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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **SOUTHERN DIVISION**

12 STEVEN RUPP; STEVEN  
13 DEMBER; CHERYL JOHNSON;  
MICHAEL JONES; CHRISTOPHER  
14 SEIFERT; ALFONSO VALENCIA;  
TROY WILLIS; DOUGLAS  
15 GRASSEY; DENNIS MARTIN; and  
CALIFORNIA RIFLE & PISTOL  
16 ASSOCIATION, INCORPORATED,

17 Plaintiffs,

18 v.

19 XAVIER BECERRA, in his official  
20 capacity as Attorney General of the  
State of California; and DOES 1-10,  
21

22 Defendant.  
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Case No: 8:17-cv-00746-JLS-JDE

**REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

Hearing Date: December 1, 2017  
Hearing Time: 2:30 p.m.  
Courtroom: 10A  
Judge: Hon. Josephine L. Staton

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Please take notice that under Federal Rule of Evidence 201, Plaintiffs STEVEN RUPP; STEVEN DEMBER; CHERYL JOHNSON; MICHAEL JONES; CHRISTOPHER SEIFERT; ALFONSO VALENCIA; TROY WILLIS; DOUGLAS GRASSEY; DENNIS MARTIN; and CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED (“Plaintiffs”) respectfully request that this Court take judicial notice of the following adjudicative facts and documents in connection with their Motion for Preliminary Injunction in this matter:

1. Senate Floor analysis on Assembly Bill No. 1135, that “this record would enable law enforcement to disarm the person through the Armed Prohibited Persons System program if the person were to become prohibited from possessing firearms and assist law enforcement in the tracing of crime guns.” (Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Assem. Bill No. 1135 as amended, Jan. 13, 2012, p. 9.) A true and correct copy is attached hereto as Exhibit B. Exhibit B is a public record of the California Legislature from the official California Legislative Information website ([https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201520160AB1135](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160AB1135)).

2. Assembly Floor Analysis on Assembly Bill 1135, that the bill “would not prohibit the possession of any firearm that is currently legally owned. This bill would require that the owner of a firearm that is currently not considered an assault weapon, but which would be deemed such under the new definition, to register the firearm with the DOJ before July 1, 2018. In this manner, this bill would avoid taking issues because the owner of a weapon which had been legally acquired does not have to relinquish it.” (Assem. Com. on Legislative, Analysis of Assem. Bill No. 1135 as amended May 11, 2016, p. 4.) A true and correct copy is attached hereto as Exhibit C. Exhibit C is a public record of the California Legislature from the official California Legislative Information website

([https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201520160AB1135](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160AB1135)).

3. Plaintiffs request this Court to judicially notice the fact that, only five states, aside from California, (plus the District of Columbia) place restrictions on such rifles, and all those restrictions are recent vintage. *See* Connecticut (Conn. Gen. Stat. Ann. §§ 53-202a - 53-2020); Washington D.C. (D.C. Code Ann. § 7-2501.01); Maryland (Md. Code Ann., Crim. Law § 4-301); Massachusetts (Mass. Gen. Laws Ann. ch. 140, § 121); New Jersey (N.J. Stat. Ann. § 2C:39-1(w)); and New York (N.Y. Penal Law § 265.00(22)). A true and correct copy of the statutes are attached hereto as Exhibit D.

4. Assembly Bill 809 mandates long-gun registration, starting January 1, 2014, this law, however, did not create a requirement to register firearms acquired or purchased prior to this date. *See* Assemb. B. 809 Reg. Sess. (Cal. 2011). A true and correct copy of the bill is attached hereto as Exhibit E.

5. Plaintiffs request this Court to judicially notice the fact that roughly 3.3 million long-guns (rifles and shotguns) were lawfully sold between January 1, 2001 and December 31, 2013. A true and correct copy of Dealer Record of Sale Transactions is attached hereto as Exhibit F.

6. Plaintiffs request this Court to judicially notice the fact that an “assault weapon registrant must state the date the firearm was acquired and the name and address of the person or business from whom the firearm was acquired as part of the registration process. Cal. Penal Code § 30900, subd. (b)(3). *See* CFARS Assault Weapon Registration Form Incorporated by Reference from the website of State of California Department of Justice <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/cfars-awr-process.pdf>. A true and correct copy is attached hereto as Exhibit G.

7. A 45-day public comment period revealed that “[t]he exact date and name and address of the person or firearms dealer from whom the assault weapon

1 was acquired may not be known.” Additionally, DOJ amended its proposed  
 2 regulations to provide that the acquisition date need be supplied “only if known,”  
 3 and that “the name and address of the person or firearms dealership from whom the  
 4 assault weapon was acquired is optional.” Department of Justice Regulations for  
 5 Assault Weapons and Large Capacity Magazines, *Final Statement of Reasons*.  
 6 California Department of Justice Reg. § 978.30(b): Requirements for Assault  
 7 Weapon Registrations (2000) from the website of State of California Department of  
 8 Justice <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/fsor.pdf>. A true and  
 9 correct copy is attached hereto as Exhibit H.

10 8. Assembly Bill 103 extended the deadline to register an “assault  
 11 weapon” from January 1, 2018, to July 1, 2018. *See* Assemb. B. 103 Reg. Sess. (Cal.  
 12 2017). A true and correct copy of the bill is attached hereto as Exhibit I.

13 These items are proper subject for judicial notice under Federal Rules of  
 14 Evidence, rule 201(b), because it is a fact that is “generally known within the trial  
 15 court’s jurisdiction” or “can be accurately and readily determined from sources  
 16 whose accuracy cannot be reasonably questioned.” More specifically, Plaintiffs’  
 17 request pertains to a recent legislative enactment, which courts can and should  
 18 judicially notice. *See Rabkin v. Dean*, 856 F. Supp. 543, 546 (N.D. Cal. 1994); *see*  
 19 *also Newcomb v. Brennan*, 558 F.2d 825, 829 (7th Cir. 1977), *cert. denied*, 434 U.S.  
 20 968 (1977); *GIC Indemnity Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986)  
 21 (court may take judicial notice of official records and reports).

22  
 23 Dated: November 15, 2017

**MICHEL & ASSOCIATES, P.C.**

24  
 25 /s/ Sean A. Brady  
 26 Sean A. Brady  
 27 Attorneys for Plaintiffs  
 28

**CERTIFICATE OF SERVICE**

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

Case Name: *Rupp, et al. v. Becerra*  
Case No.: 8:17-cv-00746-JLS-JDE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Xavier Becerra  
Attorney General of California  
Peter H. Chang  
Deputy Attorney General  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102  
E-mail: peter.chang@doj.ca.gov

I declare under penalty of perjury that the foregoing is true and correct.

Executed November 15, 2017

/s/Laura Palmerin  
Laura Palmerin