

1 XAVIER BECERRA  
Attorney General of California  
2 MARK R. BECKINGTON  
Supervising Deputy Attorney General  
3 GEORGE WATERS  
Deputy Attorney General  
4 State Bar No. 88295  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 323-8050  
Fax: (916) 324-8835  
7 E-mail: George.Waters@doj.ca.gov  
Attorneys for Defendants/Respondents State of  
8 California, Xavier Becerra, and the California  
Department of Justice

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF FRESNO  
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14 **SHERIFF CLAY PARKER, TEHAMA**  
15 **COUNTY SHERIFF; HERB BAUER**  
16 **SPORTING GOODS; CALIFORNIA**  
17 **RIFLE AND PISTOL ASSOCIATION;**  
**ABLE'S SPORTING, INC.; RTG**  
**SPORTING COLLECTIBLES, LLC; AND**  
**STEVEN STONECIPHER,**

18 Plaintiffs and Petitioners,

19 v.

20 **THE STATE OF CALIFORNIA; XAVIER**  
21 **BECERRA, IN HIS OFFICIAL**  
22 **CAPACITY AS ATTORNEY GENERAL**  
23 **FOR THE STATE OF CALIFORNIA; THE**  
**CALIFORNIA DEPARTMENT OF**  
**JUSTICE, AND DOES 1-25,**

24 Defendants and  
25 Respondents.

Case No. 10CECG02116

**DECLARATION OF GEORGE WATERS**  
**IN SUPPORT OF DEFENDANT'S**  
**OPPOSITION TO PLAINTIFFS'**  
**MOTION FOR ATTORNEY FEES ON**  
**APPEAL; EXHIBITS 1-6**

Date: June 22, 2017  
Time: 3:30 p.m.  
Dept: 402  
Judge: The Honorable Jeffrey Y.  
Hamilton

Action Filed: June 17, 2010

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1. I am employed as a Deputy Attorney General with the Office of the California Attorney General. I represent defendants State of California, California Attorney General Xavier Becerra, and the California Department of Justice (collectively “the State”) in this action. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto.

3. Attached as Exhibit 2 is a true and correct copy of a Joint Letter to the Clerk of the Supreme Court dated November 21, 2016 from Attorneys Patty Li and Clinton Monfort, in which the parties to this action informed the Supreme Court that this case had become moot.

5. Attached as Exhibit 4 is a true and correct copy of an April 19, 2017 order of the California Supreme Court in which the Court denied Plaintiffs' request for republication of the decision of the Fifth District Court of Appeal in this action.

7. Attached as Exhibit 6 is a true and correct copy of a Memorandum from the Desk of C.D. Michel dated February 22, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

1 Dated: June 9, 2017

Respectfully Submitted,

2 XAVIER BECERRA  
3 Attorney General of California  
4 MARK R. BECKINGTON  
5 Supervising Deputy Attorney General

6 */s/ George Waters*  
7 GEORGE WATERS  
8 Deputy Attorney General  
9 *Attorneys for Defendants/Respondents State*  
10 *of California, Xavier Becerra, and the*  
11 *California Department of Justice*

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# **Exhibit 1**

317 P.3d 1184  
Supreme Court of California

PARKER  
v.  
STATE of California.

No. S215265.

|  
Feb. 19, 2014.

Prior report: Cal.App., 164 Cal.Rptr.3d 345

Petition for review granted.

CANTIL-SAKAUYE, C.J., KENNARD,  
BAXTER, WERDEGAR, CHIN, CORRIGAN and  
LIU, JJ., concur.

**All Citations**

317 P.3d 1184, 167 Cal.Rptr.3d 658 (Mem)

**Opinion**

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End of Document

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# **Exhibit 2**

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



455 GOLDEN GATE AVENUE, SUITE 11000  
SAN FRANCISCO, CA 94102-7004

Public: (415) 703-5500  
Telephone: (415) 703-1577  
Facsimile: (415) 703-1234  
E-Mail: Patty.Li@doj.ca.gov

November 21, 2016

SUPREME COURT  
FILED

NOV 21 2016 ATTORNEY GENERAL-  
OFFICE COPY

Jorge Navarrete Clerk

Jorge E. Navarrete  
Clerk of the Court  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-4797

Deputy

RE: *Sheriff Clay Parker, et al. v. The State of California, et al.*, Case No. S215265

Dear Mr. Navarrete:

This joint letter is submitted on behalf of all parties to this appeal, Defendants-Appellants State of California, et al., and Plaintiffs-Respondents Sheriff Clay Parker, et al. In response to the November 14, 2016 oral argument letter sent to counsel for the parties, the parties respectfully submit that there is no need to schedule oral argument for this matter. As explained below, the parties agree that the claims raised in this appeal are moot.

