorney
10 General also notes that Sheriff McDonnell has been dismissed from this case by the
11 Court's order on the motions to dismiss the Complaint brought by Attorney General
12 and, separately, Sheriff McDonnell. Notwithstanding the foregoing, to the extent
13 that the paragraph contains allegations of fact, the Attorney General denies each
14 and every allegation in the paragraph.

15 7. As to numbered paragraph 7 of the Complaint, the statements in the
16 paragraph are assertions of law for which answers are not required. The Attorney
17 General also notes that Sheriff McDonnell and Plaintiffs' constitutional challenge
18 to restrictions on the concealed carry of firearms in public have been removed from
19 the Complaint by the Court's order on the motions to dismiss the Complaint
20 brought by Attorney General and, separately, Sheriff McDonnell. Notwithstanding
21 the foregoing, to the extent that the paragraph contains allegations of fact, the
22 Attorney General denies each and every allegation in the paragraph.

23 8. As to numbered paragraph 8 of the Complaint, the statements in the
24 paragraph are assertions of law for which answers are not required. The Attorney
25 General also notes that Sheriff McDonnell, Plaintiffs' constitutional challenge to
26 restrictions on the concealed carry of firearms in public, and Plaintiff's Equal
27 Protection Clause Claim have been dismissed from this case by the Court's order
28 on the motions to dismiss the Complaint brought by Attorney General and,

1 separately, Sheriff McDonnell. Notwithstanding the foregoing, to the extent that
2 the paragraph contains allegations of fact, the Attorney General denies each and
3 every allegation in the paragraph.

4 9. As to numbered paragraph 9 of the Complaint, the statements in the
5 paragraph are assertions of law for which answers are not required. The Attorney
6 General also notes that Sheriff McDonnell, Plaintiffs' constitutional challenge to
7 restrictions on the concealed carry of firearms in public, and Plaintiff's Equal
8 Protection Clause Claim have been dismissed from this case by the Court's order
9 on the motions to dismiss the Complaint brought by Attorney General and,
10 separately, Sheriff McDonnell. Notwithstanding the foregoing, to the extent that
11 the paragraph contains allegations of fact, the Attorney General denies each and
12 every allegation in the paragraph.

13 10. As to numbered paragraph 10 of the Complaint, the statements in
14 the paragraph are assertions of law for which answers are not required. The
15 Attorney General also notes that Sheriff McDonnell and Plaintiffs' constitutional
16 challenge to restrictions on the concealed carry of firearms in public have been
17 dismissed from this case by the Court's order on the motions to dismiss the
18 Complaint brought by Attorney General and, separately, Sheriff McDonnell.
19 Notwithstanding the foregoing, to the extent that the paragraph contains allegations
20 of fact, the Attorney General denies each and every allegation in the paragraph.

21 11. As to numbered paragraph 11 of the Complaint, the statements in
22 the paragraph are assertions of law for which answers are not required. The
23 Attorney General also notes that Sheriff McDonnell and Plaintiffs' constitutional
24 challenge to restrictions on the concealed carry of firearms in public have been
25 dismissed from this case by the Court's order on the motions to dismiss the
26 Complaint brought by Attorney General and, separately, Sheriff McDonnell.
27 Notwithstanding the foregoing, to the extent that the paragraph contains allegations
28 of fact, the Attorney General denies each and every allegation in the paragraph.

1 17. As to numbered paragraph 17 of the Complaint, the Attorney
2 General, for lack of information and belief, denies each and every allegation in the
3 paragraph.

4 18. As to numbered paragraph 18 of the Complaint, the Attorney
5 General, for lack of information and belief, denies each and every allegation in the
6 paragraph.

7 19. As to numbered paragraph 19 of the Complaint, the Attorney
8 General, for lack of information and belief, denies each and every allegation in the
9 paragraph.

10 20. As to numbered paragraph 20 of the Complaint, the Attorney
11 General, for lack of information and belief, denies each and every allegation in the
12 paragraph.

13 21. As to numbered paragraph 21 of the Complaint, the Attorney
14 General, for lack of information and belief, denies each and every allegation in the
15 paragraph.

16 22. As to numbered paragraph 22 of the Complaint, the Attorney
17 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
18 restrictions on the concealed carry of firearms in public have been dismissed from
19 this case by the Court's order on the motions to dismiss the Complaint brought by
20 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
21 foregoing, to the extent that the paragraph contains allegations of fact, the Attorney
22 General, for lack of information and belief, denies each and every allegation in the
23 paragraph.

