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 8 and Allison Mendoza in her Official Capacity as  
 Director of the Bureau of Firearms*  
 9

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 12 SACRAMENTO DIVISION  
 13

14  
 15 **WILLIAM WIESE, et al.,**

16 Plaintiffs,

17 v.

18  
 19 **ROB BONTA, et al.,**

20 Defendants.  
 21

Case No. 2:17-cv-00903-WBS-KJN

**DECLARATION OF ROBERT L.  
 MEYERHOFF RE: DEFENDANTS'  
 REQUEST FOR DISCOVERY  
 PURSUANT TO FEDERAL RULE OF  
 CIVIL PROCEDURE 56(D)**

Date: July 10, 2023  
 Time: 1:30 p.m.  
 Courtroom: 5, 14<sup>th</sup> Floor  
 Judge: Hon. William B. Shubb

**DECLARATION OF ROBERT L. MEYERHOFF**

I, Robert L. Meyerhoff, declare under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen (18) years, competent to testify to the matters contained in this declaration, and testify based on my personal knowledge and information.

2. I am a Deputy Attorney General with the California Department of Justice, and serve as counsel to Defendants Rob Bonta in his official capacity as Attorney General of the State of California and Allison Mendoza in her Official Capacity as Director of the Bureau of Firearms (“Defendants”).

3. On October 7, 2022, the parties filed a joint status report with the Court. Dkt. No. 115. In that report, Plaintiffs sought leave “to file a motion for summary judgment as to all claims” (*id.* at 2), notwithstanding that no discovery has been taken in this case. Defendants asked the Court to reject Plaintiffs’ request and asked to be “permitted to conduct both fact and expert discovery to develop a factual, legal, and historical record in support of” the analysis set forth in *New York State Rifle & Pistol Ass’n v. Bruen*, \_\_\_ U.S. \_\_\_, 142 S. Ct. 2111 (2022). *Id.* at 4.

4. On January 13, 2023, the Court issued an Order noting that “defendants seek expert and fact discovery before the parties file cross motions for summary judgment,” but permitting “plaintiffs to file their motion for summary judgment forthwith.” Dkt. No. 120 at 2. According to the Order, the “court will then consider [a] request under Federal Rule of Civil Procedure 56(d) after plaintiffs’ motion for summary judgment has been filed, should defendants feel discovery is necessary to respond to plaintiffs’ motion.” *Id.*

5. On March 31, 2023, Plaintiffs filed their motion for summary judgment. Dkt. No. 123. On May 1, 2023, Defendants filed their opposition to Plaintiffs’ motion for summary judgment and counter-motion for summary judgment. Dkt. No. 125. In opposing Plaintiffs’ motion for summary judgment, Defendants renewed their request for expert and fact discovery, this time pursuant to Rule 56(d). Dkt. No. 125 at 52-53. On May 31, 2023, Plaintiffs filed their reply in support of their motion for summary judgment and opposition to Defendants’ counter-

1 motion for summary judgment, in which they did not request any fact or expert discovery in  
2 opposing Defendants' counter-motion. Dkt. No. 127.

3 6. On June 9, 2023, the Court issued an Order requiring Defendants to file an "affidavit  
4 or declaration with the court setting forth the information required under Rule 56(d)." Dkt.  
5 No. 128 at 4. In that Order, Defendants were directed to "specifically state what discovery  
6 defendants request, including the identity of all witnesses they wish to depose and a description of  
7 the nature of the questions they wish to address to those witnesses," and to "include any  
8 interrogatories and/or requests they intend to serve upon plaintiffs and how long they need to  
9 conduct such discovery." *Id.*

10 7. Having reviewed Plaintiffs' reply in support of their motion for summary judgment  
11 and opposition to Defendants' counter-motion for summary judgment, Defendants now, in the  
12 interest of a speedy resolution of the motions and conserving the resources of the parties and the  
13 Court, disclaim the need for any written discovery (*i.e.*, requests for admission, document  
14 requests, and interrogatories) at this time from Plaintiffs' declarants.

15 8. Nevertheless, Defendants seek to depose the following individuals who have  
16 submitted declarations on Plaintiffs' behalf either as individual Plaintiffs or as representatives of  
17 organizational Plaintiffs: L.Q. Dang, Frank Federau, Clifford W. Flores, Alan Gottlieb, Gene  
18 Hoffman, Sherman Macaston, Jeremiah Morris, Todd Nielsen, Alan Normandy, Jeff Silvester,  
19 and William Wiese. These individuals' declarations contain statements which Plaintiffs rely on to  
20 establish Article III standing and to support their claims as substantive evidence.

