

1 XAVIER BECERRA  
Attorney General of California  
2 STEPAN A. HAYTAYAN  
Supervising Deputy Attorney General  
3 P. PATTY LI  
Deputy Attorney General  
4 JONATHAN M. EISENBERG  
Deputy Attorney General  
5 State Bar No. 184162  
300 South Spring Street, Suite 1702  
6 Los Angeles, CA 90013  
Telephone: (213) 897-6505  
7 Fax: (213) 897-5775  
E-mail: Jonathan.Eisenberg@doj.ca.gov  
8 *Attorneys for Defendant Xavier Becerra,*  
*Attorney General of the State of California*  
9

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **WESTERN DIVISION**

13 **MICHELLE FLANAGAN, et al.,**

14 **Plaintiffs,**

15 **v.**

16 **CALIFORNIA ATTORNEY**  
17 **GENERAL XAVIER BECERRA, in**  
18 **his official capacity as Attorney**  
**General of the State of California, et**  
**al.,**

19 **Defendants.**

Case No.: 2:16-cv-06164-JAK-AS

**DEFENDANT'S OBJECTIONS TO  
EVIDENCE FILED IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

Judge: Hon. John A. Kronstadt  
Trial Date: February 6, 2018  
Action Filed: August 17, 2016

Defendant Xavier Becerra, Attorney General of the State of California, sued in his official capacity (“Defendant”), submits the following objections to evidence filed in support of the motion for summary judgment filed by Plaintiffs Michelle Flanagan, Samuel Golden, Dominic Nardone, Jacob Perkio, and the California Rifle and Pistol Association (“CRPA”; together with the other plaintiffs herein, “Plaintiffs”).

	PLAINTIFFS’ EVIDENCE	OBJECTION
1	Declaration of Rick Travis, ¶ 5: “I am informed and aware that law-abiding CRPA members who reside in Los Angeles County applied for Carry Licenses to carry a firearm for self-defense and were denied.”	Lacks foundation/personal knowledge. Fed. R. Evid. 602. Hearsay. Fed. R. Evid. 801.  Declarations made on information and belief, not personal knowledge, are entitled to little or no weight on a motion for summary judgment, where the declarant lacks personal knowledge. <i>Bank Melli Iran v. Pahlavi</i> , 58 F.3d 1406, 1412 (9th Cir. 1995) (discussing declaration of counsel); <i>HTS, Inc. v. Boley</i> , 954 F. Supp. 2d 927, 951 (D. Ariz. 2013) (discussing declaration of witness); <i>accord Shakur v. Schriro</i> , 514 F.3d 878, 890 (9th Cir. 2008) (holding “insufficient” affidavits that are conclusory and not based on personal knowledge); <i>see also</i> Fed.R.Civ.P. 56(e) (discussing potential negative consequences to party seeking summary judgment yet failing to support assertion of fact).  Where a declarant was not personally involved in the matters at issue, did not personally review records regarding such matters, and instead relies on unsworn out-of-court statements by unidentified

	PLAINTIFFS' EVIDENCE	OBJECTION
		<p>persons, and the source of these persons' information is unclear, the declaration is based on inadmissible hearsay. <i>See Block v. City of Los Angeles</i>, 253 F.3d 410, 419 (9th Cir. 2001).</p> <p>Travis conveys the alleged statements of third parties unidentified by name, and does not state or explain how Travis became informed of the statements.</p>
2	<p>Declaration of Rick Travis, ¶ 6: "I am informed that law-abiding CRPA members who reside in Los Angeles County wish to obtain a Carry License, but refrain from applying and wasting their time and financial resources given that such application would be futile in light of Los Angeles County Sheriff James McDonnell's official 'good cause' policy."</p>	Same as Objection 1.
3	<p>Declaration of Rick Travis, ¶ 7: "I know members of Plaintiff CRPA desire and intend to exercise their constitutional right to carry a firearm in public for self-defense, but they are precluded from doing so because they are unable to obtain a license to carry a firearm and California law generally prohibits them from carrying a firearm in any manner openly or concealed, without such a license."</p>	Same as Objection 1.

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4	Declaration of Rick Travis, ¶ 8: "But for California's comprehensive restrictions on the public carriage of firearms and CRPA members' inability to obtain a carry license, CRPA members residing in Los Angeles County would immediately begin carrying a firearm in public for self-defense, but they refrain from doing so for fear of liabilities for violating one or more of California's laws that criminalize this conduct."	Same as Objection 1.

Dated: October 2, 2017

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
STEPAN A. HAYTAYAN  
Supervising Deputy Attorney General  
P. PATTY LI  
Deputy Attorney General

/s/ Jonathan M. Eisenberg  
JONATHAN M. EISENBERG  
Deputy Attorney General  
*Attorneys for Defendant Xavier  
Becerra, Attorney General of the State  
of California*