24 23. As to numbered paragraph 23 of the Complaint, the Attorney
25 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
26 restrictions on the concealed carry of firearms in public have been dismissed from
27 this case by the Court's order on the motions to dismiss the Complaint brought by
28 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the

1 foregoing, to the extent that the paragraph contains allegations of fact, the Attorney
2 General, for lack of information and belief, denies each and every allegation in the
3 paragraph.

4 **Defendants**

5 24. As to numbered paragraph 24 of the Complaint, the Attorney
6 General admits that he is the Attorney General of the State of California and the
7 chief law officer of the State of California; that he is sued here in official capacity
8 only; and that Article V, Section 13, of the California Constitution exists and
9 speaks for itself. Apart from making those admissions, the Attorney General denies
10 each and every allegation in the paragraph.

11 25. As to numbered paragraph 25 of the Complaint, the Attorney
12 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
13 restrictions on the concealed carry of firearms in public have been dismissed from
14 this case by the Court's order on the motions to dismiss the Complaint brought by
15 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
16 foregoing, the Attorney General admits that Defendant Jim McDonnell is the
17 elected Sheriff of the County of Los Angeles, California; that he has job
18 responsibilities; that he enforces laws; and that he is sued here in his official
19 capacity only. Apart from making those admissions, the Attorney General denies
20 each and every allegation in the paragraph.

21 26. As to numbered paragraph 26 of the Complaint, the Attorney
22 General, for lack of information and belief, denies each and every allegation in the
23 paragraph.

24 **JURISDICTION AND VENUE**

25 27. As to numbered paragraph 27 of the Complaint, the Attorney
26 General admits that this Court has jurisdiction over this action. Apart from making
27 that admission, the Attorney General denies each and every allegation in the
28 paragraph.

1 34. As to numbered paragraph 34 of the Complaint, the Attorney
2 General admits that the U.S. Supreme Court decision in *Heller*, cited above, exists
3 and speaks for itself. Apart from making those admissions, the Attorney General
4 denies each and every allegation in the paragraph.

5 35. As to numbered paragraph 35 of the Complaint, the Attorney
6 General admits that the U.S. Supreme Court decisions in *Heller* and *McDonald*,
7 cited above, exist and speak for themselves. Apart from making those admissions,
8 the Attorney General denies each and every allegation in the paragraph.

9 36. As to numbered paragraph 36 of the Complaint, the Attorney
10 General admits that the U.S. Supreme Court decision in *Heller*, cited above, exists
11 and speaks for itself. Apart from making those admissions, the Attorney General
12 denies each and every allegation in the paragraph.

13 **[California's Firearm Carry Scheme]**

14 37. As to numbered paragraph 37 of the Complaint, the statements in
15 the paragraph are assertions of law for which answers are not required.
16 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
17 and Plaintiffs' constitutional challenge to restrictions on the concealed carry of
18 firearms in public have been dismissed from this case by the Court's order on the
19 motions to dismiss the Complaint brought by Attorney General and, separately,
20 Sheriff McDonnell. Also, to the extent that the paragraph contains allegations of
21 fact, the Attorney General denies each and every allegation in the paragraph.

22 **Loaded Firearm Restriction**

23 38. As to numbered paragraph 38 of the Complaint, the Attorney
24 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
25 restrictions on the concealed carry of firearms in public have been dismissed from
26 this case by the Court's order on the motions to dismiss the Complaint brought by
27 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
28 foregoing, the Attorney General admits that California Penal Code sections 17030

1 and 25850 exist and speak for themselves. Apart from making those admissions,
2 the Attorney General denies each and every allegation in the paragraph.

3 39. As to numbered paragraph 39 of the Complaint, the statements in
4 the paragraph are assertions of law for which answers are not required.

5 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
6 and Plaintiffs' constitutional challenge to restrictions on the concealed carry of
7 firearms in public have been dismissed from this case by the Court's order on the
8 motions to dismiss the Complaint brought by Attorney General and, separately,
9 Sheriff McDonnell. Also, to the extent that the paragraph contains allegations of
10 fact, the Attorney General denies each and every allegation in the paragraph.

