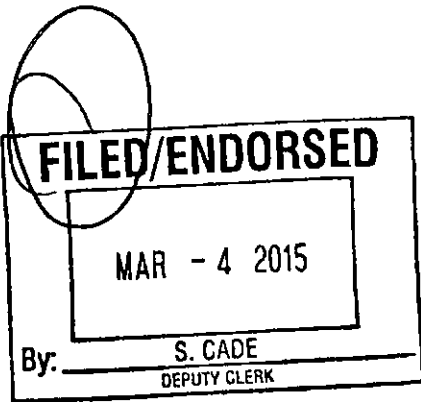


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
Stephen M. Duvernay (SBN 250957) 400 Capitol Mall, Suite 1610 Sacramento, CA 95814  TELEPHONE NO.: (916) 447-4900 FAX NO. (Optional): (916) 447-4904 E-MAIL ADDRESS (Optional): brad@benbrooklawgroup.com ATTORNEY FOR (Name): Alvin Doe and Paul A. Gladden, Plaintiffs			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramneto, CA 95814-1311 BRANCH NAME: Gordon D Schaber Courthouse			
PLAINTIFF/PETITIONER: Alvin Doe and Paul A. Gladden DEFENDANT/RESPONDENT: Kamala D. Harris et al.			
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: 34-2014-00163821-CU-CO-GDS	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: 03/19/2015 Time: 8:30 a.m Dept.: 39 Div.: Room: Address of court (if different from the address above):  <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):			

**INSTRUCTIONS:** All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (answer one):
- a. ☐ This statement is submitted by party (name):
- b. ☒ This statement is submitted jointly by parties (names): Plaintiffs Doe, et al. and Defendants Harris, et al.
2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
- a. The complaint was filed on (date): May 20, 2014
- b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service** (to be answered by plaintiffs and cross-complainants only)
- a. ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
- b. ☐ The following parties named in the complaint or cross-complaint
- (1) ☐ have not been served (specify names and explain why not):
- (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
- (3) ☐ have had a default entered against them (specify names):
- c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
4. **Description of case**
- a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
- Plaintiffs suit for declarative and injunctive relief alleges that Defendants' enforcement policy concerning Penal Code § 27535(b)(9): (1) is void because it conflicts with the statute, and (2) is an invalid underground regulation

PLAINTIFF/PETITIONER: Alvin Doe and Paul A. Gladden	CASE NUMBER:
DEFENDANT/RESPONDENT: Kamala D. Harris et al.	34-2014-00163821-CU-CO-GDS

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

See attachment.

☒ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☒ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

See attachment.

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

a. ☐ days (specify number):

b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☒ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☒ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

CRC 3.811(b)(1), (6)

PLAINTIFF/PETITIONER: Alvin Doe and Paul A. Gladden	CASE NUMBER:
DEFENDANT/RESPONDENT: Kamala D. Harris et al.	34-2014-00163821-CU-CO-GDS

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form <b>are willing to</b> participate in the following ADR processes ( <i>check all that apply</i> ):	If the party or parties completing this form in the case <b>have agreed to</b> participate in or have already completed an ADR process or processes, indicate the status of the processes ( <i>attach a copy of the parties' ADR stipulation</i> ):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: Alvin Doe and Paul A. Gladden	CASE NUMBER:
DEFENDANT/RESPONDENT: Kamala D. Harris et al.	34-2014-00163821-CU-CO-GDS

**11. Insurance**

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

**12. Jurisdiction**

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

**13. Related cases, consolidation, and coordination**

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

**14. Bifurcation**

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

**15. Other motions**

- ☒ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
- Cross-motions for summary judgment. See Attachment.

**16. Discovery**

- a. ☐ The party or parties have completed all discovery.
- b. ☐ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|--------------------|-------------|
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- c. ☒ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):
- The parties intend to resolve the case by cross-motions for summary judgment. The parties do not anticipate the need for additional discovery at this time. However, if they cannot agree on stipulated undisputed material facts, limited additional written discovery may be necessary.

PLAINTIFF/PETITIONER: Alvin Doe and Paul A. Gladden	CASE NUMBER: 34-2014-00163821-CU-CO-GDS
DEFENDANT/RESPONDENT: Kamala D. Harris et al.	

## 17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

## 18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

## 19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): 2

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

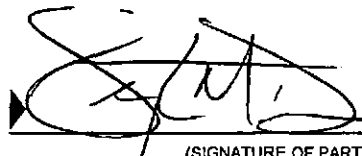
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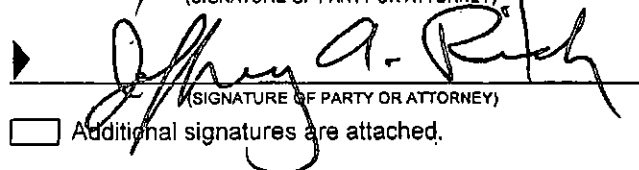
Stephen M. Duvernay

(TYPE OR PRINT NAME)

Jeffrey A. Rich

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY)

  
(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

**Joint CMC Statement, *Doe v. Harris*, 34-2014-00163821**

**Attachment 4b**

California Penal Code section 27535 (“Section 27535”) generally prohibits a person from applying to purchase multiple handguns in any thirty-day period. Penal Code § 27535(a). The statute exempts several types of organizations and classes of people from the one-handgun-per-thirty-day limit, however. The exemption at the heart of this lawsuit provides that Section 27535’s prohibition does not apply to any person who is both (a) licensed under federal law as a collector of curios and relics and (b) possesses a current certificate of eligibility to possess and purchase firearms issued by the DOJ (the “C&R Exemption”). *Id.*, § 27535(b)(9).

Last year, the DOJ Bureau of Firearms notified the state’s firearms dealers that it had adopted an enforcement policy interpreting the C&R Exemption to apply only to purchases of curios or relics. The Department directed dealers to cancel and refuse to process any transactions in which persons falling within the Section 27535(b)(9) exemption proposed to purchase a handgun *other than* a curio or relic. It also notified dealers that it would cancel transactions that did not conform to this new policy.

Plaintiffs are licensed collectors of curios and relics and have current certificates of eligibility issued by the DOJ, and allege they are therefore exempt from the one-handgun-per-thirty-day limit imposed by Section 27535. Plaintiffs seek declaratory relief on two grounds: (1) That the DOJ’s enforcement policy is void because it conflicts with the statute, and (2) that it is an invalid underground regulation since DOJ did not comply with the Administrative Procedure Act’s “basic minimum procedural requirements” before its adoption.

Defendants contend that the enforcement policy is valid because it is (1) within the scope of the C&R Exemption and (2) not a “regulation” under the APA because

BOF's interpretation of the C&R Exemption represents the only legally tenable interpretation of the statute.

The parties have agreed that each of these questions can be determined as a matter of law by the Court, and plan to file cross-motions for summary judgment to fully resolve the case. The parties intend to meet-and-confer regarding a briefing schedule, and expect that they will set a hearing in the next six months.

#### **Attachment 6**

Because the parties anticipate resolving the case on cross-motions for summary judgment, referral to trial setting is unnecessary at this time.

#### **Attachment 8**

Defendants will be represented at trial by:

Stepan A. Haytayan, Supervising Deputy Attorney General  
Jeffrey A. Rich, Deputy Attorney General  
Deputy Attorney General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550

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