On July 20, 2016, the Court directed the parties to submit supplemental letter briefs "addressing whether the passage of Senate Bill No. 1235 (2015-2016 Reg. Sess.) has rendered moot the claims raised by the plaintiffs in this matter." The parties filed supplemental briefing stating that Plaintiffs-Respondents' claims should be rendered moot, either on January 1, 2017 when Senate Bill No. 1235 would take effect, or as of November 9, 2016, if voters approved the Safety for All Act of 2016 ("Proposition 63") at the November 8, 2016 general election. The claims would *not* be rendered moot by January 1, 2017 *only* if Proposition 63 were rejected by voters *and* a proposed referendum challenging SB 1235 qualified for the November 2018 general election ballot. (See Defendants-Appellants' Suppl. Letter Br., Aug. 3, 2016, at pp. 3-6; Plaintiffs-Respondents' Suppl. Letter Br., Aug. 5, 2016, at pp. 2-3.)

Since the supplemental briefing was submitted, the proposed referendum challenging SB 1235 has failed to qualify for the November 2018 general election ballot.<sup>1</sup>

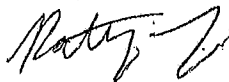
<sup>1</sup> See "1790. (16-0006) Referendum to Overturn Law Regulating Ammunition Sales," at

(continued...)

Jorge E. Navarrete, Clerk of the Court  
November 21, 2016  
Page 2

And, at the November 8, 2016 general election, voters approved Proposition 63.<sup>2</sup> This renders the claims of Plaintiffs-Respondents moot.

Sincerely,



P. PATTY LI  
Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General  
*Counsel for Defendants-Appellants State of  
California, et al.*

  
Clinton B. Monfort

For MICHEL & ASSOCIATES, P.C.  
*Counsel for Plaintiffs-Respondents Sheriff Clay  
Parker, et al.*

---

(...continued)

<http://www.sos.ca.gov/elections/ballot-measures/initiative-and-referendum-status/failed-qualify;>  
"1790. Referendum to Overturn Law Regulating Ammunition Sales," at  
<http://elections.cdn.sos.ca.gov/ballot-measures/pdf/1790-finalrawcount-10-11-16.pdf>.

<sup>2</sup> The Secretary of State has until December 16, 2016 to certify the November 8, 2016 election results for statewide ballot measures. (Cal. Elec. Code, § 15501, subd. (b).) The vote margin as of November 21, 2016 is 7,424,297 to 4,410,317 (or 62.7 % to 37.3 %), with an estimated 2.8 million vote-by-mail and provisional ballots still to be counted. (California Secretary of State, Semi-Official Election Results, Proposition 63, at <http://vote.sos.ca.gov/returns/maps/ballot-measures/prop/63> (as of November 21, 2016 at 8:56 a.m.); California Secretary of State, Estimated Unprocessed Ballots for the November 8, 2016, General Election, <http://elections.cdn.sos.ca.gov/statewide-elections/2016-general/unprocessed-ballots-report.pdf> (updated November 18, 2016 at 4:39 p.m.).



**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *Sheriff Clay Parker, et al. v. State of California, et al.*

No.: S215265

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.


On November 21, 2016, I served the attached **JOINT LETTER** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Carl Dawson Michel  
Michel & Associates, P.C.  
180 E Ocean Blvd., Ste 200  
Long Beach, CA 90802  
*Attorneys for Respondents*

Paul D. Clement  
Kirkland & Ellis LLP  
655 Fifteenth Street, M.W.  
Washington, D.C. 20005-5793  
*Attorney for Respondents*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 21, 2016, at San Francisco, California.

Susan Chiang  
\_\_\_\_\_  
Declarant

  
\_\_\_\_\_  
Signature

# Exhibit 3

DEC 14 2016

Jorge Navarrete Clerk

---

Deputy

Court of Appeal, Fifth Appellate District - Nos. F062490/F062709

S215265

**IN THE SUPREME COURT OF CALIFORNIA**

En Banc

---

CLAY PARKER, as Sheriff, etc. et al., Plaintiffs and Respondents,

v.

