

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office
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MEDIATION QUESTIONNAIRE

This form is available in a fillable version at http://cdn.ca9.uscourts.gov/datastore/uploads/forms/Mediation_Questionnaire.pdf.

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	18-55717		
District Court/Agency Case Number(s):	2:16-cv-06164-JAK-AS		
District Court/Agency Location:	Central District Court of California		
Case Name:	Flanagan, et al.	v.	Becerra, et al.
If District Court, docket entry number(s) of order(s) appealed from:	Dkt. Nos. 39, 81, and 99		
Name of party/parties submitting this form:	Plaintiffs/Appellants Michelle Flanagan, et al.		

Briefly describe the dispute that gave rise to this lawsuit.

California law bars the open carry of firearms in public, subject to limited exemptions not applicable to plaintiffs. It also generally bars concealed carry without a permit (i.e., CCW). Local sheriffs or chiefs of police approve CCW applications. L.A. County Sheriff James McDonnell maintains a policy requiring applicants show extraordinary need, beyond general self-defense, before a CCW will issue. Each plaintiff seeks either to obtain a CCW to carry concealed for self-defense without establishing a special need to do so or to be able to carry openly for self-defense. California's carry regime, including state laws about concealed and open carry, together with LASD's policy, effectively bars plaintiffs from bearing arms outside the home for self-defense. Plaintiffs thus claim the law violates their rights to keep and bear arms and to equal protection.

Briefly describe the result below and the main issues on appeal.

The district court granted Defendant McDonnell's motion to dismiss all claims and dismissed McDonnell from the suit. The court partially granted Defendant Becerra's motion to dismiss plaintiffs' Second Amendment challenge to California's concealed carry scheme and all equal protection claims. The court later denied plaintiffs' motion for summary judgment, and granted Becerra's, on all remaining claims. On appeal, the issue is whether California's carry regime, including the prohibition on public carry and restrictions on concealed carry, together with Sheriff McDonnell's CCW policy requiring evidence of a specific need, beyond self-defense, violates the Second Amendment and/or the Equal Protection Clause?

(Continue to next page)

Describe any proceedings remaining below or any related proceedings in other tribunals.

There are no proceedings remaining in the court below. Plaintiffs note, however, that they anticipate filing a second notice of appeal in this matter in light of the issuance of an amended judgment by the district court.

Plaintiffs are aware of the following firearm carry cases pending before other tribunals: Gould v. O'Leary (First Circuit); Young v. Hawaii (Ninth Circuit); Nichols v. Brown (Ninth Circuit); NYSRPA v. Beach II (USDC NDNY); Rogers v. Grewal (USDC NJ).

Provide any other thoughts you would like to bring to the attention of the mediator.

This case involves critical constitutional questions concerning the scope of the Second Amendment, generally, and the right to bear arms in public, more specifically. These are not the sorts of questions likely to be resolved through mediation.

*Any party may provide additional information **in confidence** directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Provide the case name and Ninth Circuit case number in your message. Additional information might include level of interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.*

CERTIFICATION OF COUNSEL

I certify that:

☒ a current service list with telephone and fax numbers and email addresses is attached (see 9th Circuit Rule 3-2).

☒ I understand that failure to provide the Court with a completed form and service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

How to File: Complete the form and then convert the filled-in form to a static PDF (File > Print > PDF Printer or any PDF Creator). To file, log into Appellate ECF and select File Mediation Questionnaire. (*Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system.*)

Representation Statement

Pursuant to 9th Circuit Rule 3-2(b), Plaintiffs-Appellants submit this Representation Statement. The following list identifies all parties to the action, and it identifies their respective counsel by name, firm, address, telephone number, and e-mail, where appropriate.

PARTIES	COUNSEL OF RECORD
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