21 9. Additionally, Defendants seek to depose D. Allen Youngman and James Curcuruto.  
22 On June 12, 2017, General Youngman and Mr. Curcuruto submitted declarations in support of  
23 Plaintiffs' prior motion for temporary restraining order and preliminary injunction at Dkt. Nos. 11  
24 and 12, respectively. Plaintiffs have reattached those same declarations to the Declaration of  
25 George M. Lee [Dkt. No. 123-4] as Exhibits A and B thereto. Neither declarant is a percipient,  
26 fact witness (*e.g.*, neither individual claims to be a California resident or a possessor of an LCM),  
27 and instead their declarations appear to be province of expert testimony. *See, e.g.*, Youngman  
28 Decl., ¶ 6 ("Modern, semi-automatic firearms today are designed to be used, and are sold with

1 ammunition feeding devices, called ammunition magazines.”); Curcuruto Decl., ¶ 5 (claiming  
2 that LCMs are “widely available for sale as a standalone item to individuals who need a  
3 replacement, different-capacity, and/or additional magazines”).

4 10. Defendants have not had an opportunity in this case to depose either General  
5 Youngman or Mr. Curcuruto on their opinions and the bases thereof. Because Plaintiffs rely on  
6 these declarations in support of their motion for summary judgment, Defendants now seek to  
7 depose both. And Defendants are entitled to know whether General Youngman and  
8 Mr. Curcuruto stand by these opinions offered six years ago.

9 11. In an effort to conserve judicial resources and those of the parties, Defendants sought  
10 an agreement with Plaintiffs to limit the scope of discovery pursuant to Rule 56(d). Specifically,  
11 on June 12, 2023, Defendants proposed that:

- 12 • If Plaintiffs agreed to not rely on the named Plaintiffs’ declarations for any  
13 purpose other than establishing Article III standing, Defendants would not seek  
14 discovery in any form from any of the named Plaintiffs pursuant to Rule 56(d);  
15 and
- 16 • Plaintiffs produce General Youngman and Mr. Curcuruto for deposition at the  
17 earliest possible opportunity, or otherwise withdraw the declarations of those two  
18 individuals.

19 A copy of that proposal, contained in an email from Defendants’ counsel to Plaintiffs’ counsel, is  
20 attached hereto as Exhibit A.

21 12. Plaintiffs rejected Defendants’ proposal, stating that (a) they were not willing to  
22 disclaim any portion of the declarations they submitted by the named Plaintiffs and instead  
23 proposed the parties agree to certain stipulated facts, and (b) they would object to the taking of  
24 either General Youngman or Mr. Curcuruto’s depositions “on the grounds that legislative facts  
25 regarding the history of magazine regulation in this country [sic], and as such all facts and history  
26 are subject to historical citations and judicial notice as set forth in the parties’ briefing and  
27 argument, without the need for expert or other evidence adduced through traditional party  
28 discovery methods.” *See* Ex. A.

1 13. Plaintiffs' positions are not relevant to, and do not obviate the need for, Rule 56(d)  
2 discovery. Local Rule 260(c) contemplates the filing of a statement of stipulated facts, but only as  
3 to those "facts to which all interested parties agree." In this case, Defendants do not (and cannot)  
4 agree to the facts proposed by Plaintiffs, and indeed seek discovery on them.

5 14. In addition, Plaintiffs' effort to avoid depositions of General Youngman and Mr.  
6 Curcuruto—whereby their credibility and the accuracy of the statements in their declarations  
7 would be subjected to inquiry and challenged by Defendants—simply by characterizing their  
8 declarations *in toto* as "legislative facts" does not comport with *New York State Rifle & Pistol*  
9 *Ass'n v. Bruen*, \_\_\_ U.S. \_\_\_, 142 S. Ct. 2111 (2022). The *Bruen* Court directed district courts "to  
10 decide a case based on the historical record compiled by the parties," *id.* at 2130 n.6, and to do so  
11 by advising the parties to construct a record just like any other in our adversarial system of  
12 adjudication—by following "'various evidentiary principles and default rules' to resolve  
13 uncertainties." *Id.* (citation omitted). Characterizing the declarations of General Youngman and  
14 Mr. Curcuruto as "legislative facts" does not give Plaintiffs a license to submit their testimony  
15 without any examination to confirm the accuracy and reliability of their testimony in this case.

