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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF FRESNO
11

12
13 **DANNY VILLANUEVA, NIALL
STALLARD, RUBEN BARRIOS,
14 CHARLIE COX, MARK STROH,
ANTHONY MENDOZA, AND
15 CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,**

16
17 Plaintiffs,

18 v.

19 **XAVIER BECERRA, in his official capacity
as Attorney for the State of California;
20 STEPHEN LINDLEY, in his official
capacity as Chief of the California
21 Department of Justice, Bureau of Firearms;
CALIFORNIA DEPARTMENT OF
22 JUSTICE; and DOES 1-10,**

23 Defendants.
24

Case No. 17CECG03093

**DEFENDANTS' OBJECTIONS TO
EVIDENCE PROFFERED IN SUPPORT
OF MOTION FOR PRELIMINARY
INJUNCTION**

Date: 3:30 p.m.
Time: January 30, 2018
Dept.: 501
Judge: Hon. Mark W. Snauffer
Action Filed: Sept. 7, 2017

25 Defendants Xavier Becerra, Stephen Lindley, and the California Department of Justice
26 ("Defendants") submit the following objections to evidence proffered by Plaintiffs Danny
27 Villanueva, Niall Stallard, Ruben Barrios, Charlie Cox, Mark Stroh, Anthony Mendoza, and
28

California Rifle & Pistol Association, Incorporated (“Plaintiffs”) in support of Plaintiffs’ motion for preliminary injunction.

DECLARATIONS OF MICHAEL BARRANCO AND RICK TRAVIS

Matter Objected to:	Grounds for Objection:
1. Paragraph 5: “I know of CRPA members who own a semi-automatic, centerfire rifle that qualifies as an ‘assault weapon’ under the most recently amended definition in California Penal Code section 30515, subdivision (a)(1), which they lawfully obtained between January 1, 2001 and December 31, 2016, and have continued to possess since that time for lawful purposes, including self-defense, and which they intend to register as an ‘assault weapon’ prior to July 1, 2018, because, if they do not, they can no longer lawfully possess it per California Penal Code section 30900, subdivision (b). These same members have refrained from registering their rifles at this time because they do not wish to be forced to comply with Defendant’s illegally adopted and invalid regulations as a condition of being able to do so. But for Defendant’s current regulations being illegal, these members would immediately register their rifle as an ‘assault weapon.’”	Lack of foundation for personal knowledge (Evid. Code, § 702, subd. (a)); improper opinion testimony (<i>id.</i> , § 800); hearsay (<i>id.</i> , § 1200).
2. Paragraph 6: “I know of CRPA members who currently own a semi-automatic, centerfire rifle that qualifies as an ‘assault weapon’ under the most recently amended definition in California Penal Code section 30151, subdivision (a)(1), that was lawfully built by the member, which they lawfully obtained between January 1, 2001, and December 31, 2016, and have continued to possess since that time for lawful purposes, including self-defense.	Lack of foundation for personal knowledge (Evid. Code, § 702, subd. (a)); improper opinion testimony (<i>id.</i> , § 800); hearsay (<i>id.</i> , § 1200).
3. Paragraph 7: “I know of CRPA members and California residents who currently own a semi-automatic shotgun that does not have a fixed magazine, which Defendant has deemed to be an ‘assault weapon’ under sections 5470-5472 of the California Code of Regulations. Based off my conversations with CRPA members and California gun owners, I know there are individuals who currently own a semi-automatic shotgun that is now classified as an ‘assault weapon’ which they either are unaware that they are required to or do not wish to register as an ‘assault weapon’	Lack of foundation for personal knowledge (Evid. Code, § 702, subd. (a)); improper opinion testimony (<i>id.</i> , § 800); hearsay (<i>id.</i> , § 1200).

1 because they are not required to do so under
2 California law.

3
4 **DECLARATION OF SEAN A. BRADY**

Matter Objected to:	Grounds for Objection:
5 1. Paragraphs 13-24 in full, describing “just a 6 few examples of Defendants’ disregard of 7 their duties and obligations under both 8 California law and the requirements of the 9 [Administrative Procedure Act]. If an 10 injunction does not issue, Defendants’ [sic] 11 will continue to cause irreparable harm to 12 Plaintiffs and members of the public, both 13 now and in the future, when it comes to 14 regulations [of] firearms under California 15 law.” (§ 24.)	Irrelevant (Evid. Code, §§ 350-351); lack of foundation for personal knowledge (<i>id.</i> , § 702, subd. (a)); improper opinion testimony (<i>id.</i> , § 800); hearsay (<i>id.</i> , § 1200).

12 Dated: January 17, 2018

Respectfully Submitted,

13 XAVIER BECERRA
14 Attorney General of California
15 TAMAR PACHTER
16 Supervising Deputy Attorney General

17 /s/ P. Patty Li

18 P. PATTY LI
19 Deputy Attorney General
20 *Attorneys for Defendants Xavier Becerra,*
21 *Stephen Lindley, and the California*
22 *Department of Justice*

DECLARATION OF SERVICE

Case Name: **Villanueva, Danny, et al. v. Xavier Becerra, et al.**

No.: **17CECG03093**

I declare:

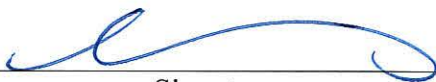
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On January 17, 2018, I served the attached **DEFENDANTS' OBJECTIONS TO EVIDENCE PROFFERED IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION** by transmitting a true copy via electronic mail, addressed as follows:

Sean A. Brady, Esq.
Michel & Associates, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802
E-mail Address: sbrady@michellawyers.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 17, 2018, at San Francisco, California.

Susan Chiang
Declarant



Signature