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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

Judicial Council Coordination Proceeding
Special Title (Rule 1550(b))

FIREARM CASES

Coordinated actions:

THE PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. the County of Los
Angeles, et. al.,

v.

ARCADIA MACHINE & TOOL, et. al.,

THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through JAMES K.
HAHN, City Attorney of the City of Los
Angeles, et. al.,

v.

ARCADIA MACHINE & TOOL, et. al.,

THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through San
Francisco City Attorney Louise H. Renne,
v.

ARCADIA MACHINE & TOOL, et. al.

JUDICIAL COUNCIL COORDINATION
PROCEEDINGS NO. 4095

Superior Court of California City & County of
San Francisco No. 303753

Superior Court of California County of Los
Angeles No. BC210894

Superior Court of California County of Los
Angeles No. BC214794

**DEFENDANTS ANDREWS SPORTING
GOODS' AND S.G. DISTRIBUTING'S
REPLY TO PLAINTIFFS' OPPOSITION
TO DEFENDANT ANDREWS MOTION
TO STRIKE PURSUANT TO CODE OF
CIVIL PROCEDURE SECTION 425.16.**

Date: February 28, 2003

Time: 8:30

Dept. 65

Hon. Vincent. P. DiFiglia

INTRODUCTION

Defendant Andrew's Sporting Goods, Inc., dba Turners Outdoorsman and S.G. Distributing, Inc. (collectively "Defendants"), hereby reply to Plaintiffs' Memorandum of Points and Authorities in Opposition to Andrews' Motion to Strike Pursuant to Code of Civil Procedure Section 425.16 ("Opposition"). Of the three coordinated Firearms Cases, the only case at issue here is the Los Angeles County case, No. BC214794.¹ Plaintiffs in that case brought false advertising claims against these Defendants, pursuant to California Business and Professions Code §§ 17500 et seq. ("Section 17500"), alleging that defendants falsely state or imply in advertisements and *other statements* that ownership of firearms will improve home security. Because such claims infringe upon Defendants' constitutional right to free speech in connection with a public issue, Defendants brought a Special Motion to Strike pursuant to Code of Civil Procedure section 425.16 ("Special Motion").

The Los Angeles County plaintiffs oppose the Special Motion on four separate grounds: 1) plaintiffs' have immunity under Section 425.16(d); 2) commercial speech is not protected; 3) Defendants have not satisfied the *prima facie* case requirement; and 4) the motion is time barred. Each of plaintiffs' arguments is flawed, as shown below. More importantly, as we discuss first below, plaintiffs have not only failed to address, let alone meet, their burden of providing sufficient evidence to show "there is a probability that the plaintiff will prevail" on the false advertising claim, as required under Section 425.16(b)(1). They have in fact, essentially admitted that *no evidence of false advertising or statements exists with respect to defendants herein*. Because plaintiffs have abused the law and the system by filing these frivolous claims in the first place, not to mention failed to meet the statutory prerequisite of a *prima facie* case, Defendants' Special Motion should not only be considered, but granted.²

¹ As plaintiffs concede, the San Francisco First Amended Complaint does not name Defendants as defendants. In addition, the Los Angeles City First Amended Complaint does not bring a false advertising claim pursuant to Business and Professions Code, Section 17500. Thus, this Special Motion concerns *only* to the Los Angeles County Complaint.

² As a preliminary matter, Defendants note that, with one exception, Los Angeles County and its public officers (Supervisors, not prosecutors) brought their Section 17500 claims in the name of the County or the general public—not the People of the State of California, as required under the standing provisions of Section 17535. Thus, they not only lack immunity, they lack standing to bring their claims, as pointed out in Defendants' Motion for

ARGUMENT

**I. DEFENDANTS SPECIAL MOTION IS NOT TIME BARRED.
THIS COURT HAS DISCRETION TO HEAR THE SPECIAL MOTION**

Plaintiffs ask this Court not to hear Defendants' Special Motion, although they do acknowledge that it is within the Court's discretion to do so. To support their argument, plaintiffs cite *Lam v. Ngo* (App. 4 Dist. 2001) 91 Cal.App.4th 832. However, as the court in *Lam* noted, the court has complete discretion to hear this motion at any time. (*Id.* at 840 ("The nonjurisdictional nature of the time limit is also emphasized by the permissive 'may' in the setting forth of the time limit.")) In other words, the Court can consider this Special Motion, and Defendants respectfully submit that it should, for the following reasons.

