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9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
 12

13
 14 **B & L PRODUCTIONS, INC., d/b/a**
CROSSROADS OF THE WEST, et
 15 **al.,**
 16 Plaintiffs,
 17
 18 **v.**
 19 **22nd DISTRICT AGRICULTURAL**
ASSOCIATION,
 20 Defendant.
 21

19-cv-0134-CAB-NLS
DEFENDANT 22nd DISTRICT
AGRICULTURAL
ASSOCIATION'S ANSWER TO
COMPLAINT FOR MONETARY,
DECLARATORY & INJUNCTIVE
RELIEF
 Judge: Hon. Cathy Ann Bencivengo
 Action Filed: January 21, 2019

1 The sole remaining Defendant, 22nd District Agricultural Association,
2 answers the Complaint For Monetary, Declaratory & Injunctive Relief
3 (“Complaint”) in paragraphs that correspond to the numbered paragraphs in the
4 Complaint, as follows:

5 **INTRODUCTION**

6 1. Defendant admits that Plaintiff B & L PRODUCTIONS, INC., d/b/a
7 CROSSROADS OF THE WEST (“Crossroads”) has operated gun show events at
8 the Del Mar Fairgrounds (“Venue”) for at least 30 years. Defendant denies the
9 remaining allegations in Paragraph 1 of the Complaint for lack of sufficient
10 information or belief.

11 2. Defendant admits that Crossroads has produced gun show events at the
12 Venue. Defendant denies the remaining allegations in Paragraph 2 of the
13 Complaint for lack of sufficient information or belief.

14 3. Defendant denies the allegations in Paragraph 3 of the Complaint for
15 lack of sufficient information or belief.

16 4. Defendant denies the allegations in Paragraph 4 of the Complaint.

17 5. Defendant denies the allegations in Paragraph 5 of the Complaint.

18 6. Defendant admits that Plaintiffs, by this action, seek declaratory and
19 injunctive relief against Defendant for purported violations of the U.S. Constitution.
20 Defendant admits that Plaintiffs, by this action, seek monetary damages, as well as
21 attorneys’ fees and costs. The remaining allegations contained in Paragraph 6 of
22 the Complaint constitute legal conclusions that require no response; to the extent a
23 response may be required, Defendant denies the allegations.

24 7. Defendant denies the allegations in Paragraph 7 of the Complaint for
25 lack of sufficient information or belief.

26 8. Defendant denies the allegations in Paragraph 8 of the Complaint.

27 9. Defendant admits that Plaintiffs, by this action, seek declaratory relief
28 against Defendant for purported violations of the U.S. Constitution. The remaining

1 allegations contained in Paragraph 9 of the Complaint constitute legal conclusions
2 that require no response; to the extent a response may be required, Defendant
3 denies the allegations.

4 10. Defendant admits that Plaintiffs seek an injunction and denies the
5 remaining allegations in Paragraph 10 of the Complaint.

6 11. Following the Court's ruling on Defendants' Motion to Dismiss
7 granting dismissal of the individually named defendants, the allegations in
8 Paragraph 11 concerning the individual defendants are moot, and thus no answer is
9 required. Defendant admits that Plaintiffs, by this action, seek recovery of fees and
10 costs.

11 12. The allegations contained in Paragraph 12 characterize the relief that
12 Plaintiffs are seeking and Plaintiff's legal theories in this action, and as such, no
13 response is required; to the extent a response may be deemed required, Defendant
14 denies the allegations.

15 THE PARTIES

16 I. PLAINTIFFS

17 13. Defendant admits that Crossroads has produced gun show events at the
18 Venue every year for at least 30 years. Defendant denies the remaining allegations
19 in Paragraph 13 of the Complaint for lack of sufficient information or belief.

20 14. Defendant denies the allegations in Paragraph 14 of the Complaint for
21 lack of sufficient information or belief.

22 15. Defendant denies the allegations in Paragraph 15 of the Complaint for
23 lack of sufficient information or belief.

24 16. Defendant denies the allegations in Paragraph 16 of the Complaint for
25 lack of sufficient information or belief.

26 17. Defendant denies the allegations in Paragraph 17 of the Complaint for
27 lack of sufficient information or belief.

28 18. Defendant denies the allegations in Paragraph 18 of the Complaint for

1 lack of sufficient information or belief.

2 19. Defendant denies the allegations in Paragraph 19 of the Complaint for
3 lack of sufficient information or belief.

4 20. Defendant denies the allegations in Paragraph 20 of the Complaint for
5 lack of sufficient information or belief. As to the allegations in Paragraph 20
6 concerning CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED
7 (“CRPA”)’s standing, the allegations constitute legal conclusions that require no
8 response; to the extent a response may be required, Defendant denies the allegations
9 for lack of sufficient information or belief.

10 21. Defendant denies the allegations in Paragraph 21 of the Complaint for
11 lack of sufficient information or belief. As to the allegations in Paragraph 21
12 concerning SOUTH BAY ROD AND GUN CLUB, INC. (“South Bay”)’s standing,
13 the allegations constitute the allegations constitute legal conclusions that require no
14 response; to the extent a response may be required, Defendant denies the allegations
15 for lack of sufficient information or belief.