16 15. It is Defendants' position that judgment can and should be entered in Defendants'  
17 favor on the existing record. If the Court is not inclined to do so on the existing record,  
18 Defendants seek discovery pursuant to Rule 56(d). In the interests of judicial economy and a  
19 speedy resolution of the parties' motions for summary judgment, Defendants have decided to  
20 forego requesting leave to conduct any written discovery, and instead seek only to depose the  
21 following individuals, as soon as possible: (1) D. Allen Youngman; (2) James Curcuruto; (3)  
22 Luang Q. Dang; (4) Frank Federau; (5) Clifford W. Flores; (6) Alan Gottlieb; (7) Gene Hoffman;  
23 (8) Sherman Macaston; (9) Jeremiah Morris; (10) Alan Normandy; (11) Jeff Silvester; and (12)  
24 William Wiese. In an effort to complete discovery expeditiously, any such depositions could be  
25 conducted remotely. Defendants estimate that each deposition should take no longer than 4 hours  
26 each (if not much shorter), with the exception of those of General Youngman and Mr. Curcuruto,  
27 which Defendants estimate should take no longer than 7 hours each (if not shorter). Defendants  
28 are unable at this time to estimate when such discovery could be completed, because Plaintiffs did

1 not indicate if or when the witnesses would be available to testify (*see* Ex. A). If the Court grants  
2 Defendants' request for Rule 56 discovery, Defendants will promptly meet and confer with  
3 Plaintiffs in an effort to schedule and complete the discovery as expeditiously as possible.

4 16. In accordance with the Court's order, and without conceding that any deposition  
5 should be limited to such questions or that such information is necessary for Defendants to prevail  
6 on summary judgment, Defendants describe "the nature of the questions they wish to address to  
7 these witnesses" as follows:

- 8 a. Defendants seek to question D. Allen Youngman on his background and  
9 qualifications, as well as the statements made in paragraphs 6 through 10 of his  
10 declaration, including but not limited to his statements regarding the role of the  
11 magazine in the modern semi-automatic firearm, the prevalence of LCMs, and  
12 the used magazine resale market.
- 13 b. Defendants seek to question James Curcuruto on his background and  
14 qualifications, as well as the statements made in paragraphs 4 to 13 of his  
15 declaration, including but not limited to his statements regarding the standards  
16 and methods of research conducted by NSSF, the prevalence of and market for  
17 LCMs, specific research NSSF has conducted concerning LCMs, and  
18 assumptions and estimations regarding LCM manufacture and possession.
- 19 c. Defendants seek to question Luang Q. Dang on his standing to bring these  
20 claims, as well as Plaintiff Dang's statements that "the magazines that I have for  
21 the Steyr GB pistol were the only magazines made for that pistol" (Dang Decl.,  
22 ¶ 5) that "I am not aware of the existence of any subsequently-manufactured ten-  
23 round magazines compatible with this particular pistol" (*id.*), that "[w]ithout  
24 these magazines, I have no way of operating this pistol" (*id.*) that the LCMs "in  
25 my possession have substantial value, as irreplaceable items" (*id.* at ¶ 8) and that  
26 "it would likely cost me substantial amounts to replace the magazines with  
27 functional equivalents" (*id.*).  
28

- 1 d. Defendants seek to question Frank Federau on the standing of the organizations  
2 of which he is a part to bring these claims, as well as his statement that an LCM  
3 is “both independently valuable and a necessary part of a functional firearm”  
4 (Federau Decl., ¶ 8).
- 5 e. Defendants seek to question Clifford W. Flores on his standing to bring these  
6 claims, as well as his statement that his LCM “has substantial historical and  
7 financial value, and is irreplaceable” (Flores Decl., ¶ 8). and that his LCM is “an  
8 inherent” part of his firearm (*id.* at (¶ 11).
- 9 f. Defendants seek to question Alan Gottlieb on the standing of the organization of  
10 which he is a part to bring these claims, as well as his statements that California  
11 Penal Code section 32310 (“Section 32310”) “adversely affects SAF members  
12 in the exercise of their right to keep and bear arms for self-defense and other  
13 lawful purposes in the State” (Gottlieb Decl., ¶ 5) and that an LCM is “both  
14 independently valuable and a necessary part of a functional firearm” (*id.* at ¶ 8).
- 15 g. Defendants seek to question Gene Hoffman on the standing of the organization  
16 of which he is a part to bring these claims, as well as his statements that  
17 Section 32310 “adversely affects CGF members in the exercise of their right to  
18 keep and bear arms for self-defense and other lawful purposes in the State”  
19 (Hoffman Decl., ¶ 6) and that an LCM is “both independently valuable and a  
20 necessary part of a functional firearm” (*id.* at ¶ 9).
- 21 h. Defendants seek to question Sherman Macaston on his standing to bring these  
22 claims, as well as his statements that “the magazines that I have for the Smith &  
23 Wesson Model 59 pistol were the original magazines that were issued with, or  
24 sold with, that pistol” (Macaston Decl., ¶ 6), that “no ten-round magazines were  
25 ever produced by the original manufacturer (Smith & Wesson) specifically for  
26 use with that pistol” (*id.*), that “subsequently-manufactured ten-round magazines  
27 may (I am told) be compatible with this particular pistol” (*id.*), that the LCMs  
28 “in my possession have substantial value, as irreplaceable items” (*id.* at ¶ 9), and