During the preliminary stages of these coordinated cases, Defendants considered filing a Special Motion pursuant Section 425.16, but declined to do so for two reasons. First, from the outset of this case, the Court has asked the parties to coordinate their actions and minimize the number of submissions to the Court. With that in mind, Defendants deferred filing their Special Motion in favor of an omnibus Demurrer. The Court overruled the Demurrer and, in its Order, stated that "the Constitutional arguments relative to these actions are not appropriate for resolution at the pleading stage." (Order Overruling Defendants' Demurrers and Granting in Part and Denying in Part Defendants' Motion to Strike, October 4, 2000.) Because Defendants' Special Motion is based on alleged infringement of their constitutional right to free speech, they postponed filing the Special Motion based on what they perceived to be this Court's wishes.

The second reason for the delay had to do with the complete lack of specifics in plaintiffs' Complaint. Defendants were hesitant to bring this Special Motion without first seeing the advertisements and other statements that plaintiffs claimed were false—and why, or seeing some

Judgment on the Pleading, filed concurrently with the instant motion. Moreover, both in this Opposition and in their Opposition to Defendants' Motion for Judgment on the Pleadings, plaintiffs attempt to withdraw (or claim they never intended to bring) their Section 17500 claims, except by way of the Los Angeles County Counsel. Nonetheless, Defendants will address plaintiffs' Opposition to this Special Motion as to all plaintiffs in the Los Angeles County case, for three reasons: 1) the Complaint indicates all plaintiffs brought Section 17500 claims, none of which have been dismissed; 2) as a cautionary measure, in case the Court denies Defendants' Motion for Judgment on the Pleadings; and (3) to support Defendants' request for attorneys fees, costs and other relief available to Defendants through this Special Motion against *each* of those plaintiffs, pursuant to Section 425.16(c).

1 evidence that consumers were misled—and how. Defendants were unaware of any improper
2 activities on their part, but given the number of stores and employees involved, Defendants
3 thought it best to exercise caution, and wait until plaintiffs provided the allegedly false
4 advertisements and other statements through the discovery process.

5 After discovery closed on December 6, 2002, it became clear that *none* of Defendants’
6 employees had engaged in false or misleading advertising or promotions. Further, plaintiffs *had*
7 *not and could not provide any evidence to the contrary*. To this date, plaintiffs have yet to provide
8 *any evidence of a single false or misleading advertisement* attributed to Defendants. Now with the
9 benefit of discovery, it has become painfully obvious that plaintiffs’ false advertising claims,
10 which seek to penalize and enjoin Defendants’ protected speech, and “chill” Defendants’
11 constitutional right to engage in the ongoing national debate on the social utility of firearms, are
12 groundless. Plaintiffs have no case. Holding themselves out as government officials, they are
13 abusing Defendants and the judicial system. It was with that in mind that Defendants decided to
14 bring this Special Motion, along with the other dispositive motions that the Court said it would
15 entertain at this time.

16 If for no other reason, this Special Motion deserves to be heard now because of plaintiffs’
17 egregious conduct. Plaintiffs all but admit that they have no evidence to support their Section
18 17500 allegations. Defendants have provided plaintiffs with hundreds of their advertisements.
19 Despite this production, plaintiffs have not produced or identified a *single* advertisement
20 attributed to Defendants that they contend is false, fraudulent or misleading. (Plaintiffs’ Separate
21 Statement of Undisputed Material Facts and Supporting Evidence in Opposition to Defendants
22 dba Turners’s Outdoorsman and S.G. Distributing, Inc.’s Motion for Summary Judgment or, in the
23 Alternative, Summary Adjudication (hereinafter referred to as “UDF”) #81.) In fact, it is now
24 *undisputed* that plaintiffs do *not* know the contents of any advertisement attributed to Defendants
25 which contain false or fraudulent statements. (UDF #72, 75, 169, 172.) *This evidence does not*
26 *exist now, and it did not exist when this case was filed*.

27 In short, plaintiffs have abused the judicial system by bringing their false advertising claim
28 against these Defendants. As stated in section 425.16(a): “The legislature finds and declares that

1 it is in the public interest to encourage continued participation in *matters of public significance*,
2 and that this participation should not be chilled through *abuse of the judicial process*. To this end,
3 this section shall be *construed broadly*.” (Emphasis added.). Frankly, under these circumstances a
4 SLAPP motion seems particularly appropriate, and defendants hope the Court will respond with
5 the indignation that defendants believe is well suited – having been dragged through almost three
6 years of costly and life- of-the-business threatening litigation on a frivolous claim for which
7 plaintiffs had no evidence to begin with. Some might call it naive given the political nature of
8 these suits, but we expected better from representatives of our own government.

9 Defendants ask this Court to honor the public policy underlying Section 425.16 and
10 consider and grant Defendants’ Special Motion.