16 22. Defendant denies the allegations in Paragraph 22 of the Complaint for
17 lack of sufficient information or belief.

18 **II. DEFENDANTS**

19 23. Defendant admits that it is a state institution, governed by a nine-
20 member Board of Directors, each appointed by the Governor to serve a four-year
21 term. Defendant admits that it manages the Venue. Defendant admits that the
22 Board of Directors appoints a CEO charged with the daily operations of the
23 facilities, but maintains control over activities not delegated to the CEO, including
24 contracting with those seeking to host events, including gun-show events, at the
25 Venue. To the extent Paragraph 23 of the Complaint asserts that the Venue is a
26 “public venue” for purposes of constitutional analysis, the allegation constitutes a
27 legal conclusion that requires no response; to the extent a response may be required,
28 Defendant denies the allegation. Defendant denies the remaining allegations in

1 Paragraph 23.

2 24. Following the Court's ruling on Defendants' Motion to Dismiss
3 granting dismissal of the individually named defendants, the allegations in
4 Paragraph 24 concerning the individually named defendant Karen Ross are moot,
5 and thus no answer is required. To the extent the allegations alleged in Paragraph
6 24 are deemed pertinent to the remaining claims, Defendant admits that Secretary
7 Ross is the Secretary of the California Department of Food and Agriculture, which
8 entity is responsible for policy oversight of California fair venues and issues
9 guidance for governance and contracting to agricultural districts throughout
10 California, including Defendant District. Defendant denies any remaining
11 allegations in Paragraph 24.

12 25. Following the Court's ruling on Defendants' Motion to Dismiss
13 granting dismissal of the individually named defendants, the allegations in
14 Paragraph 25 concerning the individually named defendant Steve Shewmaker are
15 moot, and thus no answer is required. To the extent the allegations alleged in
16 Paragraph 25 are deemed pertinent to the remaining claims, Defendant admits that
17 Steve Shewmaker is the President of the 22nd District Agricultural Association
18 Board of Directors and served on a two-person committee with Richard Valdez,
19 Vice President of the Board of Directors, which committee recommended that the
20 Board of Directors not consider contracts for gun shows through 2019 so that the
21 District would be able to consider, among other things, public safety issues, and
22 develop and adopt a formal policy for gun show events at the Venue. Defendant
23 denies the remaining allegations in Paragraph 25.

24 26. Following the Court's ruling on Defendants' Motion to Dismiss
25 granting dismissal of the individually named defendants, the allegations in
26 Paragraph 26 concerning the individually named defendant Richard Valdez are
27 moot, and thus no answer is required. To the extent the allegations alleged in
28 Paragraph 26 are deemed pertinent to the remaining claims, Defendant admits that

1 Richard Valdez is the Vice President of the 22nd District Agricultural Association
2 Board of Directors and that he, along with Steve Shewmaker, served on a two-
3 person committee that recommended that the Board of Directors not consider
4 contracts for gun shows through 2019 so that the District would be able to consider,
5 among other things, public safety issues, and develop and adopt a formal policy for
6 gun show events at the Venue. Defendant denies the remaining allegations in
7 Paragraph 26.

8 27. Defendant denies the allegations in Paragraph 27 of the Complaint for
9 lack of sufficient information or belief.

10 JURISDICTION AND VENUE

11 28. The allegations contained in Paragraph 28 of the Complaint constitute
12 legal conclusions that require no response; to the extent a response may be required,
13 Defendant admits that this Court has jurisdiction to hear Plaintiffs' claims.

14 29. The allegations contained in Paragraph 29 of the Complaint constitute
15 legal conclusions that require no response; to the extent a response may be required,
16 Defendant admits that this Court has authority, as a general matter, to render
17 declaratory judgments and issue injunctive relief.

18 30. The allegations contained in Paragraph 30 of the Complaint constitute
19 legal conclusions that require no response; to the extent a response may be required,
20 Defendant admits that it is located in San Diego County and that venue is proper in
21 this Court.

22 FACTUAL ALLEGATIONS

23 I. REGULATION OF GUN SHOW EVENTS IN CALIFORNIA

24 31. Defendant admits that the state of California has a regulatory regime
25 applicable to commerce in firearms and ammunition, as well as to the operation of
26 gun show events. Defendant denies the remaining allegations in Paragraph 31.

27 32. Defendant admits that the state of California has a regulatory regime
28 contained in the Penal Code applicable to the operation of gun show events. The

1 remaining allegations contained in Paragraph 32 of the Complaint constitute legal
2 conclusions that require no response; to the extent a response may be required
3 Defendant denies the allegations.

4 33. The allegations contained in Paragraph 33 of the Complaint constitute
5 statements of law that require no response; to the extent a response may be
6 required, Defendant admits the allegations in Paragraph 33 of the Complaint.

7 34. The allegations contained in Paragraph 34 of the Complaint constitute
8 statements of law for which no answer is required; to the extent an answer is
9 required, Defendant admits that the cited code sections speak for themselves, and
10 denies any remaining allegations.

