

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Sean A. Brady (SBN: 262007), Michel & Associates, P.C. 180 East Ocean Blvd., Suite 200 Long Beach, CA 90802 TELEPHONE NO.: (562) 216-4444 FAX NO. (Optional): (562) 216-4445 E-MAIL ADDRESS (Optional): sbrady@michellawyers.com ATTORNEY FOR (Name): Danny Villanueva, et al.	<b>FOR COURT USE ONLY</b>  <b>E-FILED</b> <b>12/26/2017 4:20 PM</b> <b>FRESNO COUNTY SUPERIOR COURT</b> <b>By: C. Cogburn, Deputy</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO</b> STREET ADDRESS: 1130 O Street MAILING ADDRESS: Same as above. CITY AND ZIP CODE: Fresno 93721 BRANCH NAME: B. F. Sisk Courthouse	
PLAINTIFF/PETITIONER: Danny Villanueva, et al. DEFENDANT/RESPONDENT: Xavier Becerra, et al.	
<b>CASE MANAGEMENT STATEMENT</b> (Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>LIMITED CASE</b> (Amount demanded is \$25,000 or less)	CASE NUMBER: 17CECG03093
A <b>CASE MANAGEMENT CONFERENCE</b> is scheduled as follows: Date: January 8, 2018 Time: 10:00 AM Dept.: Div.: Room: 305 Address of court (if different from the address above): <input checked="" type="checkbox"/> <b>Notice of Intent to Appear by Telephone, by (name):</b> Sean A. Brady	

**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): Danny Villanueva, et al.
  - b. ☐ This statement is submitted **jointly** by parties (names):
2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
  - a. The complaint was filed on (date): September 7, 2017
  - 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):  
 Lawsuit challenging the "assault weapon" regulations enacted by the California Department of Justice, Bureau of Firearms on the grounds that the regulations exceed the authority granted by the Legislature to the Department of Justice and violate California's rulemaking law.

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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.)*  
 Plaintiffs seek to enjoin the enforcement of regulations enacted by Defendants on the grounds that the regulations are illegal and thus void. Plaintiffs do not seek money damages at this point in litigation, and do not expect to.

☐ *(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)*:  
 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)*: Seven  
 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:  
 e. E-mail address:  
 f. Fax number:  
 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)*:

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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</b> to 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</b> to 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 checked="" type="checkbox"/>	<input checked="" 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):

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**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: Holt v. Becerra
- (2) Name of court: California Superior Court, County of Riverside
- (3) Case number: RIC1722468
- (4) Status: Active
- ☐ 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*):  
 Plaintiffs' Motion for Preliminary Injunction, Plaintiffs' Motion for Summary Judgment  
 [See Attachment 4b for additional potential motions to be filed.]

**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>
Plaintiffs	Oral Depositions	05/25/18
Plaintiffs	Written Discovery	05/25/18

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

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**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)*:  
The impact of the July 1, 2018 deadline to register an assault weapon per Penal Code section 30900(b)(1) on scheduling of motions.

**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)*:  
The parties did not get a chance to meet and confer due to conflicting schedules and unavailability during the holidays. Plaintiffs will file an amended Case Management Statement, should one be needed, once the parties meet and confer.
- 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)*: 1

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.

Date: December 26, 2017

Sean A. Brady

(TYPE OR PRINT NAME)



/s/Sean A. Brady

(SIGNATURE OF PARTY OR ATTORNEY)



(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

SHORT TITLE: Villanueva, et al. v. Becerra, et al.	CASE NUMBER: 17CECG03093
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**ATTACHMENT** (Number): 4b

*(This Attachment may be used with any Judicial Council form.)*

On November 24, 2017, DOJ provided notice of its intent to adopt a regulation expanding the scope of the definitions in section 11 C.C.R. § 5471 (currently used to identify "assault weapons" for the purposes of registration) to also apply for the purposes of identification of "assault weapons" pursuant to California Penal Code section 30515, and thereby the enforcement of California's "assault weapon" restrictions.[1] In other words, DOJ is attempting to expand the application of regulations purportedly adopted pursuant to an APA exemption to apply in all situations, and not merely for the purposes of registration as required under the APA exception. Depending on the results of the pending motions before this Court and whether those regulations are adopted in their current form, Plaintiffs may file additional motions in response.

[1] See California Department of Justice, Notice of Proposed Rulemaking, <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/notice-proposed-rulemaking-11-17.pdf> (Nov. 24, 2017); See also California Department of Justice, Text of Proposed Regulations, <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/proposed-regulations.pdf> (Nov. 24, 2017).

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

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*(Add pages as required)*

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA  
3 COUNTY OF FRESNO

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County,  
5 California. I am over the age eighteen (18) years and am not a party to the within action. My  
6 business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On December 26, 2017, I served the foregoing document(s) described as:

8 **CASE MANAGEMENT STATEMENT**

9 on the interested parties in this action by placing

10 [ ] the original

11 [X] a true and correct copy

12 thereof by the following means, addressed as follows:

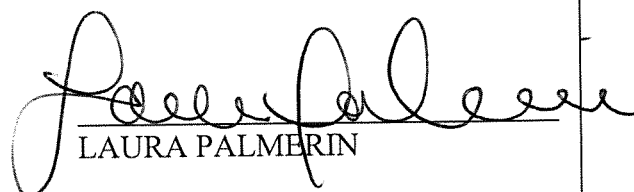
13 P. Patty Li  
14 Deputy Attorney General  
15 California Department of Justice  
16 Office of the Attorney General  
17 455 Golden Gate Ave., Suite 11000  
18 San Francisco, CA 94102

*Attorneys for Defendants*

19 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by  
20 electronic transmission through OneLegal. Said transmission was reported and completed without  
21 error.

22 Executed on December 26, 2017, at Long Beach, California.

23 X (STATE) I declare under penalty of perjury under the laws of the State of  
24 California that the foregoing is true and correct.

25  
26  
27  
28  
  
LAURA PALMERIN