11
12 **II. THE LOS ANGELES COUNTY PLAINTIFFS BRINGING SECTION 17500**
13 **CLAIMS HAVE NO IMMUNITY UNDER SECTION 425.16(d).**

14 Plaintiffs inform this Court that the Special Motion is “fatally flawed” because all Los
15 Angeles plaintiffs have immunity when, in fact, none do. First, plaintiffs mistakenly assert that
16 “the anti-SLAPP statute does not even apply to the instant actions because *city attorneys and*
17 *county counsel, as opposed to individuals*, are bringing their Business & Professions Code 17500
18 claims *on behalf of the people of the State of California*. (Opposition at p. 1, lines 9-
19 12.)(emphasis added.)

20 That is demonstrably false. Plaintiffs’ assertions directly contradict paragraph 12 of their
21 own Complaint, which lists the plaintiffs and the causes of action. There is not a city attorney or
22 county counsel among them, and there are three individuals.³ Moreover, only one of the six
23 claims is brought on behalf of the people of the State of California, as seen below:

- 24 12. People of The State of California, *ex rel.* the County of Los Angeles, **County of**
25 **Los Angeles, on behalf of itself and the general public**, and Gloria Molina, Zev
26 Yaroslavsky, and Yvonne Brathwaite Burke, **Supervisors of Los Angeles County**,

27 ³In their Memorandum of Points and Authorities in Opposition to Andrews’ Motion for Judgment on the
28 Pleadings, dated January 29, 2003, plaintiffs, in an effort to avoid Defendants’ lack of standing arguments, claimed
that the Supervisors filed suit as “individuals, on behalf of the general public,” not as public officials. For purposes of
this motion, however, it makes no difference, for Supervisors suing on behalf of the general public have no immunity
under Section 425.16(d), either as public officials or individuals.

1 **on behalf of the general public**, bring this action pursuant to Business and
2 Professions Code §§ 17204 and 17535 and Code of Civil Procedure § 731.
3 (Complaint at ¶ 12, emphasis added.)

4 Thus, all but one claim is brought in the name of the County or the general public, not the
5 people of the State of California. Further, the only claim brought on behalf of the State is by Los
6 Angeles County in its own name, not by or through its County Counsel or any other County
7 officer. There are no city attorneys or county counsel named. Finally, plaintiffs' assertion
8 misstates the law, for while city attorneys have immunity, county counsel do not. (CCP
9 § 425.16(d).) Consequently, the only accurate statement of fact or law in plaintiffs' assertion,
10 quoted above, is that city attorneys have immunity. That statement, however, is irrelevant in the
11 context of this Special Motion brought against plaintiffs in the Los Angeles County Complaint
12 inasmuch as none of them are city attorneys.

13 After misrepresenting the plaintiffs and the parties on whose behalf they purport to act,
14 plaintiffs further misrepresent the immunity provision by way of omission, as follows:

15 The point is that the section 17500 claim is brought exclusively on behalf of the
16 people of the State of California. The anti-SLAPP statute, Code of Civil Procedure
17 section 4216, expressly provides that "it shall not apply to any enforcement action
18 brought in the name of the people of the State of California" (Opposition at
19 p.2, lines 19-25.)

20 Plaintiffs reference to Section 425.16(d) conveniently omits the most important part of
21 that section, i.e., the list of public prosecutors who have immunity. The complete text of Section
22 425.16(d) provides as follows: "This section shall not apply to any enforcement action brought in
23 the name of the people of the State of California *by the Attorney General, district attorney, or city*
24 *attorney, acting as a public prosecutor.*" (CCP 425.16(d)(emphasis added).) None of the Los
25 Angeles County plaintiffs are included on that list; so none have immunity.

26 Plaintiffs cite *People v. Health Laboratories of North America* (2001) 87 Cal.App.4th 442
27 as proof that the County (or County Counsel—who is not a party) and its Supervisors have
28 immunity. However, in *Health Laboratories*, the suit was brought by two district attorneys, i.e.,
29 prosecutors who are expressly provided immunity by Section 425.16(d). Thus, *Health*
30 *Laboratories* provides no support for plaintiffs' immunity argument.

31 ///

1 In summary, plaintiffs' immunity arguments do not speak to the plaintiffs bringing Section
2 17500 claims in the Los Angeles County Complaint. Instead, they argue that city attorneys suing
3 in the name of the State have immunity—but only one of the six Section 17500 claims is in the
4 name of the State, and none of the parties is a city attorney.⁴ In short, plaintiffs' arguments are
5 both confusing and misplaced. What is clear, however, is that none of the plaintiffs listed in the
6 Los Angeles County Complaint are listed in the immunity provisions of Section 425.16(d).
7 Consequently, all plaintiffs therein are subject to Defendants' Special Motion.