11 35. The allegations contained in Paragraph 35 of the Complaint constitute
12 statements of law for which no answer is required; to the extent an answer is
13 required, Defendant admits that the cited code sections speak for themselves, and
14 denies any remaining allegations.

15 36. The allegations contained in Paragraph 36 of the Complaint constitute
16 statements of law for which no answer is required; to the extent an answer is
17 required, Defendant admits that the cited code section speaks for itself, and denies
18 any remaining allegations.

19 37. The allegations contained in Paragraph 37 of the Complaint constitute
20 statements of law for which no answer is required; to the extent an answer is
21 required, Defendant admits that the cited code section speaks for itself, and denies
22 any remaining allegations.

23 38. The allegations contained in Paragraph 38 of the Complaint constitute
24 statements of law for which no answer is required; to the extent an answer is
25 required, Defendant admits that the cited code section speaks for itself, and denies
26 any remaining allegations.

27 39. The allegations contained in Paragraph 39 of the Complaint constitute
28 statements of law for which no answer is required; to the extent an answer is

1 required, Defendant admits that the cited code section speaks for itself, and denies
2 any remaining allegations.

3 40. The allegations contained in Paragraph 40 of the Complaint constitute
4 statements of law for which no answer is required; to the extent an answer is
5 required, Defendant admits that the cited code section speaks for itself, and denies
6 any remaining allegations.

7 41. The allegations contained in Paragraph 41 of the Complaint constitute
8 statements of law for which no answer is required; to the extent an answer is
9 required, Defendant admits that the cited code section speaks for itself, and denies
10 any remaining allegations.

11 42. Defendant denies the allegation that loss of a license could cost a
12 producer “hundreds of thousands of dollars in lost revenue” for lack of sufficient
13 information or belief. The remaining allegations contained in Paragraph 42
14 constitute statements of law for which no answer is required; to the extent an
15 answer is required, Defendant admits that the cited code section, California Penal
16 Code section 24245(a), speaks for itself, and denies any remaining allegations.

17 43. Defendant denies the allegations that Plaintiffs diligently operate all of
18 their gun shows in accordance with state law, and take immediate remedial
19 measures if irregularities are discovered, for lack of sufficient information or belief.
20 The remaining allegations contained in Paragraph 43 of the Complaint constitute
21 statements of law for which no answer is required; to the extent an answer is
22 required, Defendant admits that the cited code sections speak for themselves, and
23 denies any remaining allegations.

24 44. The allegations contained in Paragraph 44 of the Complaint constitute
25 statements of law for which no answer is required; to the extent an answer is
26 required, Defendant admits that the cited code sections (California’s Gun Show
27 Enforcement and Security Act of 2000 [Penal Code sections 27300-27350]) speak
28 for themselves, and denies any remaining allegations.

1 45. Defendant admits that it requires metal detectors at each entrance door
2 to any gun show held at the Venue. Defendant denies the remaining allegations in
3 Paragraph 45 of the Complaint.

4 46. Defendant denies the allegations in Paragraph 46 of the Complaint.

5 **II. THE GUN SHOW CULTURAL EXPERIENCE**

6 47. Defendant denies the allegations in Paragraph 47 of the Complaint for
7 lack of sufficient information or belief.

8 48. Defendant denies the allegations in Paragraph 48 of the Complaint for
9 lack of sufficient information or belief.

10 49. Defendant denies the allegations in Paragraph 49 of the Complaint for
11 lack of sufficient information or belief.

12 50. Defendant denies the allegations in Paragraph 50 of the Complaint for
13 lack of sufficient information or belief. The reference to case law within Paragraph
14 50 and the accompanying footnote 2 constitute legal conclusions that require no
15 response; to the extent a response may be required, Defendant admits that the cited
16 judicial decision speaks for itself, and denies the remaining allegations.

17 51. Defendant denies the allegations in Paragraph 51 of the Complaint for
18 lack of sufficient information or belief.

19 52. Defendant denies the allegations in Paragraph 52 of the Complaint for
20 lack of sufficient information or belief.

21 53. Defendant denies the allegations in Paragraph 53 of the Complaint for
22 lack of sufficient information or belief.

23 54. Defendant denies the allegations in Paragraph 54 of the Complaint for
24 lack of sufficient information or belief.

25 55. Defendant denies the allegations in Paragraph 55 of the Complaint for
26 lack of sufficient information or belief.

27 56. Defendant denies the allegations in the second sentence of Paragraph
28 56 Defendant denies the allegations in the first sentence of Paragraph 56 for lack of

1 sufficient information or belief.

2 57. The allegations contained in Paragraph 57 of the Complaint constitute
3 statements of law for which no answer is required; to the extent an answer may be
4 required, Defendant denies the allegations for lack of sufficient information or
5 belief.

6 **III. THE DEL MAR FAIRGROUNDS VENUE**

7 58. Defendant admits that it is a state institution and that its affairs are
8 managed by the Board of Directors. Defendant admits that it is charged with
9 managing and operating the Venue. Defendant denies the remaining allegations in
10 Paragraph 58 of the Complaint.