STATE OF CALIFORNIA et al., Defendants and Appellants.

---

AND CONSOLIDATED CASE.

---

Review is dismissed as moot. (See Sen. Bill 1235 (2015-2016 Reg. Sess.) § 4; Safety for All Act of 2016 (Prop. 63, as approved by voters, Gen. Elec. (Nov. 8, 2016).)

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Cantil-Sakauye

*Chief Justice*

---

Werdegar

*Associate Justice*

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Chin

*Associate Justice*

---

Corrigan

*Associate Justice*

---

Liu

*Associate Justice*

---

Cuellar

*Associate Justice*

---

Kruger

*Associate Justice*

# Exhibit 4

APR 19 2017

Court of Appeal, Fifth Appellate District - Nos. F062490/F062709

Jorge Navarrete Clerk

S215265

Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

---

CLAY PARKER, as Sheriff, etc. et al., Plaintiffs and Respondents,

v.

STATE OF CALIFORNIA et al., Defendants and Appellants.

---

AND CONSOLIDATED CASE.

---

The California Rifle and Pistol Association's "Request for Republication" of *Parker v. State of California* (2013) F062490, F062709, previously published at 221 Cal.App.4th 340, review granted and opinion superseded February 19, 2014, S215265, is denied.

**CANTIL-SAKAUYE**

---

*Chief Justice*

# Exhibit 5

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> Civil Department - Non-Limited		Entered by:
TITLE OF CASE: <b>Sherrif Clay Parker vs. State of Calif/JUDGMENT</b>		
<b>LAW AND MOTION MINUTE ORDER</b>		Case Number: <b>10CECG02116 JH</b>

Hearing Date: **JANUARY 18, 2012**

Hearing Type: **Mtn for Atty Fees, Mtn to Strike, Gen Mtn 1,2**

Department: **402**

Judge/Temporary Judge: **Jeff Hamilton**

Court Clerk: **M.Santana**

Reporter/Tape: **S.Applegate**

**Appearing Parties:**

Plaintiff:

Defendant:

Counsel: **C.D. Michel**

Counsel: **Peter Krause**

- ☒ **Motion for Attorney Fees is DENIED with prejudice. Supplement the record, denied again. To take OFF CALENDAR the March 1, 2012 hearing on the Plaintiffs' additional motion for leave to file additional evidence / offer of proof. See attached copy of Tentative Ruling for 01/18/2012 and 09/20/2011.**
- ☐ Continued to ☐ Set for \_\_\_\_\_ at \_\_\_\_\_ Dept. \_\_\_\_\_ for \_\_\_\_\_
- ☐ Submitted on points and authorities with/without argument. ☒ **Matter is argued and submitted.**
- ☐ Upon filing of points and authorities.
- ☐ Motion is granted ☐ in part and denied in part. ☐ Motion is denied ☐ with/without prejudice.
- ☐ Taken under advisement
- ☐ Demurrer ☐ overruled ☐ sustained with \_\_\_\_\_ days to ☐ answer ☐ amend
- ☒ **Tentative ruling 01/18/2012 becomes the order of the court. No further order is necessary.**
- ☐ **Tentative ruling of 09/20/2011 becomes the order of the court. No further order is necessary.**
- ☒ **Pursuant to CRC 391(a) and CCP section 1019.5(a), no further order is necessary. The minute order adopting the tentative ruling serves as the order of the court.**
- ☒ **Service by the clerk will constitute notice of the order.**
- ☐ Time for amendment of the complaint runs from the date the clerk serves the minute order.
- ☐ Judgment debtor \_\_\_\_\_ sworn and examined.
- ☐ Judgment debtor \_\_\_\_\_ failed to appear.
- Bench warrant issued in the amount of \$ \_\_\_\_\_

**Judgment:**

- ☐ Money damages ☐ Default ☐ Other \_\_\_\_\_ entered in the amount of:
- Principal \$ \_\_\_\_\_ Interest \$ \_\_\_\_\_ Costs \$ \_\_\_\_\_ Attorney fees \$ \_\_\_\_\_ Total \$ \_\_\_\_\_
- ☐ Claim of exemption ☐ granted ☐ denied. Court orders withholdings modified to \$ \_\_\_\_\_ per \_\_\_\_\_