8
9 **III. PLAINTIFFS' 17500 CLAIMS ARISE FROM DEFENDANTS' ACTS IN**
10 **FURTHERANCE OF THEIR RIGHT OF FREE SPEECH IN**
11 **CONNECTION WITH A PUBLIC ISSUE; THEREFORE, THEY ARE**
12 **SUBJECT TO THIS SPECIAL MOTION**

13 In part "B" of their Opposition, plaintiffs contend they are not subject to Defendants'
14 Special Motion for two reasons: 1) the anti-SLAPP statute does not apply to public prosecutors
15 bringing enforcement actions in the name of the people of the State of California (Opposition at p.
16 3, lines 24-27), and 2) their claims are aimed a deceptive advertising, not protected speech
17 (Opposition, p. 3, line 1). The first argument is misplaced; the second is based on a misreading of
18 the law.

19 **A. The Los Angeles County Plaintiffs Are Not Public Prosecutors**
20 **Bringing an Enforcement Action in the Name of the People of the State**
21 **of California**

22 Plaintiffs claim that public prosecutors bringing Section 17500 claims in the name of the
23 people of the State of California should not be subject to this Special Motion. That may be true,
24 but it is irrelevant. As with their immunity argument, plaintiffs' again seem confused about which
25 of the coordinated Firearms Cases is at issue: it is the Los Angeles County case. None of the
26 plaintiffs therein are public prosecutors, and only one brought it's Section 17500 claim on behalf
27 of the people of the State of California (see paragraph 12 of plaintiffs' Complaint, quoted in
28 section "I," above).

⁴ Plaintiffs' arguments actually speak to plaintiffs in the San Francisco City case (who brought a Section 17500 claim, but did not name Defendants herein) and plaintiffs in the Los Angeles City case (who did name Defendants herein, but did not bring a Section 17500 claim). In other words, their arguments are irrelevant.

1 To support their contention, plaintiffs again cite to *People v. Health Labs, supra*. But that
2 case is equally irrelevant and inapplicable here, because, as discussed above, the only reason that
3 Section 425.16 did not apply in *Health Labs* was because it involved district attorneys bringing an
4 enforcement action in the name of the State. That is not the case here.

5 The simple fact is, plaintiffs cannot cite to a single case holding that Section 425.16
6 cannot be applied to a Section 17500 cause of action -- because that is not the law. Nothing in
7 Section 425.16 nor Section 17500 prohibits application of a Special Motion under the
8 circumstances here. By its own terms Section 425.16 applies to "a[ny] cause of action" that meets
9 its requirements and "shall be broadly construed." (Section 425.16(a)(b).) Where a statute is
10 broadly construed, exceptions to it are to be narrowly construed. (*People v. Stritzinger* (1983) 34
11 Cal. 3d 505, 512.)

12 Plaintiffs have failed to point to *any* exception that would preclude application of this Special
13 Motion to the Los Angeles County plaintiffs.

14 **B. Defendants' Advertising and Other Statements Are Protected Speech**

15 In their Opposition, plaintiff's completely ignore the two-part analysis explained in
16 *DuPont Merck Pharmaceutical Co. v. Superior Court* (App. 4 Dist. 2000) 78 Cal.App.4th 562,
17 which held that Section 425.16 applies to allegedly false or misleading advertising and marketing
18 activities if such activities concern issues of public concern. (*Id.* at 567.) The ongoing national
19 debate over gun control, the social utility of firearms, and whether they enhance home security
20 easily falls within that category, i.e., these are issues of public concern. Plaintiffs can hardly claim
21 otherwise after having filed a complaint containing more than 150 paragraphs debating those
22 issues. In fact, plaintiffs' own Complaint provides ample evidence that Defendants' allegedly
23 false advertisements and other statements do pertain to public issues and, accordingly, fall within
24 the protections of the First Amendment's right to freedom of speech, just as the complaint did in
25 *DuPont Merck*.

26 In *DuPont Merck*, the court analyzed the defendant pharmaceutical company's allegedly
27 false advertisements under Section 425.16, subdivision (e)(3) and (4), noting that:

28 . . . an inquiry must be made whether the issue of the equivalence of Coumadin [a
prescription drug] and its generic counterpart pertains to "a public issue or an issue

1 of public interest." **We find the answer to this question in the first amended**
2 **complaint.** Plaintiffs allege: "More than 1.8 million Americans have purchased
3 Coumadin, an anti-coagulant medication, for the prevention and treatment of blood
4 clots that can lead to life-threatening conditions such as stroke and pulmonary
5 embolism." Both the number of persons allegedly affected and the seriousness of
6 the conditions treated establish the issue as one of public interest.

7
8 We therefore conclude that the first prong of the anti-SLAPP statute has been
9 satisfied. The causes of action are of the type described in section 425.16,
10 subdivision (b)(1): "[C]ause[s] of action ... arising from [acts] in furtherance of
11 [defendant's] right of petition or free speech under the United States or California
12 Constitution in connection with a public issue." (*Id.* at 567.)(emphasis added.)