11 59. Following the Court's ruling on Defendants' Motion to Dismiss
12 granting dismissal of the individually named defendants, the allegations in
13 Paragraph 59 concerning the individual defendant Ross are moot, and thus no
14 answer is required. To the extent the allegations alleged in Paragraph 59 are
15 deemed pertinent to the remaining claims, Defendant admits the allegations in
16 Paragraph 59.

17 60. Defendant admits the allegations in Paragraph 60 of the Complaint.

18 61. Defendant denies the first two sentences in Paragraph 61 for lack of
19 sufficient information or belief. Defendant denies the remaining allegations in
20 Paragraph 61 of the Complaint.

21 62. Defendant admits that portions of the Venue are available to rent by
22 members of the public for private events. Defendant also admits that it is a state
23 institution under Food & Agricultural Code section 3953. The remaining
24 allegations contained in Paragraph 62 of the Complaint constitute legal conclusions
25 that require no response; to the extent a response may be required, Defendant
26 admits that the cited judicial decisions speak for themselves, and denies any
27 remaining allegations.

28 63. Defendant admits that the Venue is used by many different groups for

1 large gatherings of people, including concerts, festivals, and industry shows.
2 Defendant denies the remaining allegations for lack of sufficient information or
3 belief.

4 64. Defendant admits that it contracts for available space at the Venue and
5 denies the remaining allegations in Paragraph 64 of the Complaint.

6 65. Defendant admits that the Venue strives to be an accessible facility in
7 compliance with the requirements of Title II of the Americans with Disabilities Act
8 of 1990. The remaining allegations contained in Paragraph 65 of the Complaint
9 constitute legal conclusions that require no response; to the extent a response may
10 be required, Defendant denies the allegations.

11 66. Defendant admits that, on the Venue's website, it states that its mission
12 is "[t]o manage and promote a world-class, multi-use, public assembly facility with
13 an emphasis on agriculture, education, entertainment and recreation in a fiscally
14 sound and environmentally conscientious manner for the benefit of all." To the
15 extent that the allegations contained in Paragraph 65 of the Complaint constitute
16 legal conclusions, they require no response; to the extent a response may be
17 required, Defendant denies the allegations.

18 67. Defendant admits that criminal activity has occurred at other non-gun-
19 show events that have taken place at the Venue. Defendant denies the allegation
20 that "[t]hese criminal incidents are no more likely to happen at a gun show event
21 that the non-gun-show event[,]" for lack of sufficient information or belief.
22 Defendant denies the remaining allegations in Paragraph 67 of the Complaint.

23 **IV. CONTRACTING TO RENT THE DEL MAR VENUE**

24 68. Defendant admits the allegations in Paragraph 68.

25 69. Defendant denies the allegations in Paragraph 69 of the Complaint for
26 lack of sufficient information or belief.

27 70. Defendant denies the allegations in Paragraph 70 of the Complaint.

28 71. Defendant denies the allegations in Paragraph 71 of the Complaint.

1 72. Defendant denies the allegations in Paragraph 72 of the Complaint for
2 lack of sufficient information or belief.

3 73. Defendant denies the allegations in Paragraph 73 of the Complaint for
4 lack of sufficient information or belief.

5 74. Defendant denies the allegations in Paragraph 74 of the Complaint for
6 lack of sufficient information or belief.

7 75. Defendant denies the allegations in Paragraph 75 of the Complaint.

8 76. Defendant denies the allegations in Paragraph 76 of the Complaint for
9 lack of sufficient information or belief.

10 77. Defendant denies the allegations in Paragraph 77 of the Complaint for
11 lack of sufficient information or belief.

12 **V. DEFENDANTS BAN GUN SHOW EVENTS AT THE VENUE**

13 78. Defendant denies the allegations in Paragraph 78 of the Complaint for
14 lack of sufficient information or belief.

15 79. Defendant denies the allegations in Paragraph 79 of the Complaint for
16 lack of sufficient information or belief.

17 80. Defendant denies the allegations in Paragraph 80 of the Complaint.

18 81. Defendant denies the allegations in Paragraph 81 of the Complaint for
19 lack of sufficient information or belief. The reference to case law within Paragraph
20 81 constitutes a legal conclusion that require no response; to the extent a response
21 may be required, Defendant admits that the cited judicial decision speaks for itself,
22 and denies the remaining allegations

23 82. Defendant admits that it began a series of meetings and public-
24 comment periods to consider public safety at gun show events at the Venue.
25 Defendant denies the remaining allegations in Paragraph 82 of the Complaint.

26 83. Defendant admits the allegations in Paragraph 83 of the Complaint.

27 84. Defendant admits that Board President Steve Shewmaker and Board
28 Vice President Richard Valdez served on the Board's Contracts Oversight

1 Committee which was tasked, in part, with studying the operation of gun shows at
2 the Venue and providing a recommendation about future contracts for gun shows.
3 Defendant denies the remaining allegations in Paragraph 84.

4 85. Defendant admits the letter cited in Paragraph 85 of the Complaint,
5 attached as Exhibit 10 to ECF No. 14-5 (filed April 17, 2019) speaks for itself.
6 Defendant denies any remaining allegations.

