1	C.D. Michel – SBN 144258	E-FILED
2	Sean A. Brady – SBN 262007 Anna M. Barvir – SBN 268728	1/23/2018 4:40 PM FRESNO COUNTY SUPERIOR COURT
3	Matthew D. Cubeiro – SBN 291519 MICHEL & ASSOCIATES, P.C.	By: M. Santana, Deputy
4	180 E. Ocean Blvd., Suite 200 Long Beach, CA 90802	
5	Telephone: (562) 216-4444 Facsimile: (562) 216-4445 Facsile amich all (2000) in hellow years a com-	
6	Email: cmichel@michellawyers.com Attorneys for Plaintiffs	
7	Actionicys for Flaments	
8	IN THE SUPERIOR COURT (OF THE STATE OF CALIFORNIA
9	FOR THE COU	JNTY OF FRESNO
10	DANNY VILLANUEVA, NIALL STALLARD, RUBEN BARRIOS,	Case No.: 17CECG03093
11	CHARLIE COX, MARK STROH, ANTHONY MENDOZA, and	[Assigned for All Purposes to the Honorable Judge Mark Snauffer; Dept.: 501]
12	CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED	PLAINTIFFS' REPLY TO DEFENDANTS'
13	Plaintiffs,	OBJECTIONS TO EVIDENCE PROFFERED IN SUPPORT OF MOTION
14	V.	FOR PRELIMINARY INJUNCTION
15	XAVIER BECERRA, in his official capacity	Hearing Date: January 30, 2018 Hearing Time: 3:30 PM
16	as Attorney General for the State of California, STEPHEN LINDLEY, in his official conscitus of Chief of the California	Judge: Mark Snauffer Department: 501
17	official capacity as Chief of the California Department of Justice, Bureau of Firearms; CALIFORNIA DEPARTMENT OF	Action Filed: September 7, 2017
18 19	JUSTICE, and DOES 1-10,	Action Fried. September 7, 2017
20	Defendants.	
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	REPLY TO DEFENDANTS' OBJE	ECTIONS TO EVIDENCE ISO MPI

Motion for Preliminary Injunction.

Plaintiffs hereby respond to Defendants' Objections to Evidence Proffered in Support of

DECLARATION OF MICHAEL BARRANCO AND RICK TRAVIS

4	Declarations	Defendants'	Plaintiffs' Reply	Court's
5		Objections		Ruling
6	1. Paragraph 5: "I know of CRPA members who own a	Lack of foundation	Lack of Foundation	
7	semi-automatic, centerfire rifle	for personal knowledge (Evid.	for Personal Knowledge:	
8	that qualifies as an 'assault weapon' under the most	Code, § 702, subd. (a)); improper	Mr. Barranco	
9	recently amended definition in California Penal Code section	opinion testimony (<i>id.</i> , § 800); hearsay	declares in his declaration that he	
10	30515, subdivision (a)(1),	(id., § 1200).	is the Director and	
11	which they lawfully obtained between January 1, 2001 and		Vice President of the California Rifle	
12	December 31, 2016, and have continued to possess since that		& Pistol Association,	
13	time for lawful purposes,		Incorporated	
14	including self-defense, and which they intend to register as		(CRPA) and that he has personal	
15	an 'assault weapon' prior to July 1, 2018, because, if they do		knowledge of other CRPA members	
16	not, they can no longer lawfully		(¶1).	
17	possess it per California Penal Code section 30900,		Mr. Travis declares	
18	subdivision (b). These same members have refrained from		in his declaration that he is the	
19	registering their rifles at this time because they do not wish		Executive Director of the California	
20	to be forced to comply with		Rifle & Pistol	
21	Defendant's illegally adopted and invalid regulations as a		Association, Incorporated	
22	condition of being able to do so. But for Defendant's current		(CRPA) and that he has personal	
23	regulations being illegal, these		knowledge of other CRPA members	
24	members would immediately register their rifle as an		(¶1).	
25	'assault weapon.'"		<u>Improper</u>	
26			Testimony:	
27			Mr. Barranco	
28			provides in his declaration an	

