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Everytown for Gun Safety

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

STEVEN RUPP, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, in his official  
capacity as Attorney General of the  
State of California,

Defendant.

CASE NO.: 8:17-cv-00746-JLS-JDE

UNOPPOSED MOTION BY  
EVERYTOWN FOR GUN SAFETY  
FOR LEAVE TO FILE *AMICUS*  
*CURIAE* BRIEF IN SUPPORT OF  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

Hearing Date: May 31, 2019  
Hearing Time: 10:30 a.m.  
Courtroom: 10A  
Judge: Hon. Josephine L.  
Staton

1 Everytown for Gun Safety (“Everytown”) respectfully moves for leave to file  
2 an *amicus curiae* brief in the above-captioned matter. Plaintiffs and Defendant have  
3 been notified of Everytown’s request to file an *amicus curiae* brief, and all parties  
4 consent to Everytown’s request, which is being filed within seven days of Defendant  
5 State of California’s Motion for Summary Judgment.

6 Everytown is the nation’s largest gun violence prevention organization, with  
7 over five million supporters across all fifty states, including tens of thousands in  
8 California. It was founded in 2014 as the combined effort of Mayors Against Illegal  
9 Guns, a national, bipartisan coalition of mayors combating illegal guns and gun  
10 trafficking, and Moms Demand Action for Gun Sense in America, an organization  
11 formed after twenty children and six adults were murdered by a gunman with an AR-  
12 15 rifle—the type of weapon regulated by the law challenged here—in an elementary  
13 school in Newtown, Connecticut. The mayors of more than fifty California cities are  
14 members of Mayors Against Illegal Guns. Everytown also includes a large network  
15 of gun-violence survivors who are empowered to share their stories and advocate for  
16 responsible gun laws.

17 The Ninth Circuit and California District Courts have “broad discretion to  
18 appoint amici curiae.” *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982)  
19 *abrogated on other grounds by Rainwater v. McGinness*, 559 F. App’x 635, 635 (9th  
20 Cir. 2014); *see also Duronslet v. Cty. of Los Angeles*, No. 2:16-cv-08933-  
21 ODW(PLAx), 2017 WL 5643144, \*1 (C.D. Cal. Jan. 23, 2017). Courts “frequently  
22 welcome amicus briefs from nonparties concerning legal issues that have potential  
23 ramifications beyond the parties directly involved or if the amicus has unique  
24 information or perspective that can help the court beyond the help that the lawyers  
25 for the parties are able to provide.” *Safari Club Int’l v. Harris*, No. 2:14-cv-01856-  
26 GEB-AC, 2015 WL 1255491, at \*1 (E.D. Cal. Jan. 14, 2015) (citation omitted).  
27 “Even when a party is very well represented, an amicus may provide important  
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1 assistance to the court.” *Duronslet*, at \*1 (quoting *Neonatology Assocs., P.A. v.*  
 2 *C.I.R.*, 293 F.3d 128, 132 (3d Cir. 2002)).

3 Over the past several years, Everytown has devoted substantial resources to  
 4 researching historical firearms legislation that can provide this Court with important  
 5 context directly relevant to the California statute at issue. Indeed, Everytown has  
 6 drawn on its expertise to file briefs in numerous Second Amendment cases, including  
 7 challenges to assault weapon prohibitions like those at issue in this case, offering  
 8 historical and doctrinal analysis that might otherwise be overlooked. *See, e.g.*,  
 9 *Wilson v. Cook County*, No. 18-2686 (7th Cir.); *Worman v. Healey*, No. 18-1545 (1st  
 10 Cir.); *Kolbe v. Hogan*, No. 14-1945 (4th Cir.) (en banc); *Duncan v. Becerra*, No. 17-  
 11 56081 (9th Cir.); *Peruta v. Cty. of San Diego*, No. 10-56971 (9th Cir.) (en banc).

12 The proposed amicus brief provides an account of the Anglo-American  
 13 tradition of restricting possession of unacceptably dangerous weapons—a tradition  
 14 that includes many early American laws. This includes approximately a century of  
 15 restrictions enacted shortly after semi-automatic weapons capable of firing a large  
 16 number of rounds without reloading became widely available in the commercial  
 17 market. The brief also addresses why the “common use” test suggested by Plaintiffs  
 18 is circular and should not persuade this Court. The brief provides further insight via  
 19 Everytown’s own research on mass shootings and gun violence in America,  
 20 important interests that motivated the California legislature in its drafting of the  
 21 statute at issue.

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1 This history and research is directly relevant to the question before the Court,  
2 therefore Everytown respectfully requests that the Court grant leave to file the  
3 accompanying *amicus curiae* brief in support of Defendant's Motion for Summary  
4 Judgment.

5 Dated: April 1, 2019

Respectfully submitted,

7 By: /s/ Matthew E. Sloan

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