7 86. Defendant admits the letter cited in Paragraph 86 of the Complaint,
8 attached as Exhibit 11 to ECF No. 14-5 (filed April 17, 2019), speaks for itself.
9 The remaining allegations contained in Paragraph 86 of the Complaint constitute
10 legal conclusions that require no response; to the extent a response may be required,
11 Defendant admits that the cited judicial decisions speaks for itself, and denies the
12 remaining allegations.

13 87. Defendant admits the letter cited in Paragraph 87 of the Complaint and
14 attached as Exhibit 6 thereto, speaks for itself. Defendant admits that at least two
15 licensed attorneys serve on the District's Board of Directors. The remaining
16 allegations contained in Paragraph 87 of the Complaint are legal conclusions that
17 require no response; to the extent a response may be required, Defendant denies the
18 allegations.

19 88. Defendant admits that, at the public hearing on September 11, 2018,
20 the Board's Contracts Oversight Committee made the recommendations outlined in
21 Ex. 7 attached to the Complaint, which document speaks for itself. Defendant
22 denies the allegation that the Committee was "ad hoc."

23 89. Defendant admits that the Board's Contracts Oversight Committee
24 proposed that it would present a proposed policy to the Board no later than the
25 December 2019 Board meeting. Defendant denies the remaining allegations in
26 Paragraph 89 of the Complaint.

27 90. Defendant admits that, at the September 11, 2018 Board Meeting,
28 Board President Shewmaker stated that he was "done drinking the Kool-Aid."

1 Defendant denies the remaining factual allegations in Paragraph 90 of the
2 Complaint. The reference to case law within Paragraph 90 of the Complaint
3 constitutes a legal conclusion that requires no response; to the extent a response
4 may be required, Defendant admits that the cited judicial decision speaks for itself,
5 and denies the remaining allegations.

6 91. Defendant denies the allegations in Paragraph 91 of the Complaint for
7 lack of sufficient information or belief.

8 92. Defendant denies the allegations in Paragraph 92 of the Complaint.

9 93. Defendant denies the allegations in Paragraph 93 and the footnote
10 thereto for lack of sufficient information or belief.

11 94. Defendant admits that, on September 11, 2018, it voted to refrain from
12 entering into gun show contracts for one year through 2019 while it studied public
13 safety concerns about gun shows at the Venue, among other things. Defendant
14 denies the remaining allegations in Paragraph 94 of the Complaint.

15 95. Defendant denies the allegations in Paragraph 95 of the Complaint.

16 96. Defendant denies the allegations in Paragraph 96 of the Complaint.

17 **VI. EFFECT OF THE GUN SHOW BAN ON PLAINTIFFS**

18 97. Defendant denies the allegations in Paragraph 97 of the Complaint for
19 lack of sufficient information or belief.

20 98. Defendant denies the allegations in Paragraph 98 of the Complaint for
21 lack of sufficient information or belief.

22 99. Defendant denies the allegations in Paragraph 99 of the Complaint for
23 lack of sufficient information or belief.

24 100. Defendant denies the allegations in Paragraph 100 of the Complaint.

25 101. Defendant denies the allegations in Paragraph 101 of the Complaint.

26 102. Defendant denies the allegations in Paragraph 102 of the Complaint.

27 103. Defendant denies the allegations in Paragraph 103 of the Complaint.

28 104. Defendant denies the allegations in Paragraph 104 of the Complaint.

1 105. Defendant denies the allegations in Paragraph 105 of the Complaint.

2 106. Defendant denies the allegations in Paragraph 106 of the Complaint.

3 107. The allegations contained in Paragraph 107 of the Complaint
4 constitute a summary of Plaintiffs' legal allegations and conclusions of law, and
5 contains speculation for which no answer is required; to the extent a response may
6 be required, Defendant denies the allegations.

7 **FIRST CAUSE OF ACTION**

8 **Violation of Right to Free Speech Under U.S. Const., amend. I**

9 **42 U.S.C. § 1983**

10 108. Defendant incorporates its answers to Paragraphs 1 through 107 in
11 answer to Paragraph 108 of the Complaint.

12 109. Defendant admits the allegations in Paragraph 109 of the Complaint.

13 110. The allegations contained in Paragraph 110 constitute legal
14 statements that require no response; to the extent a response may be required,
15 Defendant admits that the Constitution and the cited statute speak for themselves,
16 and denies the remaining allegations.

17 111. The allegations contained in Paragraph 111 constitute legal
18 statements that require no response; to the extent a response may be required,
19 Defendant admits that the Constitution and the cited statute speak for themselves,
20 and denies the remaining allegations.

21 112. Defendant admits that the Venue is a state institution under Food &
22 Agricultural Code section 3953, and that portions of the Venue are rented out to
23 individuals, community-based organizations and businesses, for private events,
24 including for concerts, festivals, industry shows, and other uses. Defendant denies
25 any remaining allegations.