11 40. As to numbered paragraph 40 of the Complaint, the Attorney
12 General admits that California Penal Code sections 26000 to 26055 exist and speak
13 for themselves. Apart from making those admissions, the Attorney General denies
14 each and every allegation in the paragraph.

15 **Concealed Firearm Restriction**

16 41. As to numbered paragraph 41 of the Complaint, the Attorney
17 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
18 restrictions on the concealed carry of firearms in public have been dismissed from
19 this case by the Court's order on the motions to dismiss the Complaint brought by
20 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
21 foregoing, the Attorney General admits that California Penal Code sections 25400
22 and 25605 exist and speak for themselves. Apart from making those admissions,
23 the Attorney General denies each and every allegation in the paragraph.

24 42. As to numbered paragraph 42 of the Complaint, the Attorney
25 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
26 restrictions on the concealed carry of firearms in public have been dismissed from
27 this case by the Court's order on the motions to dismiss the Complaint brought by
28 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the

1 foregoing, the Attorney General admits that California Penal Code sections 25505
2 to 25645 exist and speak for themselves. Apart from making those admissions, the
3 Attorney General denies each and every allegation in the paragraph.

4 43. As to numbered paragraph 43 of the Complaint, the statements in
5 the paragraph are assertions of law for which answers are not required.

6 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
7 and Plaintiffs' constitutional challenge to restrictions on the concealed carry of
8 firearms in public have been dismissed from this case by the Court's order on the
9 motions to dismiss the Complaint brought by Attorney General and, separately,
10 Sheriff McDonnell. Also, to the extent that the paragraph contains allegations of
11 fact, the Attorney General denies each and every allegation in the paragraph.

12 **Unloaded Open Carry Restriction**

13 44. As to numbered paragraph 44 of the Complaint, the Attorney
14 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
15 restrictions on the concealed carry of firearms in public have been dismissed from
16 this case by the Court's order on the motions to dismiss the Complaint brought by
17 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
18 foregoing, the Attorney General admits that California Penal Code section 26350
19 exists and speaks for itself. Apart from making those admissions, the Attorney
20 General denies each and every allegation in the paragraph.

21 45. As to numbered paragraph 45 of the Complaint, the Attorney
22 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
23 restrictions on the concealed carry of firearms in public have been dismissed from
24 this case by the Court's order on the motions to dismiss the Complaint brought by
25 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
26 foregoing, the Attorney General admits that California Penal Code sections 26361
27 through 26391 exist and speak for themselves. Apart from making those
28 admissions, the Attorney General denies each and every allegation in the paragraph.

1 46. As to numbered paragraph 46 of the Complaint, the Attorney
2 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
3 restrictions on the concealed carry of firearms in public have been dismissed from
4 this case by the Court's order on the motions to dismiss the Complaint brought by
5 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
6 foregoing, the Attorney General admits that California Penal Code sections 16505,
7 26400, and 26400(c) exist and speak for themselves. Apart from making those
8 admissions, the Attorney General denies each and every allegation in the paragraph.

9 47. As to numbered paragraph 47 of the Complaint, the Attorney
10 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
11 restrictions on the concealed carry of firearms in public have been dismissed from
12 this case by the Court's order on the motions to dismiss the Complaint brought by
13 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
14 foregoing, the Attorney General admits that California Penal Code section 26405
15 exists and speaks for itself. Apart from making those admissions, the Attorney
16 General denies each and every allegation in the paragraph.

17 **Penalties**

18 48. As to numbered paragraph 48 of the Complaint, the Attorney
19 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
20 restrictions on the concealed carry of firearms in public have been dismissed from
21 this case by the Court's order on the motions to dismiss the Complaint brought by
22 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
23 foregoing, the Attorney General admits that California Penal Code sections 25400,
24 25850, 26350, and 26400 exist and speak for themselves. Apart from making those
25 admissions, the Attorney General denies each and every allegation in the paragraph.

26 **Carry Licenses**

27 49. As to numbered paragraph 49 of the Complaint, the statements in
28 the paragraph are assertions of law for which answers are not required.

1 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
2 and Plaintiffs' constitutional challenge to restrictions on the concealed carry of
3 firearms in public have been dismissed from this case by the Court's order on the
4 motions to dismiss the Complaint brought by Attorney General and, separately,
5 Sheriff McDonnell. Also, to the extent that the paragraph contains allegations of
6 fact, the Attorney General denies each and every allegation in the paragraph.