**Further, court orders:**

- ☐ Monies held by levying officer to be ☐ released to judgment creditor. ☐ returned to judgment debtor.
- ☐ \$ \_\_\_\_\_ to be released to judgment creditor and balance returned to judgment debtor.
- ☐ Levying Officer, County of \_\_\_\_\_, notified. ☐ Writ to issue
- ☐ Notice to be filed within 15 days. ☐ Restitution of Premises

(23)

**Tentative Ruling**

Re: ***Sheriff Clay Parker, et al. v. State of California, et al.***  
Superior Court No. 10 CECG 02116

Hearing Date: Wednesday, January 18, 2012 (Dept. 402)

Motions: (1) Plaintiffs' Motion to Strike State's Renewed Objections  
and Supporting Declaration Filed on November 8, 2011

(2) Plaintiffs' Motion for Attorneys' Fees

(3) Plaintiffs' Motion for Leave to File Additional Evidence,  
or, in the alternative, to Deny Plaintiffs' Motion for Attorneys'  
Fees Without Prejudice

**Tentative Ruling:**

To DENY Plaintiffs' motion to strike the Defendants' renewed objections and supporting declaration filed on November 8, 2011.

To ADOPT the Court's tentative ruling signed and posted on September 20, 2011. To DENY Plaintiffs' motion for attorneys' fees. (Code of Civil Procedure § 1021.5.)

To DENY Plaintiffs' motion for leave to file additional evidence, or, in the alternative, to deny Plaintiffs' motion for attorneys' fees without prejudice.

To take OFF CALENDAR the March 1, 2012 hearing on the Plaintiffs' additional motion for leave to file additional evidence / offer of proof.

**Explanation:**

**Plaintiffs' Motion to Strike State's Renewed Objections and Supporting Declaration Filed on November 8, 2011**

The Plaintiffs move to strike the State's renewed objections, filed on November 8, 2011, pursuant to Evidence Code §§ 352-354 and Code of Civil Procedure §§ 128, 1005, and 1008.

However, first, by requiring the Plaintiffs to respond to the arguments made in the State's written objections to Plaintiffs' late-filed evidence in its second November 9, 2011 order, the Court intended to make clear that it had decided to consider the State's written renewed objections in ruling on the Plaintiffs' motion for attorneys' fees. Second, while the Plaintiffs contend that the



State's renewed objections are an incorrectly labeled motion for reconsideration of the Court's first November 9 order, given that the State's renewed objections were filed the day before the Court issued its first November 9, 2011 order, the Court determines that the State's written renewed objections are not an incorrectly labeled motion for reconsideration.

For these reasons, the Court denies the Plaintiffs' motion to strike the State's renewed objections.

#### Plaintiffs' Motion for Attorneys' Fees

On September 21, 2011, after the Plaintiffs presented additional new evidence to the Court at the hearing on the Plaintiffs' motion for attorneys' fees, the Court took the motion for attorneys' fees under advisement.

On November 9, 2011, at 10:22 a.m., the Court removed the Plaintiffs' motion for attorneys' fees from under submission, set a hearing date of January 18, 2012 to consider the Plaintiffs' late-filed evidence, and ordered both the Defendants and Plaintiffs to file supplemental briefing regarding the Plaintiffs' late-filed evidence. Then, after receiving and reviewing the Defendants' written renewed objections, filed the day before on November 8, 2011 and determining that the Court initially agreed with the Defendants' arguments, the Court issued a second minute order on November 9, 2011, at 1:14 p.m., which provided the Plaintiffs with the opportunity to file a supplemental brief addressing the Defendants' written renewed objections by November 16, 2011. The Court informed the parties in the Court's second minute order that, if the Court remains persuaded by the State's arguments, that the Court would adopt its prior tentative ruling denying the Plaintiffs' motion for attorneys' fees.

After considering the Defendants' written Renewed Objections to New Evidence Lodged on September 21, 2011 and the Plaintiffs' Court Ordered Response to the State's Renewed Objections to New Evidence Lodging on September 21, 2011, the Court remains persuaded by the Defendants' arguments. While the Plaintiffs contend that they met their initial burden on the attorneys' fee motion in the submission of evidence based on their understanding of controlling law, the Court disagrees. Plaintiffs did not meet their burden for the reasons expressed in the tentative ruling. Thus, the success of the attorneys' fees motion would be dependent on the submission of additional evidence. On this point, the Court agrees with Defendants that the additional materials submitted to the Court were untimely, and that no reasonable explanation was presented for not providing them in the original filing save for Plaintiffs' counsel's judgment call. The Court has discretion to disallow the submission of late-filed evidence. (Cal. Rules of Court, rule 3.1300(d); *Bozzi v. Nordstrom, Inc.* (2010) 186 Cal. App. 4th 755, 765.) The Court hereby exercises that discretion in disallowing the filing of Plaintiffs' untimely evidence.