1 that “it would likely cost me substantial amounts to replace the magazines with  
2 functional equivalents” (*id.*).

3 i. Defendants seek to question Jeremiah Morris on his entitlement to standing, as  
4 well as his statements that Section 32310 “adversely affect[s] my right to keep  
5 and bear arms for self-defense and other lawful purposes” (Morris Decl., ¶ 6)  
6 and that an LCM is “both independently valuable and a necessary part of a  
7 functional firearm” (*id.* at ¶ 8).

8 j. Defendants seek to question Todd Nielsen on his entitlement to standing, as well  
9 as his statement that Section 32310 “adversely affect[s] my right to keep and  
10 bear arms for self-defense and other lawful purposes” (Nielsen Decl., ¶ 9).

11 k. Defendants seek to question Alan Normandy on the standing of the organization  
12 of which he is a part to bring these claims, as well as his statements that  
13 Section 32310 “adversely affects FPC members in the exercise of their right to  
14 keep and bear arms for self-defense and other lawful purposes in the State”  
15 (Normandy Decl., ¶ 13) and that an LCM is “both independently valuable and a  
16 necessary part of a functional firearm” (*id.* at ¶ 16).

17 l. Defendants seek to question Jeff Silvester on the standing of the organization of  
18 which he is a part to bring these claims, as well as his statements that Section  
19 32310 “adversely affects FPCAF members in the exercise of their right to keep  
20 and bear arms for self-defense and other lawful purposes in the State” (Silvester  
21 Decl., ¶ 6) and that an LCM is “both independently valuable and a necessary  
22 part of a functional firearm” (*id.* at ¶ 9).

23 m. Defendants seek to question William Wiese on his entitlement to standing, as  
24 well as his statements that Section 32310 “adversely affect[s] my right to keep  
25 and bear arms for self-defense and other lawful purposes” (Wiese Decl., ¶ 6) and  
26 that an LCM is “both independently valuable and a necessary part of a  
27 functional firearm” (*id.* at ¶ 8).

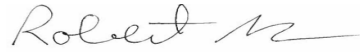
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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 Executed on June 16, 2023, at Los Angeles, CA.

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Robert L. Meyerhoff

# EXHIBIT A

Re: Wiese et al., v. Bonta, et al. (Case No. 2:17-cv-00903-WBS-KJN)

Robert Meyerhoff

Thu 6/15/2023 1:32 PM

To: George Lee <gml@seilerepstein.com>; John D. Echeverria <John.Echeverria@doj.ca.gov>;

Cc: Raymond DiGiuseppe <law.rmd@gmail.com>;

Counsel:

Thank you for your response. Unfortunately, we do not find your proposal to be acceptable. The facts that you propose we stipulate to (which concern both Plaintiffs' standing and their substantive claims) are among those that we seek discovery on, and we do not believe the "legislative facts" doctrine can be invoked to prevent discovery from two declarants whose statements you rely on in moving for summary judgment.

As such, we will be filing a declaration on Friday pursuant to the Court's Order (Dkt. No. 128), outlining the Rule 56(d) discovery we request leave to conduct.

