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*Exempt from Filing Fees Pursuant to  
Government Code §6103*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SACRAMENTO

10  
11  
12 **DAVID GENTRY, JAMES PARKER,  
13 MARK MID LAM, JAMES BASS, and  
14 CALGUNS SHOOTING SPORTS  
ASSOCIATION,**

15 Plaintiffs and Petitioners,

16 v.

17 **KAMALA HARRIS, in Her Official  
18 Capacity as Attorney General for the State  
19 of California; STEPHEN LINDLEY, in His  
20 Official Capacity as Acting Chief for the  
21 California Department of Justice, BETTY  
22 T. YEE, in her official capacity as State  
23 Controller, and DOES 1-10,**

24 Defendants and  
25 Respondents.

Case No. 34-2013-80001667

**DEFENDANTS' NOTICE OF MOTION  
AND MOTION FOR JUDGMENT ON  
THE PLEADINGS**

Date: June 5, 2015  
Time: 9:00 a.m.  
Dept: 31  
Judge: The Honorable Michael P.  
Kenny  
Trial Date: None set  
Action Filed: October 16, 2013

26 TO PLAINTIFFS AND THEIR COUNSEL OF RECORD:

27 PLEASE TAKE NOTICE THAT on **June 5, 2015, at 9:00 a.m.**, or as soon thereafter as  
28 counsel may be heard in Department 31 of the above-entitled Court, located at 720 Ninth Street,  
Sacramento, California, defendants Kamala D. Harris, in her official capacity as Attorney General  
of the State of California, and Stephen Lindley, in his official capacity as Chief of the Bureau of

1 Firearms of the California Department of Justice, will and hereby do move for entry of judgment  
2 on the pleadings against all plaintiffs, including David Gentry, James Parker, Mark Mid Lam,  
3 James Bass and CalGuns Shooting Sports Association. This motion for judgment on the  
4 pleadings is made under Code of Civil Procedure section 438, subdivision (c)(1)(B)(ii) and on the  
5 grounds that the purported first and second causes of action of the complaint for declaratory and  
6 injunctive relief and petition for writ of mandamus do not state facts sufficient to constitute a  
7 cause of action against moving defendants.


8 This motion will be based on this notice of motion and motion; the memorandum of points  
9 and authorities filed and served herewith; the complete files and records in this action; and upon  
10 such oral and documentary evidence as may be presented at the hearing on the motion.

11 Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this  
12 matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings  
13 for the department may be downloaded off the court's website. If the party does not have online  
14 access, they may call the dedicated phone number for the department as referenced in the local  
15 telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the  
16 hearing and receive the tentative ruling. If you do not call the court and the opposing party by  
17 4:00 p.m. the court day before the hearing, no hearing will be held.

18 Dated: May 1, 2015

Respectfully Submitted,

19 KAMALA D. HARRIS  
20 Attorney General of California  
21 STEPAN HAYTAYAN  
22 Supervising Deputy Attorney General

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24 ANTHONY R. HAKL  
25 Deputy Attorney General  
26 *Attorneys for Defendants and Respondents*  
27 *Kamala Harris and Stephen Lindley*

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

Case Name: **Gentry, David, et al. v. Kamala Harris, et al.**

No.: **34-2013-80001667**

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; my business address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On May 1, 2015, I served the attached **DEFENDANTS' NOTICE OF MOTION AND MOTION FOR JUDGMENT ON THE PLEADINGS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Sacramento, California, addressed as follows:

Scott Franklin, Esq.  
C. D. Michel, Esq.  
Michel & Associates, P.C.  
180 E. Ocean Boulevard, Suite 200  
Long Beach, CA 90802

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 May 1, 2015, at Sacramento, California.

\_\_\_\_\_  
Tracie L. Campbell  
Declarant

\_\_\_\_\_  
*Tracie Campbell*  
Signature