*Denied w/ prejudice*

(23)

**Tentative Ruling**

Re: ***Sheriff Clay Parker, et al. v. State of California, et al.***  
Superior Court No. 10 CECG 02116

Hearing Date: Wednesday, September 21, 2011 (Dept. 402)

Motion: Plaintiffs Sheriff Clay Parker's, Herb Bauer Sporting Goods, Inc.'s, California Rifle and Pistol Association Foundation's, Able's Sporting, Inc.'s, RTG Sporting Collectibles, LLC's, and Steven Stonecipher's Motion for Attorneys' Fees

**Tentative Ruling:**

To DENY Plaintiffs' motion for attorney's fees. (Code of Civil Procedure § 1021.5.)

**Explanation:**

Plaintiffs Sheriff Clay Parker, Herb Bauer Sporting Goods, Inc., California Rifle and Pistol Association Foundation, Able's Sporting, Inc., RTG Sporting Collectibles, LLC, and Steven Stonecipher move for an award of attorneys' fees in the total amount of \$625,048.75 pursuant to Code of Civil Procedure § 1021.5. Defendants State of California, Kamala Harris, in her official capacity as Attorney General for the State of California, and the California Department of Justice request that the Court deny the Plaintiffs' motion for attorneys' fees in its entirety or, at the least, substantially reduce the amount of attorneys' fees awarded to Plaintiffs.

Code of Civil Procedure § 1021.5 codifies the private attorney general doctrine by which substantial attorney's fees can be awarded to successful parties in private actions to enforce and effectuate fundamental public policies embedded in constitutional or statutory provisions. (*Woodland Hills Residents Assn., Inc. v. City Council* (1979) 23 Cal. 3d 917, 933-934.) In relevant part, Code of Civil Procedure § 1021.5 provides:

Upon motion, a court may award attorneys' fees to a successful party against one or more opposing parties in any action which has resulted in the enforcement of an important right affecting the public interest if: (a) a significant benefit, whether pecuniary or nonpecuniary, has been conferred on the general public or a large class of persons, (b) the necessity and financial burden of private enforcement ... are such as to make the award appropriate, and (c) such fees should not in the interest of justice be paid out of the recovery, if any.

fees should not in the interest of justice be paid out of the recovery, if any.

"[E]ligibility for section 1021.5 attorney fees is established when '(1) plaintiffs' action has resulted in the enforcement of an important right affecting the public interest, (2) a significant benefit, whether pecuniary or nonpecuniary has been conferred on the general public or a large class of persons and (3) the necessity and financial burden of private enforcement are such as to make the award appropriate.'" (*Conservatorship of Whitley* (2010) 50 Cal. 4th 1206, 1214 [quoting *Woodland Hills Residents Assn., Inc. v. City Council* (1979) 23 Cal. 3d 917, 935].) The burden is on the claimant for the award of attorney's fees to establish each prerequisite to an award of attorney's fees under Code of Civil Procedure §1021.5. (*Ebbetts Pass Forest Watch v. Department of Forestry and Fire Protection* (2010) 187 Cal. App. 4th 376, 381.) The Court's decision regarding attorney's fees will only be reversed if the Court commits a prejudicial abuse of discretion. (*Baggett v. Gates* (1982) 32 Cal. 3d 128, 142-43.)

The Court finds that the Plaintiffs have demonstrated that they have met the first two requirements for an attorneys' fees award pursuant to Section 1021.5. Specifically, since this litigation enforced the fundamental public policy that no person should be deprived of life, liberty, or property without due process of law, the Court finds that this action "necessarily affects the public interest and confers a significant benefit upon the general public." (*City of Fresno v. Press Communications, Inc.* (1994) 31 Cal. App. 4th 32, 44; see *Williams v. Garcetti* (1993) 5 Cal. 4th 561, 567 ["The constitutional interest implicated in questions of statutory vagueness is that no person be deprived of 'life, liberty, or property without due process of law,' as assured by both the federal Constitution (U.S. Const., Amends. V, XIV) and the California Constitution (Cal. Const., art. I, § 7)."])