Thank you,  
Rob

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**From:** George Lee <gml@seilerepstein.com>  
**Sent:** Wednesday, June 14, 2023 10:08 AM  
**To:** Robert Meyerhoff; John D. Echeverria  
**Cc:** Raymond DiGiuseppe  
**Subject:** Re: Wiese et al., v. Bonta, et al. (Case No. 2:17-cv-00903-WBS-KJN)

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Counsel:

Thank you for your email of June 12, below. In response, Plaintiffs would not be willing to "disclaim" any portion of their submitted declarations, and we feel that the request to do so is unreasonable. However, as a compromise measure, Plaintiffs would be willing to do what has been done with your office in other cases, that is, to preliminarily stipulate to certain facts for purposes of the pending motion. Specifically, the proposed stipulated facts that Plaintiffs may offer would be as follows:

Proposed Stipulation:

1. Individual plaintiffs Wiese, Morris, Cowley, Macaston, Flores, Dang, Federau, Normandy, and Nielsen ("Individual Plaintiffs") are members of the organizational plaintiffs California Gun Rights Foundation, Firearms Policy Coalition, FPC Action Foundation, and Second Amendment Foundation ("Organizational Plaintiffs").
2. Each of the Individual Plaintiffs is not disqualified by federal or state law from owning or possessing firearms or ammunition.
3. The Organizational Plaintiffs have members throughout the State of California who have been and would continue to be affected by the laws which prohibit the possession, manufacture, sale, or transfer of "large capacity

4. Each Individual Plaintiff legally acquired LCMs prior to 2000. Each Individual Plaintiff intends to and would acquire additional LCMs and possess them in/bring them into California for their various firearms but for the laws being challenged in this action, to wit: Cal. Pen. Code §§ 32310 as enacted, 32390, 32445, and 32450 (the “Challenged Laws”).
5. The Individual Plaintiffs who reside in the State of California (Wiese, Morris, Macaston, Flores, Dang, and Federau) do not intend to relinquish, destroy, remove from the state, or alter their legally-acquired LCMs.
6. The Individual Plaintiffs who reside outside the State of California (Normandy, Nielsen, and Cowley) would, but for California’s ban on LCMs, bring with them, possess, and use such magazines while in California both for their own lawful personal self-defense and for the instruction of their students in the lawful use of such magazines, and each would also acquire more such magazines to use for these purposes while in California.
7. Plaintiff Dang does not own any magazines for his particular firearm that hold less than 10 rounds, and is unaware of any such magazines ever having been manufactured for his particular firearm.
8. Plaintiff Macaston does not own any magazines for his particular firearm that hold less than 10 rounds, and is unaware of any such magazines ever having been manufactured for his particular firearm.
9. Plaintiff Flores owns an antique, WWI-era firearm with a LCM, which is the only magazine he owns for that firearm, and he contends that it is irreplaceable. He does not wish to destroy or alter the LCM which he claims has historic value.
10. The declarations of the Individual Plaintiffs are not being offered as expert testimony.
11. Defendants have enforced, and intend to enforce the Challenged Laws.

Please let us know if these stipulated facts would obviate the need to conduct discovery as to the individual plaintiffs pending our respective motions.

As for your request to take the depositions of General Youngman and Mr Curcuruto, Plaintiffs would object to Defendants’ request to take their depositions, on the grounds that legislative facts regarding the history of magazine regulation in this country, and as such all facts and history are subject to historical citations and judicial notice as set forth in the parties’ briefing and argument, without the need for expert or other evidence adduced through traditional party discovery methods. *See Moore v. Madigan*, 702 F.3d 933 (7th Cir. 2012). Such legislative facts are those “which have relevance to the legal reasoning and the lawmaking process, whether in the formulation of a legal principle or ruling by a judge or court in the enactment of a legislative body.” Fed. R. Evid. 201, 1972 Advisory Committee Note. Accordingly, the ordinary application of the Federal Rules of Evidence do not apply to such legislative facts. And moreover, the facts establishing the commonality and use of LCMs for lawful purposes across the country are already well established in the existing record and the existing case law, and are subject to judicial notice.

Accordingly, Plaintiffs will not offer to produce either General Youngman or Mr Curcuruto for deposition, unless and until ordered by the court.

Please let us know if the proposed stipulation above will obviate the need to conduct individual plaintiff discovery, or advise of your proposed revisions to the stipulation as offered. Thank you for your attention to this matter. If you have any questions regarding Plaintiffs’ position in this regard, please let us know.