26 113. Following the court's ruling on Defendants' Motion to Dismiss
27 granting dismissal of the individually named defendants, the allegations in
28 Paragraph 113 concerning the individually named defendant Karen Ross are moot,

1 and thus no answer is required. To the extent the allegations alleged in Paragraph
2 113 are deemed pertinent to the remaining claims, Defendant admits that Secretary
3 Ross is the Secretary of the California Department of Food and Agriculture.
4 Defendant denies any remaining allegations.

5 114. Defendant denies that it, as well as former Defendants Shewmaker
6 and Valdez interpret, implement, and enforce the policies of the Department of
7 Food and Agriculture as regards the Venue. The remaining allegations contained in
8 Paragraph 114 constitute legal conclusions that require no response; to the extent a
9 response may be required, Defendant denies the allegations.

10 115. Defendant denies the allegations in Paragraph 115 of the Complaint
11 for lack of sufficient information or belief.

12 116. The allegations contained in Paragraph 116 constitute legal
13 conclusions that require no response; to the extent a response may be required,
14 Defendant denies the allegations.

15 117. Defendant denies it acted with the intention of permanently banning
16 all gun shows at the Venue or that it acted based on its opposition to Plaintiffs'
17 "pro-gun rights" viewpoint. The balance of the allegations contained in
18 Paragraph 117 constitute legal conclusions that require no response; to the extent a
19 response may be required, Defendant denies the allegations.

20 118. The allegations contained in Paragraph 118 constitute argument and
21 legal conclusions that require no response; to the extent a response may be required,
22 Defendant denies the allegations.

23 119. Defendant denies the allegations in Paragraph 119 of the Complaint.

24 120. The allegations contained in Paragraph 120 constitute argument and
25 legal conclusions that require no response; to the extent a response may be required,
26 Defendant denies the allegations.

27
28

SECOND CAUSE OF ACTION

Violation of Right to Free Speech Under U.S. Const., amend. I

42 U.S.C. § 1983

(By Plaintiff Crossroads Against All Defendants)

121. Defendant incorporates its answers to Paragraphs 1 through 120 in answer to Paragraph 121 of the Complaint.

122. Defendant admits the allegations in Paragraph 122 of the Complaint.

123. The allegations contained in Paragraph 123 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the Constitution and the cited statute speak for themselves, and denies the remaining allegations.

124. The allegations contained in Paragraph 124 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the cited judicial decision speaks for itself, and denies the remaining allegations.

125. The allegations contained in Paragraph 125 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the cited judicial decision speaks for itself, and denies the remaining allegations.

126. Defendant admits Paragraph 126 that the Venue is a state institution under Food & Agricultural Code section 3953, and that portions of the Venue are rented out to individuals, community-based organizations and businesses, for private events, including for concerts, festivals, industry shows, and other uses. Defendant denies any remaining allegations.

127. Following the court's ruling on Defendants' Motion to Dismiss granting dismissal of the individually named defendants, the allegations in Paragraph 127 concerning the individually named defendant Karen Ross are moot, and thus no answer is required. To the extent the allegations alleged in Paragraph

1 127 are deemed pertinent to the remaining claims, Defendant admits that Secretary
2 Ross is the Secretary of the California Department of Food and Agriculture.
3 Defendant denies any remaining allegations.

4 128. Defendant denies that it, as well as former Defendants Shewmaker
5 and Valdez interpret, implement, and enforce the policies of the Department of
6 Food and Agriculture as regards the Venue. The remaining allegations contained in
7 Paragraph 128 constitute legal conclusions that require no response; to the extent a
8 response may be required, Defendant denies the allegations.

9 129. Defendant denies the allegations in Paragraph 129 of the Complaint
10 for lack of sufficient information or belief.

11 130. The allegations contained in Paragraph 130 constitute argument and
12 legal conclusions that require no response; to the extent a response may be required,
13 Defendant denies the allegations.

14 131. Defendant denies it acted with the intention of permanently banning
15 all gun shows at the Venue or that it acted based on its opposition to Plaintiffs'
16 "pro-gun rights" viewpoint. The remaining allegations contained in Paragraph 131
17 constitute argument and legal conclusions that require no response; to the extent a
18 response may be required, Defendant denies the allegations.

19 132. The allegations contained in Paragraph 132 constitute argument and
20 legal conclusions that require no response; to the extent a response may be required,
21 Defendant denies the allegations.

22 133. Defendant denies the allegations in Paragraph 133 of the Complaint.

23 134. Defendant denies the allegations in Paragraph 134 of the Complaint.

24 135. Defendant denies the allegations in Paragraph 135 of the Complaint.

25 136. The allegations contained in Paragraph 136 constitute argument and
26 legal conclusions that require no response; to the extent a response may be required,
27 Defendant denies the allegations.
28

THIRD CAUSE OF ACTION

Violation of Right to Free Speech Under U.S. Const., amend. I

42 U.S.C. § 1983

(By Plaintiffs Walsh and Ammo Bros. Against All Defendants)

137. Defendant incorporates its answers to Paragraphs 1 through 136 in answer to Paragraph 137 of the Complaint.

138. Defendant admits the allegations in Paragraph 138 of the Complaint.

139. The allegations contained in Paragraph 139 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the Constitution and the cited statute speak for themselves, and denies the remaining allegations.

