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*of the State of California*

9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION (TEMPLE STREET)  
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14 MICHELLE FLANAGAN, SAMUEL  
15 GOLDEN, DOMINIC NARDONE,  
16 JACOB PERKIO, and THE  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION,

17 Plaintiffs,

18 v.

19 CALIFORNIA ATTORNEY  
GENERAL KAMALA HARRIS, in  
20 her official capacity as Attorney  
General of the State of California,  
21 SHERIFF JAMES McDONNELL, in  
his official capacity as Sheriff of Los  
22 Angeles County, California, and  
DOES 1-10,

23 Defendants.  
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2:16-cv-06164-JAK-AS

NOTICE OF MOTION AND  
MOTION TO DISMISS  
COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF

Date: February 13, 2017  
Time: 8:30 a.m.  
Courtroom: 750  
Judge: The Honorable John A.  
Kronstadt  
Action Filed: August 17, 2016

25 PLEASE TAKE NOTICE THAT, on February 13, 2017, at 8:30 a.m., or as  
26 soon thereafter as the matter may be heard, before the Honorable John A. Kronstadt,  
27 United States District Judge, in Courtroom 750 of the United States District Court  
28 for the Central District of California, located at 255 East Temple Street, Los

1 Angeles, California 90012, Defendant Kamala D. Harris, in her official capacity as  
2 Attorney General of the State of California, will move this Court to dismiss  
3 portions of the August 17, 2016, Complaint for Declaratory and Injunctive Relief  
4 (the "Complaint") of Plaintiffs Michelle Flanagan, Samuel Golden, Dominic  
5 Nardone, Jacob Perkio, and the California Rifle and Pistol Association ("CRPA";  
6 together with the other Plaintiffs, "Plaintiffs"), pursuant to Federal Rule of Civil  
7 Procedure 12(b)(6).

8 This motion to dismiss is brought on two grounds. *First*, the first claim, the  
9 part challenging California's concealed-carry firearm laws under the U.S.  
10 Constitution's Second Amendment, fails to state a claim as a matter of law. (The  
11 motion is to dismiss paragraphs 73 and 76-80 of the Complaint with prejudice.)  
12 *See Peruta v. Cty. of San Diego*, 824 F.3d 919, 924, 939 (9th Cir. 2016) (en banc).  
13 *Second*, the second claim, the Equal Protection Clause challenge to California's  
14 open-carry and concealed-carry laws, fails to state a claim as a matter of law. *See*  
15 *Teixeira v. Cty. of Alameda*, 822 F.3d 1047, 1052 (9th Cir. 2016); *cf. Stormans, Inc.*  
16 *v. Wiesman*, 794 F.3d 1064, 1085 (9th Cir. 2015).

17 This motion is based on this notice, the memorandum of points and authorities,  
18 the papers and pleadings on file in this action, and such matters as may be presented  
19 to the Court at the time of the hearing.

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1 This motion is made following the conference of counsel pursuant to L.R. 7-3,  
2 which took place on September 2 and 9, 2016.

3 Dated: October 7, 2016

Respectfully submitted,

4 KAMALA D. HARRIS  
5 Attorney General of California  
6 STEPAN A. HAYTAYAN  
7 Supervising Deputy Attorney General  
8 P. PATTY LI  
9 Deputy Attorney General

10 /s/ Jonathan M. Eisenberg  
11 JONATHAN M. EISENBERG  
12 Deputy Attorney General  
13 *Attorneys for Kamala D. Harris,*  
14 *Attorney General of the State of*  
15 *California*