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

1	centerfire rifle that qualifies as	(a)); improper	Mr. Barranco	
	an 'assault	opinion testimony	declares in his	
2	weapon' under the most	(<i>id.</i> , § 800); hearsay	declaration that he	
3	recently amended	(id., § 1200).	is the Director and	
4	definition in California Penal Code section		Vice President of the California Rifle	
7	30151, subdivision (a)(1), that		& Pistol	
5	was lawfully		Association,	
6	built by the member, which		Incorporated	
	they lawfully		(CRPA) and that he	
7	obtained between January 1, 2001, and		has personal knowledge of other	
8	December 31, 2016, and have		CRPA members	
0	continued to		(¶1).	
9	possess since that time for		N T	
10	lawful purposes, including self-defense.		Mr. Travis declares in his declaration	
11	defense.		that he is the	
			Executive Director	
12			of the California	
13			Rifle & Pistol Association,	
			Incorporated	
14			(CRPA) and that he	
15			has personal	
16			knowledge of other CRPA members	
			(¶1).	
17			(12).	
18			<u>Improper</u>	
			Testimony:	
19			Mr. Barranco	
20			provides in his	
21			declaration an	
			opinion that is	
22			rationally based on his perception as	
23			the Director and	
			Vice President of	
24			CRPA, which is	
25			helpful to a clear understanding of	
26			his testimony.	
27			Mr. Travis provides	
			in his declaration an	
28			·	

			,	
1			opinion that is	
2			rationally based on	
			his perception as	
3			the Executive Director of CRPA,	
4			which is helpful to	
4			a clear	
5			understanding of	
			his testimony.	
6				
7				
0			<u>Hearsay</u> :	
8			Mr. Damanaa aa	
9			Mr. Barranco, as the Director and	
1.0			Vice President of	
10			the CRPA provides	
11			a first-hand	
			experience of what	
12			he has encountered	
13			and not a repeat of	
13			any statements.	
14			Mr. Travis, as the	
15			Executive Director	
			of the CRPA	
16			provides a first-	
17			hand experience of	
			what he has encountered and	
18			not a repeat of any	
19			statements.	
	3. Paragraph 7: "I know of	Lack of foundation	Lack of Foundation	
20	CRPA members	for personal	for Personal	
21	and California residents who	knowledge (Evid.	Knowledge:	
	currently own a	Code, § 702, subd.	M. D.	
22	semi-automatic shotgun that does not have a	(a)); improper opinion testimony	Mr. Barranco declares in his	
23	fixed magazine, which	(<i>id.</i> , § 800); hearsay	declaration that he	
۷٥	Defendant has deemed	(id., § 1200).	is the Director and	
24	to be an 'assault weapon' under	(, o =====)·	Vice President of	
25	sections 5470-		the California Rifle	
25	5472 of the California Code of		& Pistol	
26	Regulations.		Association,	
	Based off my conversations		Incorporated	
27	with CRPA		(CRPA) and that he	
28			has personal	
-				

1		
1	members and California gun	knowledge of other
2	owners, I know there are individuals who	CRPA members (¶1).
3	currently own a	(1).
3	semi-automatic shotgun that is	Mr. Travis declares
4	now classified	in his declaration
5	as an 'assault weapon' which	that he is the
3	they either are unaware that they are required	Executive Director of the California
6	to or do not	Rifle & Pistol
7	wish to register as an 'assault	Association,
	weapon' because they are not	Incorporated
8	required to do so under California law.	(CRPA) and that he
9	Camornia iaw.	has personal knowledge of other
10		CRPA members
10		(¶1).
11		_
12		Improper Testimony:
		Testimony.
13		Mr. Barranco
14		provides in his
15		declaration an opinion that is
15		rationally based on
16		his perception as
17		the Director and
		Vice President of
18		CRPA, which is helpful to a clear
19		understanding of
		his testimony.
20		Mr. Trovio providos
21		Mr. Travis provides in his declaration an
22		opinion that is
		rationally based on
23		his perception as the Executive
24		Director of CRPA,
		which is helpful to
25		a clear
26		understanding of
27		his testimony.
28	·	