7 50. As to numbered paragraph 50 of the Complaint, the Attorney
8 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
9 restrictions on the concealed carry of firearms in public have been dismissed from
10 this case by the Court's order on the motions to dismiss the Complaint brought by
11 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
12 foregoing, the Attorney General admits that California Penal Code sections 26150
13 through 26155 exist and speak for themselves. Apart from making those
14 admissions, the Attorney General denies each and every allegation in the paragraph.

15 51. As to numbered paragraph 51 of the Complaint, the Attorney
16 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
17 restrictions on the concealed carry of firearms in public have been dismissed from
18 this case by the Court's order on the motions to dismiss the Complaint brought by
19 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
20 foregoing, the Attorney General admits that California Penal Code sections 26150,
21 26165, and 26185 exist and speak for themselves. Apart from making those
22 admissions, the Attorney General denies each and every allegation in the paragraph.

23 52. As to numbered paragraph 52 of the Complaint, the Attorney
24 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
25 restrictions on the concealed carry of firearms in public have been dismissed from
26 this case by the Court's order on the motions to dismiss the Complaint brought by
27 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
28

1 foregoing, for lack of information and belief, the Attorney General denies each and
2 every allegation in the paragraph.

3 53. As to numbered paragraph 53 of the Complaint, the Attorney
4 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
5 restrictions on the concealed carry of firearms in public have been dismissed from
6 this case by the Court's order on the motions to dismiss the Complaint brought by
7 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
8 foregoing, the Attorney General admits that California Penal Code
9 sections 26150(b)(2) and 26155(b)(2) exist and speak for themselves. Apart from
10 making those admissions, the Attorney General denies each and every allegation in
11 the paragraph.

12 54. As to numbered paragraph 54 of the Complaint, the Attorney
13 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
14 restrictions on the concealed carry of firearms in public have been dismissed from
15 this case by the Court's order on the motions to dismiss the Complaint brought by
16 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
17 foregoing, the Attorney General admits that California Penal Code section 26200
18 exists and speaks for itself. Apart from making those admissions, the Attorney
19 General denies each and every allegation in the paragraph.

20 55. As to numbered paragraph 55 of the Complaint, the statements in
21 the paragraph are assertions of law for which answers are not required.
22 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
23 and Plaintiffs' constitutional challenge to restrictions on the concealed carry of
24 firearms in public have been dismissed from this case by the Court's order on the
25 motions to dismiss the Complaint brought by Attorney General and, separately,
26 Sheriff McDonnell. Also, the Attorney General denies each and every allegation in
27 the paragraph.

28

1 **[Defendant McDonnell’s Carry License Issuance Policy]**

2 56. As to numbered paragraph 56 of the Complaint, the Attorney
3 General notes that Sheriff McDonnell and Plaintiffs’ constitutional challenge to
4 restrictions on the concealed carry of firearms in public have been dismissed from
5 this case by the Court’s order on the motions to dismiss the Complaint brought by
6 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
7 foregoing, the Attorney General denies each and every allegation in the paragraph.

8 57. As to numbered paragraph 57 of the Complaint, the Attorney
9 General notes that Sheriff McDonnell and Plaintiffs’ constitutional challenge to
10 restrictions on the concealed carry of firearms in public have been dismissed from
11 this case by the Court’s order on the motions to dismiss the Complaint brought by
12 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
13 foregoing, the Attorney General admits that Defendant McDonnell has a concealed
14 weapon licensing policy, which policy speaks for itself. Apart from making those
15 admissions, the Attorney General denies each and every allegation in the paragraph.

16 **[Abrogation of Plaintiffs’ Right to Bear Arms]**

17 58. As to numbered paragraph 58 of the Complaint, the statements in
18 the paragraph are assertions of law for which answers are not required.
19 Notwithstanding the foregoing, to the extent that the paragraph contains allegations
20 of fact, the Attorney General denies each and every allegation in the paragraph.

21 59. As to numbered paragraph 59 of the Complaint, the Attorney
22 General notes that Sheriff McDonnell and Plaintiffs’ constitutional challenge to
23 restrictions on the concealed carry of firearms in public have been dismissed from
24 this case by the Court’s order on the motions to dismiss the Complaint brought by
25 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
26 foregoing, the Attorney General denies each and every allegation in the paragraph.