13 In sum, Section 425.16(e)(3) and (4) provides, and *Dupont Merck* holds, that allegedly
14 false advertisements and promotions pertaining to "a public issue or an issue of public interest,"
15 are entitled to protection under the First Amendment, and thus are subject to this Special Motion.
16 As in *DuPont Merck*, plaintiffs' own Complaint makes it abundantly clear that the allegedly false
17 advertisements and other statements pertain to issues of public interest. Accordingly, plaintiffs'
18 contention that Defendants' advertisements and other statements are not protected speech are
19 untenable.

20
21 **IV. THE BURDEN IS ON PLAINTIFFS TO PROVIDE SUFFICIENT**
22 **EVIDENCE TO SHOW A PROBABILITY OF PREVAILING ON THE**
23 **MERITS; THEY HAVE FAILED TO DO SO.**

24 In *DuPont Merck*, after concluding that the first prong had been satisfied by the allegations
25 in plaintiff's own complaint, the court examined the second prong: whether plaintiffs had met
26 their burden of showing a probability of prevailing on the merits. That examination bears a
27 striking resemblance to the situation in this case, inasmuch as plaintiffs in *DuPont Merck*, as with
28 plaintiffs here, attempted to rely on their pleadings, and the fact they survived a demurrer, to meet
that burden. The court rejected plaintiffs' argument, stating as follows:

29 However, in order to satisfy its burden under the second prong of the anti-SLAPP
30 statute, it is not sufficient that plaintiffs' complaint survive a demurrer. Plaintiffs
31 must also substantiate the legal sufficiency of their claim. It would defeat the
32 obvious purposes of the anti-SLAPP statute if mere allegations in an unverified
33 complaint would be sufficient to avoid an order to strike the complaint.
34 Substantiation requires something more than that. Once the court determines the
35 first prong of the statute has been met, a plaintiff must provide the court with
36 sufficient evidence to permit the court to determine whether "there is a probability
37 that the plaintiff will prevail on the claim." (§ 425.16, subd. (b)(1).) (*Id.* at 568.)

1 Thus, it is then incumbent upon plaintiffs to establish that there is a probability they will
2 prevail on their claims. (*Id* at 567.) Further, plaintiffs cannot rely on their pleadings or bald
3 allegations, they must provide the court with sufficient evidence to permit the court to determine
4 whether plaintiffs are likely to prevail on the merits. But plaintiffs have made no effort to do so.
5 In fact, they ask this court for leave to file a supplemental brief to demonstrate their likelihood of
6 success, if the Court finds it necessary (Opposition at p. 4, note 1). But plaintiffs were put on
7 notice by *Dupont* and other cases cited in Defendants' moving papers that the burden had shifted
8 to them to demonstrate a probability of success on their Section 17500 claims to defeat this
9 Special Motion. For whatever reason, they chose not to do so. In short, there is no justification
10 for further briefing on this point. Plaintiffs have failed to meet their burden.

11
12 **V. PLAINTIFFS' CONTENTION THAT DEFENDANTS' LACK OF**
13 **ADVERTISING, FALSE OR OTHERWISE, PRECLUDES THEM FROM**
 BRINGING THIS SPECIAL MOTION IS LUDICROUS.

14 In section "C" of their Opposition, plaintiffs provide the following novel legal argument
15 which, not surprisingly, is not supported by citation to any legal authority:

16 If defendants are correct that they do not advertise, or do not advertise in the
17 manner alleged in the complaint [i.e., falsely], then their rights have plainly not
18 been abridged as a result of the false advertising claims. As a result, they have not
19 satisfied their burden that they make a *prima facie* case. . . . If defendants did not
 make the alleged statements, they cannot avail themselves of the anti-SLAPP
 provisions." (Opposition at p. 4, lines 1-10)

20 Plaintiffs evidently believe that their own inability to provide this Court with a single shred
21 of evidence to support the serious allegations made against Defendants somehow insulates them
22 from this Special Motion—a motion authorized by a statute intended to curtail just this type of
23 abuse of the judicial system. Obviously, if Defendants have engaged in little or no advertising,
24 none of which is false or misleading, then plaintiffs' false advertising claim are all the more
25 frivolous and abusive of the judicial system—and provide more justification for invoking the anti-
26 SLAPP statute, not less. A cursory review of the relief sought by these plaintiffs pursuant to their
27 false advertising claims reveals that they not only seek to punish all defendants for past speech,
28 but to silence—not just chill—*any future speech* regarding the potential benefits of firearms

1 ownership. Thus, plaintiffs' claims *are* an attempt to infringe upon Defendants' constitutional
2 rights, and the fact that their allegations are baseless only provides further support for this Special
3 Motion.

