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6 Attorneys for Plaintiffs/Petitioners

FILED

JAN 21 2011

FRESNO SUPERIOR COURT

By _____ DEPT. 402 - DEPUTY

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO

10
11 SHERIFF CLAY PARKER, TEHAMA) CASE NO. 10CECG02116
COUNTY SHERIFF; HERB BAUER)
12 SPORTING GOODS; CALIFORNIA RIFLE)
AND PISTOL ASSOCIATION) ~~PROPOSED~~ ORDER OF PERMANENT
13 FOUNDATION; ABLE'S SPORTING,) INJUNCTION
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

FILED BY FAX

23 On January 18, 2011, the Court granted Plaintiffs' motion for summary adjudication as to
24 their first cause of action challenging certain California Penal Code sections on facial vagueness
25 grounds. In furtherance of that ruling, the following injunctive relief is hereby GRANTED:

26 APPLICABILITY

27 The provisions of this injunction are applicable to defendants the State of California,
28 Kamala D. Harris, in her official capacity as Attorney General of the State of California, and the

1 California Department of Justice, and to each of their agents, employees, representatives,
2 successors in office, and all persons or entities acting in concert or in participation with them
3 (hereinafter "enjoined parties").

4 **EFFECTIVE DATE**

5 The provisions of this injunction shall take effect on February 1, 2011, and shall remain
6 permanently in effect, or until such other Orders are made by this Court.

7 **CONDUCT ENJOINED**

8 IT IS ORDERED that the enjoined parties are hereby permanently prohibited, enjoined,
9 and restrained from taking any action to implement, enforce, or give effect to the versions of
10 California Penal Code sections 12060, 12061, and 12318 in effect as of the date of this Injunction.

11 **RETENTION OF JURISDICTION**

12 IT IS FURTHER ORDERED that jurisdiction is retained by this Court for the purpose of
13 enabling the parties to apply for such further orders and directions as may be necessary and
14 appropriate for the interpretation or construction of this Order, and for the enforcement or
15 compliance herewith.

16 Date: January 20, 2011

MICHEL & ASSOCIATES, PC

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19 C. D. Michel
Attorney for Plaintiffs

20 Date: January 20, 2011

OFFICE OF THE ATTORNEY GENERAL

22
23 Peter A. Krause
Attorney for Defendants

24 IT IS SO ORDERED.

25 Dated: 1/21/2011

JEFFREY Y. HAMILTON JR.

26 Honorable Judge Jeffrey Y. Hamilton
27 Judge of the Superior Court
28

1 California Department of Justice, and to each of their agents, employees, representatives,
2 successors in office, and all persons or entities acting in concert or in participation with them
3 (hereinafter "enjoined parties").

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16 Date: January 20, 2011

MICHEL & ASSOCIATES, PC

17
18
19 C. D. Michel
Attorney for Plaintiffs

20 Date: January 20, 2011

OFFICE OF THE ATTORNEY GENERAL

21
22 
23 Peter A. Krause
Attorney for Defendants

24 IT IS SO ORDERED.

25 Dated: _____

26 Honorable Judge Jeffrey Y. Hamilton
27 Judge of the Superior Court
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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF FRESNO

I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, 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.

On January 20, 2011, I served the foregoing document(s) described as

[PROPOSED] ORDER OF PERMANENT INJUNCTION

on the interested parties in this action by placing
☐ the original
☒ a true and correct copy thereof enclosed in sealed envelope(s) addressed as follows:

Kamala Harris
Attorney General of California
Zackery P. Morazzini
Supervising Deputy Attorney General
Peter A. Krause
Deputy Attorney General
1300 I Street, Suite 125
Sacramento, CA 94244-2550

X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the 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 January 20, 2011, at Long Beach, California.

— (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices.

— (VIA FACSIMILE TRANSMISSION) As follows: The facsimile machine I used complies with California Rules of Court, Rule 2003, and no error was reported by the machine. 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 January 20, 2011, at Long Beach, California.

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

CLAUDIA AYALA