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	<u>Hearsay</u> :
2	Mr. Barranco, as
3	the Director and
	Vice President of
4	the CRPA provides
5	a first-hand experience of what
	he has encountered
6	and not a repeat of
7	any statements.
′	
8	Mr. Travis, as the
9	Executive Director
9	of the CRPA
10	provides a first-
	hand experience of what he has
11	encountered and
12	not a repeat of any
	statements.
13	Satements.

DECLARATION OF SEAN A. BRADY

14

15

16	Declaration	Defendants'	Plaintiffs' Reply	Court's
17		Objections		Ruling
18	1. Paragraphs 13-24 in full,	Irrelevant (Evid.	<u>Irrelevant</u> :	
19	describing "just a few examples of Defendants'	Code, §§ 350-351); lack of foundation for	Contrary to	
20	disregard of their duties and obligations under both	personal knowledge (<i>id.</i> , § 702, subd. (a));	Defendants' objections to	
21	California law and the	improper opinion	relevancy; the	
22	requirements of the [Administrative Procedure	testimony (id., § 800); hearsay (id., §	testimony provided by Mr. Brady's	
23	Act]. If an injunction does not issue, Defendants' [sic] will	1200).	goes to the heart of this matter and is	
24	continue to cause irreparable harm to Plaintiffs and		very relevant to the issues at hand	
25	members of the public, both		before this Court.	
26	now and in the future, when it comes to regulations [of]		Lack of Foundation	
27	firearms under California law." (¶ 24.)		for Personal Knowledge:	
28	\		<u> </u>	

1	Mr. Brady's
2	declares in his
2	declaration that he
3	has personal
4	knowledge of the facts set forth
4	within his
5	declaration. (¶1).
6	Further, Mr. Brady
	is an associate
7	attorney at Michel
8	& Associates and his cases mostly
	consist of Second
9	Amendment issues
10	that involve the
	Department of
11	Justice, State of California and the
12	Counties within
	California.
13	
14	Improper Opinion
1.5	Testimony:
15	Mr. Brady handles
16	Second
17	Amendment issues
1 /	on a daily basis that
18	involve the Department of
19	Justice, State of
	California and the
20	Counties within
21	California so his
	testimony is rationally based and
22	helpful to a clear
23	understanding of
	his testimony.
24	11
25	Hearsay:
26	Mr. Brady's
	declaration that
27	Defendants' object
28	to are not part of
	Q

1		any statements. Mr.
2		Brady's testimony is based on first
3		hand experiences as
4		an attorney working with Michel &
5		Associates on matters that involve
6		the Department of
7		Justice, State of California and the
8		Counties within the
		State of California.
9		
10 11	Dated: January 23, 2018	MICHEL & ASSOCIATES, P.C.
12		
13		/s/Sean A. Brady Sean A. Brady Attorneys for Plaintiffs
		Attorneys for Plaintiffs
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1	PROOF OF SERVICE
2 3	STATE OF CALIFORNIA COUNTY OF FRESNO
4	I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My
5	business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.
6	On January 23, 2018, I served the foregoing document(s) described as:
7 8	PLAINTIFFS' REPLY TO DEFENDANTS' OBJECTIONS TO EVIDENCE PROFFERED IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION
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 Attorneys for Defendants
14	patty.li@doj.ca.gov Deputy Attorney General
15	California Department of Justice Office of the Attorney General
16 17	455 Golden Gate Ave., Suite 11000 San Francisco, CA 94102
18	X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission through OneLegal. Said transmission was reported and completed without
19	error.
20	X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
21	
22	Executed on January 23, 2018, at Long Beach, California.
23	
24	/s/Laura Palmerin Laura Palmerin
25	
26	
27	
28	