4
5 **CONCLUSION**

6 Defendants have satisfied the first prong of the two-part test applicable to this motion,
7 showing that the alleged false advertisements and promotions pertain to "a public issue or an issue
8 of public interest" and, therefore, are entitled to protection under the First Amendment. On the
9 other hand, plaintiffs' have failed to meet their burden of providing this Court with sufficient
10 evidence to permit the Court to determine whether there is a probability that they will prevail on
11 the false advertising claim, as required under Section 425.16 (b)(1). In fact, plaintiffs did not even
12 attempt to provide such evidence.

13 For these reasons, and the reasons stated above, Defendants ask this Court to grant their
14 Special Motion.

15 Dated: February 24, 2003

TRUTANICH • MICHEL, LLP

16
17 /s/ C. D. Michel
18 C. D. Michel,
19 Attorney for Defendants
20 Andrews Sporting Goods, Inc.
21 and S.G. Distributing, Inc.
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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I, Haydee Villegas, declare:

1. That I am employed in the City of San Pedro, 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 407 North Harbor Boulevard, San Pedro, California 90731.

2. On February 24, 2003, I served the foregoing document(s) described as **DEFENDANTS ANDREWS SPORTING GOODS' AND S.G. DISTRIBUTING'S REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANT ANDREWS MOTION TO STRIKE PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 425.16.** on the interested parties in this action by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty that the foregoing is true and correct. Executed this 24th day of February, 2003, at San Pedro, California.

Haydee Villegas

Haydee Villegas





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	Reply	<u>Defendants Andrews Sporting Goods and S.G. Distributings Reply to Plaintiffs Opposition to Defendant Andrews Motion to Strike Pursuant to Code of Civil Procedure Section 425.16</u>	1537194	Main	Public	\$0.00	13		Pending	
	Order (Proposed)	<u>[Proposed] Order for Defendants Andrews Sporting Goods and S.G. Distributings Motion to Strike Pursuant to Code of Civil Procedure Section 425.16</u>	1537224	1537194	Public	\$0.00	3		Pending	
	Reply	<u>Reply Brief to Opposition to Defendant Andrews Sporting Goods and S.G. Distributings Motion for Judgment on the Pleadings</u>	1537382	Main	Public	\$0.00	13		Pending	
	Order (Proposed)	<u>[Proposed] Order for Defendant Andrews Sporting Goods and S.G. Distributings Motion for Judgment on the Pleadings</u>	1537399	1537382	Public	\$0.00	4		Pending	

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Firm	Attorney	Attorney Type	Party	Party Type
Trutanich Michel LLP	C D Michel	Attorney in Charge	Andrews Sporting Goods	Defendant
Trutanich Michel LLP	C D Michel	Attorney in Charge	S G Distributing Co	Defendant

Service/Notice List Sorted by Delivery Option then PartyView By ☐ Firm ☐ Attorney ☒ Party 1 thru 50 of 93 [Next>>](#)

Delivery Option	Firm	Attorney	Party	Party Type	Delivered	Method
Service	Koletsy Mancini Feldman & Morrow	Susan Caldwell	American Shooting Sports Council Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Mayberry Law Firm	Harold Mayberry	American Shooting Sports Council Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Jacobson, Burton C	Burton C Jacobson	B & B Group Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Bruinsma & Hewitt	Michael C Hewitt	B L Jennings Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Gordon Feinblatt Rothman	Lawrence S Greenwald	Beretta USA Corp	Defendant	Feb 24 2003 6:16PM ET	Online
Service	McAtee Harmeyer LLP	Jeff G Harmeyer	Beretta USA Corp	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Schnader Harrison Segal & Lewis LLP-San Francisco	Craig A Livingston	Beretta USA Corp	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Akin Gump Strauss Hauer & Feld LLP-Los Angeles	Robert N Tafoya	Browning Arms Co	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Arter & Hadden LLP-Irvine	Mark T Palin	Browning Arms Co	Defendant	Feb 24 2003	Online

