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Attorneys for Plaintiffs

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF FRESNO**

DANNY VILLANUEVA, NIALL  
STALLARD, RUBEN BARRIOS,  
CHARLIE COX, MARK STROH,  
ANTHONY MENDOZA, and  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED

Plaintiffs,

v.

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

Defendants.

Case No.: 17CECG03093

[Assigned for All Purposes to the Honorable  
Judge Mark Snauffer; Dept.: 501]

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

Hearing Date: January 30, 2018  
Hearing Time: 3:30 PM  
Judge: Mark Snauffer  
Department: 501

Action Filed: September 7, 2017

Plaintiffs hereby respond to Defendants' Objections to Evidence Proffered in Support of Motion for Preliminary Injunction.

**DECLARATION OF MICHAEL BARRANCO AND RICK TRAVIS**

Declarations	Defendants' Objections	Plaintiffs' Reply	Court's Ruling
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).	<u>Lack of Foundation for Personal Knowledge:</u>  Mr. Barranco declares in his declaration that he is the Director and Vice President of the California Rifle & Pistol Association, Incorporated (CRPA) and that he has personal knowledge of other CRPA members (¶1).  Mr. Travis declares in his declaration that he is the Executive Director of the California Rifle & Pistol Association, Incorporated (CRPA) and that he has personal knowledge of other CRPA members (¶1).  <u>Improper Testimony:</u>  Mr. Barranco provides in his declaration an	

1			opinion that is	
2			rationally based on	
3			his perception as	
4			the Director and	
5			Vice President of	
6			CRPA, which is	
7			helpful to a clear	
8			understanding of	
9			his testimony.	
10			Mr. Travis provides	
11			in his declaration an	
12			opinion that is	
13			rationally based on	
14			his perception as	
15			the Executive	
16			Director of CRPA,	
17			which is helpful to	
18			a clear	
19			understanding of	
20			his testimony.	
21			<u>Hearsay:</u>	
22			Mr. Barranco, as	
23			the Director and	
24			Vice President of	
25			the CRPA provides	
26			a first-hand	
27			experience of what	
28			he has encountered	
			and not a repeat of	
			any statements.	
			Mr. Travis, as the	
			Executive Director	
			of the CRPA	
			provides a first-	
			hand experience of	
			what he has	
			encountered and	
			not a repeat of any	
			statements.	
26	2. Paragraph 6: "I know of	Lack of foundation	<u>Lack of Foundation</u>	
27	CRPA members	for personal	<u>for Personal</u>	
28	who currently own a semi-	knowledge (Evid.	<u>Knowledge:</u>	
	automatic,	Code, § 702, subd.		

<p>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.</p>	<p>(a)); improper opinion testimony (<i>id.</i>, § 800); hearsay (<i>id.</i>, § 1200).</p>	<p>Mr. Barranco declares in his declaration that he is the Director and Vice President of the California Rifle &amp; Pistol Association, Incorporated (CRPA) and that he has personal knowledge of other CRPA members (¶1).</p> <p>Mr. Travis declares in his declaration that he is the Executive Director of the California Rifle &amp; Pistol Association, Incorporated (CRPA) and that he has personal knowledge of other CRPA members (¶1).</p> <p><u>Improper Testimony:</u></p> <p>Mr. Barranco provides in his declaration an opinion that is rationally based on his perception as the Director and Vice President of CRPA, which is helpful to a clear understanding of his testimony.</p> <p>Mr. Travis provides in his declaration an</p>	
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		<p>opinion that is rationally based on his perception as the Executive Director of CRPA, which is helpful to a clear understanding of his testimony.</p> <p><u>Hearsay:</u></p> <p>Mr. Barranco, as the Director and Vice President of the CRPA provides a first-hand experience of what he has encountered and not a repeat of any statements.</p> <p>Mr. Travis, as the Executive Director of the CRPA provides a first-hand experience of what he has encountered and not a repeat of any statements.</p>	
<p>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</p>	<p>Lack of foundation for personal knowledge (Evid. Code, § 702, subd. (a)); improper opinion testimony (<i>id.</i>, § 800); hearsay (<i>id.</i>, § 1200).</p>	<p><u>Lack of Foundation for Personal Knowledge:</u></p> <p>Mr. Barranco declares in his declaration that he is the Director and Vice President of the California Rifle &amp; Pistol Association, Incorporated (CRPA) and that he has personal</p>	