27 60. As to numbered paragraph 60 of the Complaint, , the Attorney
28 General notes that Sheriff McDonnell and Plaintiffs’ constitutional challenge to

1 restrictions on the concealed carry of firearms in public have been dismissed from
2 this case by the Court's order on the motions to dismiss the Complaint brought by
3 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
4 foregoing, the Attorney General denies each and every allegation in the paragraph.

5 61. As to numbered paragraph 61 of the Complaint, the Attorney
6 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
7 restrictions on the concealed carry of firearms in public have been dismissed from
8 this case by the Court's order on the motions to dismiss the Complaint brought by
9 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
10 foregoing, the Attorney General denies each and every allegation in the paragraph.

11 62. As to numbered paragraph 62 of the Complaint, the Attorney
12 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
13 restrictions on the concealed carry of firearms in public have been dismissed from
14 this case by the Court's order on the motions to dismiss the Complaint brought by
15 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
16 foregoing, the Attorney General denies each and every allegation in the paragraph.

17 63. As to numbered paragraph 63 of the Complaint, the Attorney
18 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
19 restrictions on the concealed carry of firearms in public have been dismissed from
20 this case by the Court's order on the motions to dismiss the Complaint brought by
21 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
22 foregoing, the Attorney General denies each and every allegation in the paragraph.

23 64. As to numbered paragraph 64 of the Complaint, the statements in
24 the paragraph are assertions of law for which answers are not required.
25 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
26 and Plaintiffs' constitutional challenge to restrictions on the concealed carry of
27 firearms in public have been dismissed from this case by the Court's order on the
28 motions to dismiss the Complaint brought by Attorney General and, separately,

1 Sheriff McDonnell. The Attorney General admits that “the individual Plaintiffs and
2 members of Plaintiff CRPA do not face specific threats that differentiate them from
3 the typical, law-abiding citizen.” Apart from making that admission, for lack of
4 information and belief, the Attorney General denies each and every allegation in the
5 paragraph.

6 65. As to numbered paragraph 65 of the Complaint, the Attorney
7 General notes that Sheriff McDonnell and Plaintiffs’ constitutional challenge to
8 restrictions on the concealed carry of firearms in public have been dismissed from
9 this case by the Court’s order on the motions to dismiss the Complaint brought by
10 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
11 foregoing, the Attorney General denies each and every allegation in the paragraph.

12 66. As to numbered paragraph 66 of the Complaint, the Attorney
13 General notes that Sheriff McDonnell and Plaintiffs’ constitutional challenge to
14 restrictions on the concealed carry of firearms in public have been dismissed from
15 this case by the Court’s order on the motions to dismiss the Complaint brought by
16 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
17 foregoing, the Attorney General denies each and every allegation in the paragraph.

18 **DECLARATORY RELIEF ALLEGATIONS**

19 67. As to numbered paragraph 67 of the Complaint, the statements in
20 the paragraph are assertions of law for which answers are not required.
21 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
22 and Plaintiffs’ constitutional challenge to restrictions on the concealed carry of
23 firearms in public have been dismissed from this case by the Court’s order on the
24 motions to dismiss the Complaint brought by Attorney General and, separately,
25 Sheriff McDonnell. The Attorney General admits that he believes that Division 5
26 of Title 4 of Part 6 of the California Penal Code is constitutional under the Second
27 Amendment. Apart from making that admission, for lack of information and belief,
28 the Attorney General denies each and every allegation in the paragraph.

INJUNCTIVE RELIEF ALLEGATIONS

1
2 68. As to numbered paragraph 68 of the Complaint, the statements in
3 the paragraph are assertions of law for which answers are not required.
4 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
5 and Plaintiffs’ constitutional challenge to restrictions on the concealed carry of
6 firearms in public have been dismissed from this case by the Court’s order on the
7 motions to dismiss the Complaint brought by Attorney General and, separately,
8 Sheriff McDonnell. Also, to the extent that the paragraph contains allegations of
9 fact, the Attorney General denies each and every allegation in the paragraph.

10 69. As to numbered paragraph 69 of the Complaint, the statements in
11 the paragraph are assertions of law for which answers are not required.
12 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
13 and Plaintiffs’ constitutional challenge to restrictions on the concealed carry of
14 firearms in public have been dismissed from this case by the Court’s order on the
15 motions to dismiss the Complaint brought by Attorney General and, separately,
16 Sheriff McDonnell. Also, to the extent that the paragraph contains allegations of
17 fact, the Attorney General denies each and every allegation in the paragraph.

