

C.D. Michel – SBN 144258
Sean A. Brady – SBN 262007
Anna M. Barvir – SBN 268728
Matthew D. Cubeiro – SBN 291519
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Email: cmichel@michellawyers.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KIM RHODE, GARY BRENNAN,
CORY HENRY, EDWARD JOHNSON,
SCOTT LINDEMUTH, RICHARD
RICKS, DENISE WELVANG, ABLE'S
SPORTING, INC., a Texas corporation,
AMDEP HOLDINGS, LLC, a Florida
limited liability company d/b/a
AMMUNITION DEPOT, R & S
FIREARMS, INC., an Arizona
corporation d/b/a SAM's SHOOTERS
EMPORIUM, and CALIFORNIA RIFLE
& PISTOL ASSOCIATION,
INCORPORATED, a California
corporation,

Plaintiffs,

v.

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

Defendant.

Case No.: 3:18-cv-802-JM-JMA

**PLAINTIFFS' NOTICE OF
RELATED CASES**

Pursuant to Local Rule 40.1(f), Plaintiffs Kim Rhode, Gary Brennan, Cory Henry, Edward Johnson, Scott Lindemuth, Richard Ricks, Denise Welvang, Able's Sporting, Inc., a Texas corporation, AMDEP Holdings, LLC, a Florida limited liability company d/b/a Ammunition Depot, R&S Firearms, Inc., an Arizona corporation d/b/a Sam's Shooters' Emporium, and California Rifle & Pistol Association, Incorporated, a California corporation ("Plaintiffs"), through their counsel, note the following as potentially related case: *Duncan v. Becerra*, Case No. 17-cv-1017-BEN-JLB, filed in the Southern District of California, on May 17, 2017.

Duncan is a case that was filed and is being litigated by Plaintiffs' counsel in this matter, on behalf of several individuals and the same organizational plaintiff as in this matter, the California Rifle & Pistol Association, Incorporated, against the same defendant, California Attorney General Xavier Becerra. Like Plaintiffs here, the *Duncan* plaintiffs assert Second Amendment challenges to California's statutory restrictions not on firearms themselves, but on accessories necessary to the function of firearms, i.e., magazines (*Duncan*) and ammunition (this case). Assignment of these cases to a single district judge might effect a saving of judicial effort or other economies, as they involve "some of the same parties and are based on . . . similar claims." Local Rule 40.1(g)(1).

For the same reasons as *Duncan*, a case currently on file in the Eastern District, *Weise v. Becerra*, No. 2:17-cv-0903 WBS KJN (E.D. Cal. Jun. 13, 2017), is also potentially related to this case, as it involves similar claims to those in *Duncan*.

Likewise, the state court case of *Parker v. State of California*, Superior Court Case No. 10CECG02116, (Complaint filed in Fresno June 17, 2010), is potentially related, as it involved challenges to identical restrictions as those at issue in this case, but on different legal theories. Namely, it challenged those restrictions as being unconstitutionally vague under the Fourteenth Amendment, because they only applied to the vague term "handgun ammunition." Plaintiffs in that case, which included the CRPA Foundation, prevailed in both the trial and appellate courts. Attorney General Becerra's petition to the California Supreme Court was mooted by adoption of the laws at issue in this case, which remedied

1 the vagueness problem by applying to all ammunition. *Parker*, 384 P.3d 1242 (Cal. 2016)
2 (dismissing review as moot). The case remains alive only on the issue of attorneys' fees.

3 Cases that have been terminated that are also potentially related for the same
4 reasons as *Duncan* and *Wiese* include:

- 5 1) *Fyock v. City of Sunnyvale*, 779 F.3d 991 (9th Cir. 2015). Filed in the Northern
6 District of California, San Jose Division, on December 16, 2013, the case was
7 voluntarily dismissed without prejudice on November 30, 2016.
- 8 2) *S.F. Veteran Police Officers' Ass'n v. City and County of San Francisco*, 18 F.
9 Supp. 3d 997 (N.D. Cal. 2014). Filed in the Northern District of California, San
10 Francisco Division, on November 19, 2013, the case was voluntarily dismissed
11 without prejudice on March 14, 2014.
- 12 3) *Jackson v. City and County of San Francisco*, 746 F.3d 953 (2014) – Complaint
13 filed in Northern District on May 15, 2009. Appeal filed on December 21, 2012.

14 Dated: April 26, 2018

MICHEL & ASSOCIATES, P.C.

15 s/C.D. Michel

16 C.D. Michel

17 Email: cmichel@michellawyers.com

18 Attorneys for Plaintiffs
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