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FRESNO COUNTY SUPERIOR COURT
By: K. Daves, Deputy

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

Petitioners,

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,

Respondents.

Case No.: 17CECG03093

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

**NOTICE OF PLAINTIFFS-
PETITIONERS' MOTION AND MOTION
FOR ISSUANCE OF WRIT OF MANDATE
AND JUDICIAL DECLARATION**

Hearing Date: April 19, 2018
Hearing Time: 3:30 p.m.
Judge: Mark Snauffer
Dept.: 501

Action Filed: September 7, 2017
Trial Date: November 26, 2018

1 TO EACH PARTY AND TO THE COUNSEL OF RECORD FOR EACH PARTY:

2 YOU ARE HEREBY NOTIFIED THAT on April 19, 2018, at 3:30 p.m., in Department
3 501 of this Court located at 1130 O Street, Fresno, California 93721, Petitioners-Plaintiffs Danny
4 Villanueva, Niall Stallard, Ruben Barrios, Charlie Cox, Mark Stroh, Anthony Mendoza, and
5 California Rifle & Pistol Association, Incorporated will move the Court for issuance of a writ of
6 mandate under California Code of Civil Procedure § 1085 vacating and annulling the decisions of
7 Respondents-Defendants Xavier Becerra, Attorney General for the State of California, Stephen
8 Lindley, Chief of the California Department of Justice Bureau of Firearms, and the California
9 Department of Justice to adopt certain regulations regarding “bullet-button assault weapons,”
10 including: Cal. Code Regs., tit. 11, §§ 5469, 5470, subd. (d), 5471, 5472, subds. (f)-(g), 5474.2,
11 5471, subd. (b)(1), 5474, subd. (a), 5474, subd. (c), 5478, subd. (a)(2), 5471, subds. (b)-(c), and
12 5477.

13 Petitioners-Plaintiffs will also move the Court for a declaration under Government Code §
14 11350 and Code of Civil Procedure §§ 526, 1060 to declare the above-mentioned regulations
15 invalid and unenforceable, and to issue an injunction forbidding Respondents-Defendants, their
16 employees, agents, and persons acting with them on their behalf, from enforcing them as currently
17 constituted.

18 This motion is made on the grounds that Respondents-Defendants are enforcing the
19 above-described regulations against Petitioners-Plaintiffs and other members of the public,
20 despite such provisions being adopted in violation of California’s Administrative Procedures Act
21 and unlawfully altering statutory law, and is based upon this notice, the attached memorandum in
22 support thereof and the records and files properly before the Court already in this action, and any
23 further evidence or argument that the Court may properly receive at or before the hearing.
24

25 Dated: March 27, 2018

MICHEL & ASSOCIATES, P.C.

26
27 /s/Sean A. Brady
Sean A. Brady
28 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
business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

6 On March 27, 2018, I served the foregoing document(s) described as:

7 **NOTICE OF PLAINTIFFS-PETITIONERS' MOTION AND MOTION**
8 **FOR ISSUANCE OF WRIT OF MANDATE AND JUDICIAL DECLARATION**

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
patty.li@doj.ca.gov
14 Deputy Attorney General
California Department of Justice
15 Office of the Attorney General
455 Golden Gate Ave., Suite 11000
16 San Francisco, CA 94102

Attorneys for Respondents

17
18 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by
19 electronic transmission through OneLegal. Said transmission was reported and completed without
error.

20 Executed on March 27, 2018, at Long Beach, California.

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

23 /s/Laura Palmerin

24 Laura Palmerin