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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

MICHELLE FLANAGAN, et al.,

Plaintiffs,

v.

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

Defendants.

2:16-cv-06164-JAK-AS

**MOTION OF EVERYTOWN FOR
GUN SAFETY FOR LEAVE TO
FILE AMICUS CURIAE BRIEF IN
SUPPORT OF DEFENDANTS**

Hearing Date: November 6, 2017
Hearing Time: 8:30am

Filing Date: September 18, 2017

1 Everytown for Gun Safety hereby moves for leave to file the attached amicus
2 brief in support of the defendants' motion for summary judgment in this
3 constitutional challenge to California's regulatory scheme for carrying handguns in
4 public. The defendants consent to this request, which is being filed within seven
5 days of the defendants' motion; the plaintiffs have indicated that they do not
6 consent.

7 Everytown is the largest gun-violence-prevention organization in the country,
8 with over three million supporters, including thousands California residents and the
9 mayors of over 40 California cities. Everytown has drawn on its substantial research
10 on historical firearms laws to file briefs in several recent Second Amendment cases,
11 including cases involving public-carry regimes. *See Wrenn v. District of Columbia*, No.
12 16–7025 (D.C. Cir.); *Peruta v. San Diego*, No. 10–56971 (9th Cir.); *Silvester v. Harris*,
13 No. 14–16840 (9th Cir.). As in those cases, Everytown seeks to assist this Court by
14 providing relevant, previously overlooked historical materials.

15 The proposed amicus brief provides an account of the Anglo-American
16 tradition of restricting public carry in populated areas—a tradition that includes
17 many early American laws that were more restrictive than California's. The brief
18 explains that, for centuries, English law broadly prohibited anyone from carrying a
19 dangerous weapon in public, beginning with the Statute of Northampton in 1328,
20 and continuing after the English Bill of Rights of 1689. This tradition took hold in
21 America in the 17th and 18th centuries, when several colonies enacted similar

1 restrictions. And it continued into the 19th century, when many states and
2 municipalities broadly prohibited public carry in cities, towns, and villages, while
3 many others did what California does today: allow some form of public carry by
4 those with “reasonable cause to fear an assault or other injury.”

5 This history is directly relevant to the question before the Court because it
6 shows that California’s public-carry regime is a “longstanding” regulation, and is
7 therefore constitutional under *District of Columbia v. Heller*, 554 U.S. 570 (2008).

8 Respectfully submitted,

9 September 18, 2017

/s/ Kevin Eng
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EXHIBIT 1

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Plaintiffs,
v.

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

2:16-cv-06164-JAK-AS

**[PROPOSED] ORDER GRANTING MOTION OF EVERYTOWN FOR
GUN SAFETY FOR LEAVE TO FILE AMICUS CURIAE
BRIEF IN SUPPORT OF DEFENDANTS**

It is hereby ORDERED that the motion of Everytown for Gun Safety for leave to file an amicus curiae brief in support of the defendants, filed with this Court on September 18, 2017, is GRANTED; and it is further

ORDERED that the Brief of Amicus Curiae Everytown for Gun Safety in Support of Defendants is deemed filed in the above-captioned proceeding.

IT IS SO ORDERED.

Dated:

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2017, I electronically filed the foregoing with the Clerk of the Court of the United States District Court for the Central District of California by using the CM/ECF system. All participants are registered CM/ECF users, and will be served by the CM/ECF system.

/s/ Kevin Eng
Kevin Eng