					6:16PM ET	
Service	Friday Eldredge & Clark	William Mell Griffin	Browning Arms Co	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Bruinsma & Hewitt	Michael C Hewitt	Bryco Arms	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Murchison & Cumming-Los Angeles	Friedrich W Seitz	Carl Walther GmbH	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Wright & L Estrange	Robert C Wright	Colts Manufacturing Co Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Madory Zell & Pleiss PC	Stephen H Zell	Davis Industries	Defendant	Feb 24 2003 6:16PM ET	Online
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Service	Silver, Steven A	Steven Allen Silver	Excel Industries Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Gordon Feinblatt Rothman	Lawrence S Greenwald	Fabbrica d'Armi Pietro Beretta SpA	Defendant	Feb 24 2003 6:16PM ET	Online
Service	McAtee Harmeyer LLP	Jeff G Harmeyer	Fabbrica d'Armi Pietro Beretta SpA	Defendant	Feb 24 2003 6:16PM ET	Online
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Service	Budd Lerner Gross Rosenbaum Greenberg & Sade PC-Atlanta	Timothy A Bumann	Forjas Taurus SA	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Haight Brown & Bonesteel LLP-Santa Monica	Denis James Moriarty	Forjas Taurus SA	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Akin Gump Strauss Hauer & Feld LLP-Los Angeles	Robert N Tafoya	Glock GMBH	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Akin Gump Strauss Hauer & Feld LLP-Los Angeles	Robert N Tafoya	Glock Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Arter & Hadden LLP-Irvine	Mark T Palin	Glock Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Renzulli Piscioti & Renzulli LLP	John Joseph McCarthy	Glock Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Akin Gump Strauss Hauer & Feld LLP-Los Angeles	Robert N Tafoya	H & R 1871 Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Arter & Hadden LLP-Irvine	Mark T Palin	H & R 1871 Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Renzulli Piscioti & Renzulli LLP	John Joseph McCarthy	H & R 1871 Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Jacobson, Burton C	Burton C Jacobson	Hawthorne Distributors	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Schrieffer & Downey LLP-San Diego	Peter M Downey	Hawthorne Distributors	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Schrieffer & Downey LLP-West Covina	Ian ~ Feldman	Hawthorne Distributors	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Holland & Knight LLP-San Francisco	Charles Lagrange Coleman	Heckler & Koch Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Akin Gump Strauss Hauer & Feld LLP-Los Angeles	Robert N Tafoya	Hi Point Firearms	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Arter & Hadden LLP-Irvine	Mark T Palin	Hi Point Firearms	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Renzulli Piscioti & Renzulli LLP	John Joseph McCarthy	Hi Point Firearms	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Atwood, Timothy G	Timothy G~ Atwood	Interarms Industries Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Liddy, Raymond J	Raymond J Liddy	Interarms Industries Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Atwood, Timothy G	Timothy G~ Atwood	International Armament Corp	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Liddy, Raymond J	Raymond J Liddy	International Armament Corp	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Chair Judicial Council of California	Coordination Attorney	Judicial Council of California	Interested Party		U.S. Mail
Service	Akin Gump Strauss Hauer & Feld LLP-Los Angeles	Robert N Tafoya	Kel Tec C N C Industries Inc	Defendant	Feb 24 2003 6:16PM ET	Online

Service	Arter & Hadden LLP-Irvine	Mark T Palin	Kel Tec C N C Industries Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Renzulli Piscioti & Renzulli LLP	John Joseph McCarthy	Kel Tec C N C Industries Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Drinker Biddle & Reath	Alan J Lazarus	M K S Supply	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Gorry & Meyer LLP	Frank Sandelmann	National Gun Sales	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Cleary Gottlieb Steen & Hamilton	Douglas E~ Kliever	National Shooting Sports Foundation Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Koletsy Mancini Feldman & Morrow	Susan Caldwell	National Shooting Sports Foundation Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Lynberg & Watkins PC	Wendy E Schultz	Navegar Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Beckman & Associates	Bradley T Beckman	North American Arms Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Gladych & Associates	John ~ Gladych	North American Arms Inc	Defendant	Feb 24 2003 6:16PM ET	Online

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Filing Receipt Report

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Authorized: 02/24/2003 03:15 PM PT
Court: CA Superior Court County of San Diego
Division/Courtroom: N/A
Case Class: Civil
Case Type: Coordination Proceeding
Case Number: JCCP4095
Case Name: Firearms Case (JCCP)

Filing Documents List

Access documents or clerk review information by clicking the link or icon in the appropriate column:

Document Title to view PDF—Original File to view, print, or download original file—Review Status to see review history.

Linked Doc	Filing Type	Document Title	Document ID	Main	Access Type	Filing Fee	Pages	Original File	Review Status	Judicial Action
	Reply	<u>Defendants Andrews Sporting Goods and S.G. Distributings Reply to Plaintiffs Opposition to Defendant Andrews Motion to Strike Pursuant to Code of Civil Procedure Section 425.16</u>	1537194	Main	Public	\$0.00	13		Pending 2/24/2003 6:15:33 PM	
	Order (Proposed)	<u>[Proposed] Order for Defendants Andrews Sporting Goods and S.G. Distributings Motion to Strike Pursuant to Code of Civil Procedure Section 425.16</u>	1537224	1537194	Public	\$0.00	3		Pending 2/24/2003 6:15:33 PM	
	Reply	<u>Reply Brief to Opposition to Defendant Andrews Sporting Goods and S.G. Distributings Motion for Judgment on the Pleadings</u>	1537382	Main	Public	\$0.00	13		Pending 2/24/2003 6:15:33 PM	
	Order (Proposed)	<u>[Proposed] Order for Defendant Andrews Sporting Goods and S.G. Distributings Motion for Judgment on the Pleadings</u>	1537399	1537382	Public	\$0.00	4		Pending 2/24/2003 6:15:33 PM	

