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FILED

SEP 07 2010

FRESNO COUNTY SUPERIOR COURT

By _____
TLC - DEPUTY

1 C. D. Michel - SBN 144258
Clinton B. Monfort - SBN 255609
2 Sean A. Brady - SBN 262007
MICHEL & ASSOCIATES, P.C.
3 180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
4 Telephone: (562) 216-4444
Fax: (562) 216-4445
5 cmichel@michellawyers.com

6 Attorneys for Plaintiffs/Petitioners

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF FRESNO

10
11 SHERIFF CLAY PARKER, TEHAMA
COUNTY SHERIFF; HERB BAUER
12 SPORTING GOODS; CALIFORNIA RIFLE
AND PISTOL ASSOCIATION
13 FOUNDATION; ABLE'S SPORTING,
INC.; RTG SPORTING COLLECTIBLES,
14 LLC; AND STEVEN STONECIPHER,

15 Plaintiffs and Petitioners,

16 vs.

17 THE STATE OF CALIFORNIA; JERRY
18 BROWN, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL FOR THE
19 STATE OF CALIFORNIA; THE
CALIFORNIA DEPARTMENT OF
20 JUSTICE; and DOES 1-25,

21 Defendants and Respondents.
22

) CASE NO. 10CECG02116

) **NOTICE OF MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

) Date: September 29, 2010

) Time: 3:30 p.m.

) Location: Dept. 97A

) Judge: Hon. Jeffrey Y. Hamilton

) Action Filed: June 17, 2010

FILED BY FAX

23 **TO EACH PARTY AND TO THE COUNSEL OF RECORD FOR EACH PARTY:**

24 YOU ARE HEREBY NOTIFIED THAT on September 29, 2010 at 3:30 p.m., or as soon
25 as thereafter this matter may be heard, in Department 97A of this Court located at 2317 Tuolumne
26 St., Fresno, CA 93721, Plaintiffs Sheriff Clay Parker, *et al.*, ("Plaintiffs") will move the Court for
27 an order enjoining and restraining Defendants, their employees, agents, and persons acting with
28 them or on their behalf, from enforcing California Penal Code sections 12060, 12061, and 12318

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO
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11 SHERIFF CLAY PARKER, TEHAMA) CASE NO. 10CECG02116
COUNTY SHERIFF; HERB BAUER)
12 SPORTING GOODS; CALIFORNIA RIFLE) **NOTICE OF MOTION AND MOTION FOR**
AND PISTOL ASSOCIATION) **PRELIMINARY INJUNCTION**
13 FOUNDATION; ABLE'S SPORTING,)

14 INC.; RTG SPORTING COLLECTIBLES,) Date: September 29, 2010
LLC; AND STEVEN STONECIPHER,) Time: 3:30 p.m.
15) Location: Dept. 97A
16 Plaintiffs and Petitioners,) Judge: Hon. Jeffrey Y. Hamilton
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19 vs.
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21 THE STATE OF CALIFORNIA; JERRY)
BROWN, IN HIS OFFICIAL CAPACITY)
18 AS ATTORNEY GENERAL FOR THE)
19 STATE OF CALIFORNIA; THE)
CALIFORNIA DEPARTMENT OF)
20 JUSTICE; and DOES 1-25,)
21)

22 Defendants and Respondents.)
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26 St., Fresno, CA 93721, Plaintiffs Sheriff Clay Parker, *et al.*, ("Plaintiffs") will move the Court for
27 an order enjoining and restraining Defendants, their employees, agents, and persons acting with
28 them or on their behalf, from enforcing California Penal Code sections 12060, 12061, and 12318

1 pending final adjudication of this case at trial. This motion is made pursuant to California Code
2 of Civil Procedure section 527 on the ground that Plaintiffs are reasonably likely to prevail at a
3 trial on the merits, and on the further ground that Defendants' ongoing and pending enforcement
4 of these likely unconstitutional criminal statutes, unless enjoined by order of this Court, will cause
5 great and irreparable injury in the form of the threat of unjust criminal prosecution, coupled with
6 untold monetary damages.

7 This motion is based upon this Notice of Motion, the Memorandum of Points and
8 Authorities filed in support thereof, the supporting Declarations and Exhibits, the accompanying
9 Proposed Order, the record in this matter to date, and any further evidence or argument that the
10 Court may properly receive at or before the hearing.

11 Dated: September 7, 2010

MICHEL & ASSOCIATES, PC

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13 
14 C. D. Michel
15 Attorney for Plaintiffs
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA

3 COUNTY OF FRESNO

4 I, Valerie Pomella, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

6 On September 7, 2010, I served the foregoing document(s) described as

7 **NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION**

8 on the interested parties in this action by placing

9 ☐ the original

☒ a true and correct copy

10 thereof enclosed in sealed envelope(s) addressed as follows:

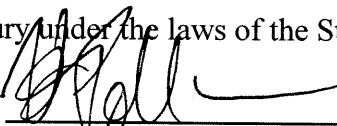
11 Edmund G. Brown, Jr.
12 Attorney General of California
13 Zackery P. Morazzini
14 Supervising Deputy Attorney General
15 Peter A. Krause
16 Deputy Attorney General (185098)
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

17 (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
18 processing correspondence for mailing. Under the practice it would be deposited with the
19 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
California, in the ordinary course of business. I am aware that on motion of the party
served, service is presumed invalid if postal cancellation date is more than one day after
date of deposit for mailing an affidavit.
Executed on September 7, 2010, at Long Beach, California.

20 X (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the
21 addressee.
Executed on September 7, 2010, at Long Beach, California.

22 (VIA FACSIMILE TRANSMISSION) As follows: The facsimile machine I used complies
23 with California Rules of Court, Rule 2003, and no error was reported by the machine.
24 Pursuant to Rules of Court, Rule 2006(d), I caused the machine to print a transmission
record of the transmission, copies of which is attached to this declaration.
Executed on September 7, 2010, California.

25 X (STATE) I declare under penalty of perjury under the laws of the State of California that
26 the foregoing is true and correct.

27 
28 VALERIE POMELLA