1 members and California gun  
2 owners, I know  
3 there are individuals who  
4 currently own a  
5 semi-automatic shotgun that is  
6 now classified  
7 as an 'assault weapon' which  
8 they either are  
9 unaware that they are required  
10 to or do not  
11 wish to register as an 'assault  
12 weapon' because they are not  
13 required to do so under  
14 California law.

knowledge of other  
CRPA members  
(¶1).

Mr. Travis declares  
in his declaration  
that he is the  
Executive Director  
of the California  
Rifle & Pistol  
Association,  
Incorporated  
(CRPA) and that he  
has personal  
knowledge of other  
CRPA members  
(¶1).

Improper  
Testimony:

Mr. Barranco  
provides in his  
declaration an  
opinion that is  
rationally based on  
his perception as  
the Director and  
Vice President of  
CRPA, which is  
helpful to a clear  
understanding of  
his testimony.

Mr. Travis provides  
in his declaration an  
opinion that is  
rationally based on  
his perception as  
the Executive  
Director of CRPA,  
which is helpful to  
a clear  
understanding of  
his testimony.

		<u>Hearsay:</u>  Mr. Barranco, as the Director and Vice President of the CRPA provides a first-hand experience of what he has encountered and not a repeat of any statements.  Mr. Travis, as the Executive Director of the CRPA provides a first-hand experience of what he has encountered and not a repeat of any statements.	
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#### DECLARATION OF SEAN A. BRADY

Declaration	Defendants' Objections	Plaintiffs' Reply	Court's Ruling
1. Paragraphs 13-24 in full, describing "just a few examples of Defendants' disregard of their duties and obligations under both California law and the requirements of the [Administrative Procedure Act]. If an injunction does not issue, Defendants' [ <i>sic</i> ] will continue to cause irreparable harm to Plaintiffs and members of the public, both now and in the future, when it comes to regulations [of] firearms under California 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).	<u>Irrelevant:</u>  Contrary to Defendants' objections to relevancy; the testimony provided by Mr. Brady's goes to the heart of this matter and is very relevant to the issues at hand before this Court.  <u>Lack of Foundation for Personal Knowledge:</u>	

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		<p>Mr. Brady’s declares in his declaration that he has personal knowledge of the facts set forth within his declaration. (§1). Further, Mr. Brady is an associate attorney at Michel &amp; Associates and his cases mostly consist of Second Amendment issues that involve the Department of Justice, State of California and the Counties within California.</p> <p><u>Improper Opinion Testimony:</u></p> <p>Mr. Brady handles Second Amendment issues on a daily basis that involve the Department of Justice, State of California and the Counties within California so his testimony is rationally based and helpful to a clear understanding of his testimony.</p> <p><u>Hearsay:</u></p> <p>Mr. Brady’s declaration that Defendants’ object to are not part of</p>	
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any statements. Mr. Brady's testimony is based on first hand experiences as an attorney working with Michel & Associates on matters that involve the Department of Justice, State of California and the Counties within the State of California.

Dated: January 23, 2018

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

/s/Sean A. Brady  
Sean A. Brady  
Attorneys for Plaintiffs

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 January 23, 2018, I served the foregoing document(s) described as:

8 **PLAINTIFFS' REPLY TO DEFENDANTS' OBJECTIONS TO EVIDENCE PROFFERED**  
9 **IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

10 on the interested parties in this action by placing

11 [ ] the original  
12 [X] a true and correct copy

13 thereof by the following means, addressed as follows:

14 P. Patty Li *Attorneys for Defendants*  
15 patty.li@doj.ca.gov  
16 Deputy Attorney General  
17 California Department of Justice  
18 Office of the Attorney General  
19 455 Golden Gate Ave., Suite 11000  
20 San Francisco, CA 94102

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

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

26 Executed on January 23, 2018, at Long Beach, California.

27 /s/Laura Palmerin  
28 Laura Palmerin