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George M. Lee  
SEILER EPSTEIN LLP | Tel. (415) 979-0500

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**From:** Raymond DiGuiseppe <law.rmd@gmail.com>  
**Date:** Tuesday, June 13, 2023 at 6:41 AM  
**To:** Robert Meyerhoff <Robert.Meyerhoff@doj.ca.gov>  
**Cc:** George Lee <gml@seilerepstein.com>, John D. Echeverria <John.Echeverria@doj.ca.gov>  
**Subject:** Re: Wiese et al., v. Bonta, et al. (Case No. 2:17-cv-00903-WBS-KJN)

Good morning, Rob. While we will certainly consider your proposal, realistically, tomorrow is likely the earliest we'll be able to respond, and it may be Thursday before we have a response, given the need to consider and confer with our clients regarding the requests and implications of your proposal here. But we'll work as expeditiously as possible to formulate our position regarding these issues and get back to you by tomorrow or Thursday at the latest. Thanks.

On Mon, Jun 12, 2023 at 5:59 PM Robert Meyerhoff <[Robert.Meyerhoff@doj.ca.gov](mailto:Robert.Meyerhoff@doj.ca.gov)> wrote:

Counsel:

I write in reference to the Court's Order dated June 9, 2023 [Dkt. No. 128]. In response to Defendants' request for discovery pursuant to Rule 56(d) in the event their Counter-Motion for Summary Judgment is not granted, the Court ordered that Defendants shall file with the court an affidavit or declaration which "specifically state what discovery defendants request, including the identity of all witnesses they wish to depose and a description of the nature of the questions they wish to address to those witnesses," and which shall "include any interrogatories and/or requests they intend to serve upon plaintiffs and how long they need to conduct such discovery." Dkt. 128 at 4.

Defendants believe it is in the interest of the parties and the Court to narrow, as much as possible, the scope of the Rule 56(d) discovery Defendants seek. As such, Defendants propose the following:

#### 1. Discovery from the Named Plaintiffs

- If Plaintiffs agree to not rely on the named Plaintiffs' declarations for any purpose other than establishing Article III standing, Defendants will not seek discovery in any form from any of the named Plaintiffs pursuant to Rule 56(d). To that effect, Plaintiffs would need to represent to the Court that they are disclaiming those portions of their briefs and declarations that are used as evidence in support of their substantive claims (for example, in support of the claim that LCMs are in common use for self-defense for Second Amendment purposes, or in support of the claim that Section 32310 deprives LCM owners of value for Takings Clause purposes).
- To the extent that Plaintiffs do not agree with the above proposal and continue to seek to rely on those declarations as evidence in support of their substantive claims, Defendants will seek to depose the named plaintiffs who submitted declarations. If this is the case, when is soonest each of the named Plaintiffs can be available for deposition, which we will need to know to provide the Court with an estimate of the amount of time that would be required to complete discovery?

#### 2. Discovery from D. Allen Youngman and James Curcuruto

- Plaintiffs rely on the declarations of D. Allen Youngman and James Curcuruto, which were previously submitted in 2017 in support of their request for a preliminary injunction, in now seeking summary judgment. Defendants did not have any opportunity to depose either individual in 2017 or 2023 as to their qualifications or their opinions in this case (and the bases thereof), and of course have not had the opportunity to depose them on whether the opinions they expressed have changed in the intervening six years. Defendants seek to depose Messrs. Youngman and Curcuruto on these topics.
- Given the Court and the parties' desire to resolve this motion expeditiously, can you please let us know if you are able to produce Messrs. Youngman and Curcuruto for deposition and, if so, when are the soonest dates that they are available? If you are unable or unwilling to produce either (or both) of these individuals, will you agree to withdraw the declarations of the individual or individuals who will not appear if discovery is permitted?

If we are able to reach an agreement on any or all of the above issues, we can report that to the Court in our response to the Court's Order. Given our June 16 deadline to file a response, can you please respond to the above proposals by some point tomorrow (June 13)?

Thank you,  
Rob

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*The DiGiuseppe Law Firm, P.C.*  
*\*Principal Attorney Raymond DiGiuseppe is licensed to practice in California, North Carolina, the District of Columbia, and New York*

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## CERTIFICATE OF SERVICE

Case Name: Wiese, et al. v. Bonta, et al. No. 2:17-cv-00903-WBS-KJN

I hereby certify that on June 16, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF ROBERT L. MEYERHOFF RE: DEFENDANTS' REQUEST FOR DISCOVERY PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56(D)**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on June 16, 2023, at Los Angeles, California.

Robert Leslie Meyerhoff

Declarant



Signature