140. The allegations contained in Paragraph 140 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the cited judicial decision speaks for itself, and denies the remaining allegations.

141. Defendant admits in Paragraph 141 that the Venue is a state institution under Food & Agricultural Code section 3953, and that portions of the Venue are rented out to individuals, community-based organizations and businesses, for private events, including for concerts, festivals, industry shows, and other uses. Defendant denies any remaining allegations.

142. Following the court's ruling on Defendants' Motion to Dismiss granting dismissal of the individually named defendants, the allegations in Paragraph 142 concerning the individually named defendant Karen Ross are moot, and thus no answer is required. To the extent the allegations alleged in Paragraph 142 are deemed pertinent to the remaining claims, Defendant admits that Secretary Ross is the Secretary of the California Department of Food and Agriculture. Defendant denies any remaining allegations.

1 143. Defendant denies that it, as well as former Defendants Shewmaker
2 and Valdez interpret, implement, and enforce the policies of the Department of
3 Food and Agriculture as regards the Venue. The remaining allegations contained in
4 Paragraph 143 constitute legal conclusions that require no response; to the extent a
5 response may be required, Defendant denies the allegations.

6 144. Defendant denies the allegations in Paragraph 144 of the Complaint
7 for lack of sufficient information or belief.

8 145. The allegations contained in Paragraph 145 constitute legal
9 conclusions that require no response; to the extent a response may be required,
10 Defendant denies the allegations.

11 146. Defendant denies it acted with the intention of permanently banning
12 all gun shows at the Venue or that it acted based on its opposition to Plaintiffs’
13 “pro-gun rights” viewpoint. The remaining allegations contained in Paragraph 146
14 constitute legal conclusions that require no response; to the extent a response may
15 be required, Defendant denies the allegations.

16 147. The allegations contained in Paragraph 147 constitute argument and
17 legal conclusions that require no response; to the extent a response may be required,
18 Defendant denies the allegations.

19 148. Defendant denies the allegations in Paragraph 148 of the Complaint.

20 149. The allegations contained in Paragraph 149 constitute argument and
21 legal conclusions that require no response; to the extent a response may be required,
22 Defendant denies the allegations.

23 150. The allegations contained in Paragraph 150 constitute argument and
24 legal conclusions that require no response; to the extent a response may be required,
25 Defendant denies the allegations.

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FOURTH CAUSE OF ACTION

Prior Restraint on Right to Free Speech Under U.S. Const., amend. I

42 U.S.C. § 1983

(By All Plaintiffs Against All Defendants)

151. Defendant incorporates its answers to Paragraphs 1 through 150 in answer to Paragraph 151 of the Complaint.

152. Defendant admits the allegations in Paragraph 152 of the Complaint.

153. The allegations contained in Paragraph 153 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the Constitution and the cited statute speak for themselves, and denies the remaining allegations.

154. The allegations contained in Paragraph 154 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the cited judicial decisions speak for themselves, and denies the remaining allegations.

155. The allegations contained in Paragraph 155 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the cited judicial decision speaks for itself, and denies the remaining allegations.

156. The allegations contained in Paragraph 156 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the cited judicial decision speaks for itself, and denies the remaining allegations.

157. Following the court's ruling on Defendants' Motion to Dismiss granting dismissal of the individually named defendants, the allegations in Paragraph 157 concerning the individually named defendant Karen Ross are moot, and thus no answer is required. To the extent the allegations alleged in Paragraph 157 are deemed pertinent to the remaining claims, Defendant admits that Secretary

1 Ross is the Secretary of the California Department of Food and Agriculture.

2 Defendant denies any remaining allegations.

3 158. Following the court's ruling on Defendants' Motion to Dismiss
4 granting dismissal of the individually named defendants, the allegations in
5 Paragraph 158 concerning the individually named defendant Karen Ross are moot,
6 and thus no answer is required. To the extent the allegations alleged in Paragraph
7 158 are deemed pertinent to the remaining claims, Defendant admits that Secretary
8 Ross is the Secretary of the California Department of Food and Agriculture.
9 Defendant denies any remaining allegations.

10 159. Defendant denies that it, as well as former Defendants Shewmaker
11 and Valdez interpret, implement, and enforce the policies of the Department of
12 Food and Agriculture as regards the Venue. The remaining allegations contained in
13 Paragraph 159 constitute legal conclusions that require no response; to the extent a
14 response may be required, Defendant denies the allegations.

15 160. Defendant admits that it has authority, under Food & Agricultural
16 Code section 4051, to enter into contracts for activities at the Venue. Defendant
17 denies the remaining allegations in Paragraph 160.

18 161. Defendant denies the allegations in Paragraph 161 of the Complaint.

19 162. The allegations contained in Paragraph 162 constitute argument and
20 conclusions of law to which no answer is required; to the extent an answer may be
21 required, Defendant denies the allegations.

22 163. The allegations contained in Paragraph 163 constitute argument and
23 legal conclusions that require no response; to the extent a response may be required,
24 Defendant denies the allegations.