Filing Parties Sorted by Party

View by ☐ Firm ☐ Attorney ☒ Party

Firm	Attorney	Attorney Type	Party	Party Type
Trutanich Michel LLP	C D Michel	Attorney in Charge	Andrews Sporting Goods	Defendant
Trutanich Michel LLP	C D Michel	Attorney in Charge	S G Distributing Co	Defendant

Service/Notice List Sorted by Delivery Option then Party

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Delivery Option	Firm	Attorney	Party	Party Type	Delivered	Method
Service	Haight Brown & Bonesteel LLP-Santa Monica	Denis James Moriarty	Phoenix Arms	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Tarics & Carrington PC	Michael J Zomcik	Phoenix Arms	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Bingham McCutchen LLP	Susanne Caballero	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Brady Center to Prevent Gun Violence	Brian Siebel	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Bushnell Caplan & Fielding LLP	Alan M Caplan	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	City Attorneys Office-Berkeley	Matthew J Orebic	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	City Attorneys Office-Compton	Celia Elizabeth Francisco	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	City Attorneys Office-Inglewood	Charles E~Dickerson	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online

Service	City Attorneys Office-Los Angeles	Don Kass	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	City Attorneys Office-Oakland	R Manuel Fortes	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	City Attorneys Office-Sacramento	Samuel L Jackson	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	City Attorneys Office-San Francisco	Owen James Clements	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Cohen Milstein Hausfeld & Toll PLLC-Seattle	Steven J- Toll	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Cohen Milstein Hausfeld & Toll PLLC-Washington DC	Richard S Lewis	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Cooley Godward LLP-San Francisco	Theresa J Fuentes	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	County Attorneys Office-Alameda	Kristen J Thorsness	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	County Counsel-San Mateo	Thomas F~ Casey	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Educational Fund to Stop Gun Violence	Sayre Weaver	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Hays, Shawn M	Shawn ~ Hays	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Kairys, David	David Kairys	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Lieff Cabraser Heimann & Bernstein LLP	Robert J Nelson	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Lieff Cabraser Heimann & Bernstein LLP-New York	Paulina do~ Amaral	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Los Angeles County Counsel	Lawrence Lee Hafetz	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	McCue, Charles T	Charles Terrance McCue	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Milberg Weiss Bershad Hynes & Lerach LLP-San Diego	Ex Kano Sams	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Milberg Weiss Bershad Hynes & Lerach LLP-San Diego	Michael J Dowd	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Thompson Lawson LLP	Michael S~ Lawson	Plaintiff	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Sedgwick Detert Moran & Arnold-San Francisco	Wayne A Wolff	R S R Wholesale Guns	Defendant	Feb 24 2003 6:16PM ET	Online
Service	City Attorneys Office-San Francisco	Kristine Poplawski	San Francisco City Attorney	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Thelen Reid & Priest LLP-San Francisco	Kent Jonas	San Francisco City Attorney	Plaintiff	Feb 24 2003 6:16PM ET	Online
Service	Wilson Elser Moskowitz Edelman & Dicker LLP-Los Angeles	Robert M Anderson	Sigarms Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Wilson Elser Moskowitz Edelman & Dicker LLP-New York	Robert Laurent Joyce	Sigarms Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Allen Matkins Leck Gamble & Mallory LLP-Los Angeles	Edwin W Green	Smith & Wesson Corp	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Shook Hardy & Bacon LLP-Kansas City	Jeffrey S Nelson	Smith & Wesson Corp	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Drinker Biddle & Reath	Alan J Lazarus	Southern Ohio Gun Distributors	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Lucio Bronstein Garbett & Stiphany PA	Phillip M Hudson	Southern Ohio Gun Distributors	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Koletsky Mancini Feldman & Morrow	Susan Caldwell	Sporting Arms & Ammunition Manufacturers Institute Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Luce Forward Hamilton & Scripps LLP-San Diego	Lawrence J Kouns	Sturm Ruger & Co Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Wildman Harrold Allen & Dixon	James B Vogts	Sturm Ruger & Co Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Budd Larner Gross Rosenbaum Greenberg & Sade PC-Atlanta	Timothy A Bumann	Taurus International Manufacturing Inc	Defendant	Feb 24 2003 6:16PM ET	Online
	Budd Larner Gross Rosenbaum	Christina Fichera	Taurus International		Feb 24 2003	

Service	Greenberg & Sade PC-Short Hills	Dente	Manufacturing Inc	Defendant	6:16PM ET	Online
Service	Haight Brown & Bonesteel LLP-Santa Monica	Denis James Moriarty	Taurus International Manufacturing Inc	Defendant	Feb 24 2003 6:16PM ET	Online
Service	Crew, James Leonard	James L Crew	Trader Sports Inc	Defendant	Feb 24 2003 6:16PM ET	Online

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