18 70. As to numbered paragraph 70 of the Complaint, the statements in
19 the paragraph are assertions of law for which answers are not required.
20 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
21 and Plaintiffs’ constitutional challenge to restrictions on the concealed carry of
22 firearms in public have been dismissed from this case by the Court’s order on the
23 motions to dismiss the Complaint brought by Attorney General and, separately,
24 Sheriff McDonnell. Also, to the extent that the paragraph contains allegations of
25 fact, the Attorney General denies each and every allegation in the paragraph.

26
27
28

1 **FIRST CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
2 **U.S. CONST. AMEND. II, XIV**
3 **RIGHT TO BEAR ARMS**
4 **42 U.S.C. § 1983**
5 **AGAINST ALL DEFENDANTS**

6 71. As to numbered paragraph 71 of the Complaint, the Attorney
7 General re-alleges and reincorporates by reference the foregoing answers.

8 72. As to numbered paragraph 72 of the Complaint, the Attorney
9 General notes that Sheriff McDonnell and Plaintiffs’ constitutional challenge to
10 restrictions on the concealed carry of firearms in public have been dismissed from
11 this case by the Court’s order on the motions to dismiss the Complaint brought by
12 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
13 foregoing, the Attorney General denies each and every allegation in the paragraph.

14 73. As to numbered paragraph 73, the Attorney General notes that
15 Sheriff McDonnell and Plaintiffs’ constitutional challenge to restrictions on the
16 concealed carry of firearms in public have been dismissed from this case by the
17 Court’s order on the motions to dismiss the Complaint brought by Attorney General
18 and, separately, Sheriff McDonnell. Notwithstanding the foregoing, the Attorney
19 General denies each and every allegation in the paragraph.

20 74. As to numbered paragraph 74 of the Complaint, the Attorney
21 General notes that Sheriff McDonnell and Plaintiffs’ constitutional challenge to
22 restrictions on the concealed carry of firearms in public have been dismissed from
23 this case by the Court’s order on the motions to dismiss the Complaint brought by
24 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
25 foregoing, the Attorney General denies each and every allegation in the paragraph.

26 75. As to numbered paragraph 75 of the Complaint, the Attorney
27 General notes that Sheriff McDonnell and Plaintiffs’ constitutional challenge to
28 restrictions on the concealed carry of firearms in public have been dismissed from
29 this case by the Court’s order on the motions to dismiss the Complaint brought by

1 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
2 foregoing, the Attorney General denies each and every allegation in the paragraph.

3 76. As to numbered paragraph 76 of the Complaint, the Attorney
4 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
5 restrictions on the concealed carry of firearms in public have been dismissed from
6 this case by the Court's order on the motions to dismiss the Complaint brought by
7 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
8 foregoing, the Attorney General denies each and every allegation in the paragraph.

9 77. As to numbered paragraph 77 of the Complaint, the Attorney
10 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
11 restrictions on the concealed carry of firearms in public have been dismissed from
12 this case by the Court's order on the motions to dismiss the Complaint brought by
13 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
14 foregoing, the Attorney General denies each and every allegation in the paragraph.

15 78. As to numbered paragraph 78 of the Complaint, the Attorney
16 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
17 restrictions on the concealed carry of firearms in public have been dismissed from
18 this case by the Court's order on the motions to dismiss the Complaint brought by
19 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
20 foregoing, the Attorney General denies each and every allegation in the paragraph.

21 79. As to numbered paragraph 79 of the Complaint, the Attorney
22 General notes that Sheriff McDonnell and Plaintiffs' constitutional challenge to
23 restrictions on the concealed carry of firearms in public have been dismissed from
24 this case by the Court's order on the motions to dismiss the Complaint brought by
25 Attorney General and, separately, Sheriff McDonnell. Notwithstanding the
26 foregoing, the Attorney General denies each and every allegation in the paragraph.

27 80. As to numbered paragraph 80 of the Complaint, the statements in
28 the paragraph are assertions of law for which answers are not required.

