

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 322-1067  
Facsimile: (916) 324-8835  
E-Mail: Kari.Krogseng@doj.ca.gov

October 15, 2013

Hon. Judge Allen H. Sumner  
Department 42  
Sacramento Superior Court  
720 9th Street  
Sacramento, CA 95814



RE: Department of Justice – Bureau of Firearms v. Office of Administrative Law  
Superior Court of California, County of Sacramento, Case No. 34-2012-80001279

Hon. Judge Sumner

I write to respond to the letter dated September 23, 2013, from Jason Davis, counsel for Real Party in Interest California Business Environments, Inc., dba Franklin Armory, requesting that the court set a case management conference in order to schedule a writ hearing in this case.

At issue in the case is the Bureau of Firearms' interpretation of the Penal Code as prohibiting corporations from obtaining permits to possess assault weapons. After the Office of Administrative Law determined that this interpretation was an underground regulation, the Bureau filed this action. However, the Legislature has resolved the issue in Assembly Bill (AB) 170 (Bradford). This legislation amends the Penal Code to make clear that only individuals – not corporations – may obtain permits to possess assault weapons, .50 BMG rifles, and machine guns. The Governor signed AB 170 into law last Friday, October 11, 2013, and it will take effect on January 1, 2014.

AB 170 will render this case moot effective January 1, 2014. Accordingly, the Bureau intends to dismiss the case at that time. In light of these circumstances, a case management conference will not be useful to either the parties or the court, and would thus be a waste of judicial time and resources.

Sincerely,

KARI KROGSENG  
Deputy Attorney General  
For KAMALA D. HARRIS  
Attorney General

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: ***Department of Justice v. Office of Administrative Law***  
Case No.: **34-2012-80001279**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On October 15, 2013, I served the attached ***Letter to the Honorable Allen H. Sumner*** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Elizabeth Heidig  
Office of Administrative Law  
Office of the Chief Counsel  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814 C-19  
*Attorney for Office of Administrative Law*

Jason A. Davis  
The Law Offices of Davis & Associates  
41593 Winchester Road, Suite 200  
Temecula, CA 92590  
*Attorney for California Business  
Environments, Inc., dba Franklin Armory*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 15, 2013, at Sacramento, CA.

\_\_\_\_\_  
L. Carnahan  
Declarant

\_\_\_\_\_  
  
Signature