25 164. The allegations contained in Paragraph 164 constitute argument and
26 legal conclusions that require no response; to the extent a response may be required,
27 Defendant denies the allegations.
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FIFTH CAUSE OF ACTION

Violation of Right to Assembly and Association Under U.S. Const., amend. I

42 U.S.C. § 1983

(By All Plaintiffs Against All Defendants)

165. Defendant incorporates its answers to Paragraphs 1 through 164 in answer to Paragraph 165 of the Complaint.

166. The allegations contained in Paragraph 166 constitute legal conclusions that require no response; to the extent a response may be required, Defendant admits that the cited judicial decision speaks for itself, and denies the remaining allegations.

167. Defendant denies the allegations in Paragraph 167 of the Complaint for lack of sufficient information or belief.

168. Defendant denies the allegations in Paragraph 168 of the Complaint.

169. The allegations contained in Paragraph 169 constitute argument and conclusions of law to which no answer is required; to the extent an answer may be required, Defendant denies the allegations..

170. The allegations contained in Paragraph 170 constitute argument and conclusions of law to which no answer is required; to the extent a response may be required, Defendant admits that the cited judicial decision speaks for itself, and denies the remaining allegations.

SIXTH CAUSE OF ACTION

Violation of the Right to Equal Protection Under U.S. Const., amend. XIV

42 U.S.C. § 1983

(By All Plaintiffs Against All Defendants)

171. Defendant incorporates its answers to Paragraphs 1 through 170 in answer to Paragraph 171 of the Complaint.

172. The allegations contained in Paragraph 172 constitute legal conclusions that require no response; to the extent a response may be required,

1 Defendant admits that the Constitution and the cited statute speak for themselves,
2 and denies the remaining allegations.

3 173. The allegations contained in Paragraph 173 constitute legal
4 conclusions that require no response; to the extent a response may be required,
5 Defendant admits that the cited judicial decisions speak for themselves, and denies
6 the remaining allegations.

7 174. The allegations contained in Paragraph 174 constitute legal
8 conclusions that require no response; to the extent a response may be required,
9 Defendant admits that the cited judicial decisions speak for themselves, and denies
10 the remaining allegations.

11 175. Defendant admits that the Venue has been used to host gun shows in
12 the past, and that it is currently considering potential changes to its rules and
13 policies respecting gun shows at the Venue. Defendant denies that the District is
14 currently disallowing Crossroads use of the Venue for gun shows, as two gun
15 shows are planned for the remainder of 2019. Defendant denies the remaining
16 allegations in Paragraph 175 for lack of sufficient information or belief.

17 176. Defendant denies the allegations in Paragraph 176 of the Complaint.

18 177. The allegations contained in Paragraph 177 constitute legal
19 conclusions that require no response; to the extent a response may be required,
20 Defendant admits that the cited judicial decision speak for itself, and denies the
21 remaining allegations.

22 178. Defendant denies the allegations in Paragraph 178 of the Complaint.

23 **SEVENTH CAUSE OF ACTION**

24 **Conspiracy to Violate Civil Rights**

25 **42 U.S.C. § 1985**

26 (By All Plaintiffs Against All Defendants)

27 179. Defendant incorporates its answers to Paragraphs 1 through 178 in
28 answer to Paragraph 179 of the Complaint.

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FOURTH AFFIRMATIVE DEFENSE

Defendant alleges that the damages, if any, suffered by Plaintiffs were proximately caused in whole or in part by the wrongful and/or negligent acts, conduct or omissions of other parties, including, Plaintiffs and third parties, and not by any wrongdoing or negligence on the part of Defendant.

FIFTH AFFIRMATIVE DEFENSE

Defendant has not knowingly or intentionally waived any applicable defense or affirmative defense. Defendant reserves the right to assert and rely upon other such defenses as may become available or apparent during discovery proceedings or as may be raised or asserted by others in this case, and to amend the Answer, defenses, and/or affirmative defenses accordingly. Defendant further reserves the right to amend the Answer to delete defenses and/or affirmative defenses that he determines are not applicable after subsequent discovery.

DEFENDANT’S PRAYER FOR RELIEF

WHEREFORE, Defendant prays that:

1. Plaintiffs take nothing by the Complaint and garner no relief in this case;
2. Judgment be entered in favor of Defendant;
3. The Court order that Plaintiffs compensate Defendant for the reasonable costs that Defendant expends in defending this case; and
4. The Court grant such other and further relief, in favor of Defendant and adverse to Plaintiffs, that the Court deems just and proper.

DEMAND FOR JURY TRIAL

Defendant demands under Federal Rule of Civil Procedure Rule 38 that this matter be tried by and before a jury on all issues triable by a jury.

1 Dated: July 3, 2019

Respectfully submitted,

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XAVIER BECERRA
Attorney General of California

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PAUL STEIN
Supervising Deputy Attorney General

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JOSHUA M. CAPLAN

5

P. PATTY LI
NATASHA SAGGAR SHETH
Deputy Attorneys General

6

7

s / CHAD A. STEGEMAN

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CHAD A. STEGEMAN
Deputy Attorney General

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Attorneys for Defendant
22nd District Agricultural Association

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