

STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF SAN DIEGO )

I, LOIS E. MASON, CSR No. 3685, an official reporter of the Superior Court of the State of California, in and for the County of San Diego, hereby certify that I reported in machine shorthand the proceedings had in the above-entitled cause, and that the foregoing transcript is a full, true, and correct transcript of the said proceedings held on February 28, 2003.

Dated at San Diego, California, this 28th day of  
February, 2003.

*Lois E. Mason*  
LOIS E. MASON  
CSR No. 3685



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ADD-ON

NUMBER 4095	COMPLAINT DATE	HEARING DATE 02/28/03	HEARING TIME 08:30AM	DEPT 65	CALENDAR NO. COURT USE ONLY <b>FILED</b> Clerk of the Superior Court <b>FEB 28 2003</b> By: SCOTT SEYLER, Deputy
JUDGE/COMMISSIONER HON. VINCENT P. DI FIGLIA			CLERK MARYANN MASES		
REPORTER <i>L. Mason</i>			CSR # 3685		
P.O. BOX 120128, SAN DIEGO, CA 92112-0128					
PLAINTIFF/PETITIONER IN THE MATTER OF FIREARMS CASES			DEFENDANT/RESPONDENT ALL DEFENDANTS		
ATTORNEY FOR PLAINTIFF/PETITIONER JONAH H. GOLDSTEIN			ATTORNEY FOR DEFENDANT/RESPONDENT C D MICHEL (3,4) <i>CD Michel</i> DENIS J MORIARTY (1) <del>STEPHEN H ZELL (2)</del>		

1. DEFENDANT MTN FRO PRO HAC VICE
2. DEFENDANT MTN TO WITHDRAW
3. DEFENDANT MTN FOR JUDGMENT ON THE PLEADINGS
4. DEFENDANT MTN TO STRIKE

THIS MATTER HAVING COME BEFORE THE COURT THIS DATE, THE COURT ORDERS:

- ☐ PRIOR TO CALENDAR CALL    ☐ OFF-CALENDAR    ☐ GRANTED    ☐ BONDS \_\_\_\_\_  
☐ DENIED    ☐ WITH/WITHOUT PREJUDICE  
☐ PRIOR TO CALENDAR CALL    ☐ CONT. TO \_\_\_\_\_ IN DEPT \_\_\_\_\_ AT \_\_\_\_\_  
☐ TRO    ☐ CONTINUED    ☐ VACATED  
☐ ALL PREVIOUS ORDERS REMAIN IN FULL FORCE AND EFFECT.  
☐ TELEPHONIC    ☐ CONTINUED FOR ORAL ARGUMENT ON  
☒ ORAL ARGUMENT    ☒ TELEPHONIC DATED **FEB 28 2003**    ☒ CONFIRMED    ☐ MODIFIED  
☐ DISPOSES OF ENTIRE ACTION    ☐ DOES NOT DISPOSE OF ENTIRE ACTION  
☒ PREVAILING PARTY TO PREPARE AND FILE FORMAL ORDER PURSUANT TO CRC 391.  
☐ OTHER

*Page 1 of 2*

The application of Bridgett E. Eckerson to appear as counsel *pro hac vice* is granted.

The motion of Madory, Zell and Pleiss, APC to be relieved as counsel of record for Davis Industries, Inc. is granted.

Defendants Andrews Sporting Goods, Inc. and S.G. Distributing special motion to strike pursuant to Calif. Code of Civ. Proc. Sec. 425.16 is denied as untimely. The joinders are denied for the same reason.

The Court rules on Defendants Andrews Sporting Goods, Inc. and S. G. Distributing's motion for judgment on the pleadings and joinders thereto as follows.

Preliminarily, the Court takes judicial notice as requested.

As to Los Angeles Superior Court Case No. BC214794,

The motion as to the first cause of action for public nuisance challenging the County Counsel's standing to bring this action for the County of Los Angeles is denied.

The motion as to the second cause of action for violations of Bus. and Prof. Code Sec. 17200, *et seq.*, brought by the County of Los Angeles is granted with 21 days leave to amend to plead the action is brought by the County Counsel on behalf of the County People and that County Counsel has obtained the authorization from the District Attorney to prosecute this action.

*CS*

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

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REPORTER		CSR #			
P.O. BOX 120128, SAN DIEGO, CA 92112-0128					
PLAINTIFF/PETITIONER IN THE MATTER OF FIREARMS CASES			DEFENDANT/RESPONDENT ALL DEFENDANTS		
ATTORNEY FOR PLAINTIFF/PETITIONER JONAH H GOLDSTEIN			ATTORNEY FOR DEFENDANT/RESPONDENT C D MICHEL (3,4) DENIS J MORIARTY (1) STEPHEN H ZELL (2)		
<input type="checkbox"/> P <input type="checkbox"/> NP			<input type="checkbox"/> P <input type="checkbox"/> NP <input type="checkbox"/> P <input type="checkbox"/> NP <input type="checkbox"/> P <input type="checkbox"/> NP		

The motion as to the second cause of action brought by Gloria Molina, Zev Yaroslavsky and Yvonne Brathwaite Burke, Supervisors of Los Angeles County on behalf of the general public is denied.