1 Notwithstanding the foregoing, the Attorney General notes that Sheriff McDonnell
2 and Plaintiffs’ constitutional challenge to restrictions on the concealed carry of
3 firearms in public have been dismissed from this case by the Court’s order on the
4 motions to dismiss the Complaint brought by Attorney General and, separately,
5 Sheriff McDonnell. Also, to the extent that the paragraph contains allegations of
6 fact, the Attorney General denies each and every allegation in the paragraph.

7 **SECOND CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
8 **FOURTEENTH AMENDMENT—EQUAL PROTECTION**
9 **42 U.S.C. § 1983**
10 **AGAINST ALL DEFENDANTS**

11 81. As to numbered paragraph 81 of the Complaint, the Attorney
12 General re-alleges and reincorporates by reference the foregoing answers.

13 82. Paragraph 82 has been removed from the Complaint by the Court’s
14 order on the motions to dismiss the Complaint brought by Attorney General and,
15 separately, Sheriff McDonnell. Notwithstanding the foregoing, the Attorney
16 General denies each and every allegation in the paragraph.

17 83. Paragraph 83 has been removed from the Complaint by the Court’s
18 order on the motions to dismiss the Complaint brought by Attorney General and,
19 separately, Sheriff McDonnell. Notwithstanding the foregoing, the Attorney
20 General denies each and every allegation in the paragraph.

21 84. Paragraph 84 has been removed from the Complaint by the Court’s
22 order on the motions to dismiss the Complaint brought by Attorney General and,
23 separately, Sheriff McDonnell. Notwithstanding the foregoing, the Attorney
24 General denies each and every allegation in the paragraph.

25 85. Paragraph 85 has been removed from the Complaint by the Court’s
26 order on the motions to dismiss the Complaint brought by Attorney General and,
27 separately, Sheriff McDonnell. Notwithstanding the foregoing, the Attorney
28 General denies each and every allegation in the paragraph.

1 86. Paragraph 86 has been removed from the Complaint by the Court's
2 order on the motions to dismiss the Complaint brought by Attorney General and,
3 separately, Sheriff McDonnell. Notwithstanding the foregoing, the Attorney
4 General denies each and every allegation in the paragraph.

5 87. Paragraph 87 has been removed from the Complaint by the Court's
6 order on the motions to dismiss the Complaint brought by Attorney General and,
7 separately, Sheriff McDonnell. Notwithstanding the foregoing, the Attorney
8 General denies each and every allegation in the paragraph.

9 **SEPARATE AND ADDITIONAL DEFENSES**

10 **First Separate and Additional Defense**

11 The Court should dismiss Plaintiffs' complaint because it fails to state a claim
12 upon which relief can be granted.

13 **Second Separate and Additional Defense**

14 The Court should dismiss Plaintiffs' complaint because Plaintiffs have an
15 adequate remedy at law.

16 **Third Separate and Additional Defense**

17 The Court should dismiss Plaintiffs' complaint because it raises only abstract
18 or hypothetical issues, i.e., there is no live, concrete, and ripe case or controversy
19 for this Court to adjudicate, and the Court would have to render an advisory opinion
20 in this case.

21 **Fourth Separate and Additional Defense**

22 The Court should dismiss Plaintiffs' complaint because the Attorney General
23 is immune from suit under the Eleventh Amendment to the U.S. Constitution.

24 **DEFENSE PRAYER FOR RELIEF**

25 The Attorney General prays for relief as follows:

26 A. That this Court deny Plaintiffs' Complaint in its entirety and dismiss
27 this case with prejudice.

28

1 B. That Plaintiffs take nothing by the Complaint and garner no relief in
2 this case.

3 C. That the Court order that Plaintiffs compensate the Attorney General
4 for the reasonable costs that the Attorney General expends in defending this case.

5 D. That the Court grant such other and further relief, in favor of the
6 Attorney General and adverse to Plaintiffs, that the Court deems just and proper.

7 Dated: March 8, 2017

Respectfully submitted,

8 XAVIER BECERRA
9 Attorney General of California
10 STEPAN A. HAYTAYAN
11 Supervising Deputy Attorney General
12 P. PATTY LI
13 Deputy Attorney General

14 /s/ Jonathan M. Eisenberg _____
15 JONATHAN M. EISENBERG
16 Deputy Attorney General
17 *Attorneys for Xavier Becerra, Attorney*
18 *General of California*

19
20
21
22
23
24
25
26
27
28