

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

DATE/TIME	June 5, 2015, 9:00 a.m.	DEPT. NO	31
JUDGE	HON. MICHAEL P. KENNY	CLERK	S. LEE
DAVID GENTRY, et al., Plaintiffs and Petitioners, v. KAMALA HARRIS, in Her Official Capacity as Attorney General for the State of California, et al., Defendants and Respondents.		Case No.: 34-2013-80001667	
Nature of Proceedings:		MOTION FOR JUDGMENT ON THE PLEADINGS; MOTION TO COMPEL FURTHER RESPONSES TO REQUESTS FOR ADMISSIONS; MOTION TO COMPEL FURTHER RESPONSES TO FORM INTERROGATORY 17.1	

The following matters are scheduled to be heard by the Court on Friday, June 5, 2015 at 9:00 a.m. in Department 31: defendants' motion for judgment on the pleadings on the first and second causes of action for declaratory and injunctive relief; plaintiffs' motion to compel further responses to requests for admission; plaintiffs' motion to compel further responses to form interrogatory 17.1.

The Court has not prepared a tentative ruling for these matters. Appearance is required for oral argument, which shall be limited to no more than 20 minutes per side.

Any party desiring an official record of this proceeding shall make arrangements for reporting services with the Clerk of the Department where the matter will be heard not later than 4:30 p.m. on the day before the hearing. The fee is \$30.00 for civil proceedings lasting under one hour, and \$239.00 per half day of proceedings lasting more than one hour. (Local Rule 1.12(B) and Government Code § 68086.) Payment is due at the time of the hearing.

The Court asks counsel to be prepared to address the following questions at the hearing:

1. The Second Cause of Action appears to plead two alternative claims: that SB 140 is an unlawful appropriation because SB 819 is an illegal tax under the California Constitution; and that, even if SB 819 is not an illegal tax, the DOJ defendants had no statutory authority to use DROS fee revenues on regulating the possession of firearms prior to January 1, 2012, the date that SB 819 went into effect. Does the motion for judgment on the pleadings on the second cause of action, which is the equivalent of a

general demurrer, violate the principle that a demurrer does not lie to a portion of a cause of action? (See, *PH II, Inc. v. Superior Court* (1995) 33 Cal. App. 4th 1680, 1682.)

2. In light of the Court's recently-issued order regarding privileged documents, what discovery issues, if any, remain to be resolved through the pending motions?