The motion as to the cause of action for violation of Bus. and Prof. Code Sec. 17500, *et seq.*, brought by the County of Los Angeles is granted with 21 days leave to amend for Plaintiff to clarify that the claim is being pursued by the ~~County of Los Angeles~~ People Angeles, by and through the Los Angeles County Counsel.

As to Los Angeles Superior Court Case No. BC210894,

The motion as to the Cities of Compton, Inglewood and West Hollywood's claim for violation of Bus. and Prof. Code Sec. 17200, *et seq.*, is granted with 21 days leave to amend for Plaintiffs to plead that they have obtained the consent of the appropriate District Attorney to bring this action.

The motion as to the claim for violation of Sec. 17200 brought by the general public by and through Legrand H. Clegg II, City Attorney of the City of Compton, Roosevelt Dorn, Mayor of the City of Inglewood and John Heilman, Mayor of the City of West Hollywood is denied.

The motion as to both actions challenging certain Plaintiffs' standing to seek civil penalties is denied as the Court concludes this issue would have been more appropriately raised as a motion to strike.

Where the Court has granted the motion it has permitted Plaintiffs leave to amend. Because the issues raised by the motion concern technical pleading allegations, any amendment filed by Plaintiffs will not change the substantive allegations that have been on file for over three years. Accordingly, to the extent Plaintiffs file amended complaints all appearing Defendants' earlier answers are deemed the answers to the amended complaints and neither demurrers nor motions to strike, including those pursuant to Calif. Code of Civ. Proc. Sec. 425.16, will be entertained. Similarly, the Court leaves on calendar all pending motions for summary judgment and/or adjudication.

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Dated: 02/28/03

*Vincent P. Di Figlia*

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

SUPCT CIV-718A (Rev. 2-98)

NOT - MINUTES/ORDER OF THE COURT

00354

## SIGNATURE

## PHONE NUMBER

## NAME OF CLIENT

Eric Weiss

(813) 623-7400

Carl Walter Grah

Jason Davis

310 548-0410

Glenn McRoberts

619-794-8473

Andrews Spacing goods, inc  
for distribution

STEPHEN J. MARTINO

714-832-3772

Andrews Spacing Goods  
Inc. Distributors

Stephen J. Martino

Jim Davis  
Davis Industries

ROBERT NELSON

415 956-1000

Plaintiffs

LARRY HAFERZ

213-974-1876

Pl. Court of LA

MIKE DOWD

619/231-1058

TTS.

LORRY KOON

619 6992422

Lion for Manufacturers

Laurie Barber

619-231-4844

Colts

K D W. J.

619-595-5583

FORJAS Taurus S.A. (Specially  
Appointed) : Jours Int'l Hunting1) ~~Alfredo~~ Alfredo

Telephonic

P.S. Miller

6) Alan J. Hagan

Telephonic

Chas. Ross, etc.

2) Lou Park

Telephonic

Heckler &amp; Koch, etc.

3) Kristine Pop Lauke

Telephonic

City Atty. San Francisco

4) Gist Males

Telephonic

Rady Cncl.

5) Daniel Vire

Telephonic

Rady Cncl.

6) Gina Schaefer

Telephonic

Smith &amp; Wesson

7) Amy Anderson

Telephonic

Stern, Pugh

11) Elizabeth Haile

Telephonic

A Mfs.

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I, Haydee Villegas, declare:

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.

On April 23, 2003, I served the foregoing document(s) described as **SUPPORTING DOCUMENTS TO PETITION FOR WRIT OF MANDATE/PROHIBITION OR OTHER EXTRAORDINARY RELIEF VOLUME II, (00111-00355)** on the interested parties in this action by JusticeLink Electronic filing on all persons appearing on JusticeLink's Service List.

Additionally, on April 24, 2003, I caused the above referenced document, enclosed in a sealed envelope to be delivered by hand to the offices of the following parties:

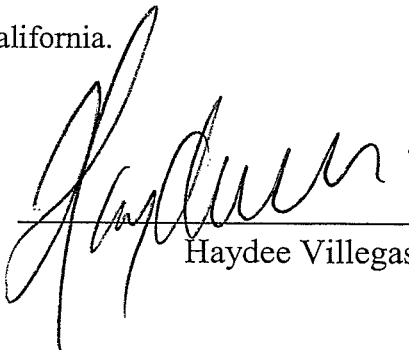
Mr. Steve Cooley  
Los Angeles District Attorney's Office  
210 West Temple Street, Ste. 18000  
Los Angeles, CA 90012-3210

Attorney General  
1300 "I" Street  
Sacramento, CA 95814

Hon. Vincent P. DiFiglia  
San Diego Superior Court - Central  
Division  
330 W. Broadway, DEPT. 65  
San Diego, CA 92101

Bonnie Dumanis, District Attorney  
San Diego District Attorney's Office  
330 W. Broadway  
San Diego, CA 92101

I declare under penalty that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of April, 2003 at San Pedro, California.

  
\_\_\_\_\_  
Haydee Villegas