The Court also finds that the Plaintiffs have demonstrated that the necessity of private enforcement. Because the action proceeded against the governmental agencies that were responsible for creating and enforcing the facially vague statutes, it is clear that private, rather than public, enforcement was necessary. (*Conservatorship of Whitley* (2010) 50 Cal. 4th 1206, 1215; *Woodland Hills Residents Assn., Inc. v. City Council* (1979) 23 Cal. 3d 917, 941.)

However, the Court finds that the Plaintiffs have failed to demonstrate that the financial burden of private enforcement is such to make an award of attorneys' fees appropriate in this case.

In determining the financial burden on litigants, courts have quite logically focused not only on the costs of the litigation but also any offsetting financial benefits that the litigation yields or reasonably could have been expected to yield. "An award on the

'private attorney general' theory is appropriate when the cost of the claimant's legal victory transcends his personal interest, that is, when the necessity for pursuing the lawsuit placed a burden on the plaintiff 'out of proportion to his individual stake in the matter.'" [Citation.] "This requirement focuses on the financial burdens and incentives involved in bringing the lawsuit." [Citation.]

The method for weighing costs and benefits is illustrated in *Los Angeles Police Protective League v. City of Los Angeles* (1986) 188 Cal. App. 3d 1[.] "The trial court must first fix – or at least estimate – the monetary value of the benefits obtained by the successful litigants themselves. ... Once the court is able to put some kind of number on the gains actually attained it must discount these total benefits by some estimate of the probability of success at the time the vital litigation decisions were made which eventually produced the successful outcome. ... Thus, if success would yield ... the litigant group ... an aggregate of \$10,000 but there is only a one-third chance of ultimate victory they won't proceed – as a rational matter – unless their litigation costs are substantially less than \$3,000.

"After approximating the estimated value of the case at the time the vital litigation decisions were being made, the court must then turn to the costs of the litigation – the legal fees, deposition costs, expert witness fees, etc., which may have been required to bring the case to fruition. ... The final step is to place the estimate value of the case beside the actual cost and make the value judgment whether it is desirable to offer the bounty of a court-awarded fee in order to encourage the litigation of the sort involved in this case." ... (*Los Angeles Police Protective League, supra*, 188 Cal. App. 3d at pp. 9-10.)

(*Whitley*, 50 Cal. 4th at 1215-16.)

In this case, the Court is unable to determine if the Plaintiffs' financial burden of attorneys' fees is out of proportion to their personal stake in litigating the case because the Plaintiffs have failed to provide the Court with evidence establishing what the private financial or pecuniary interest each Plaintiff had, or did not have, in the litigation at the time that "the vital litigation decisions were

made which eventually produced the successful outcome.” (*Id.* at 1215.) Initially, while the Plaintiffs allege in their original and reply memorandums of points and authorities, that Plaintiffs Sheriff Clay Parker, Steven Stonecipher, and the California Rifle and Pistol Association Foundation have no pecuniary interests in this lawsuit, the Plaintiffs have failed to present any evidence to the Court establishing that these Plaintiffs actually had no financial interest in the action at the time that the vital litigation decisions were being made. Next, while the Plaintiffs allege in their memorandums of points and authorities that Plaintiff Herb Bauer Sporting Goods’ financial interests actually ran counter to this litigation because the prohibition on mail order and internet sales would have funneled sales to brick and mortar stores like the ones owned by this Plaintiff and the costs of the administrative records required by the challenged statutes would have paled in comparison to the attorneys’ fees incurred in bringing this lawsuit, the Plaintiff has provided no evidence to support these assertions. Further, while the Plaintiffs acknowledge that Plaintiff Able’s Sporting, Inc. does have a pecuniary interest in the action and allege in the memorandums of points and authorities that this Plaintiff received no direct pecuniary gain and any indirect gain is highly speculative, the Plaintiffs have also failed to present any evidence to the Court to support those allegations.

Finally, on reply, the Plaintiffs submitted the declaration of Ray T. Giles, the owner of Plaintiff RTG Sporting Collectibles, LLC, in order to support their statement that Plaintiff RTG Sporting Collectibles, LLC’s financial burden of attorneys’ fees is out of proportion to the Plaintiff’s private pecuniary interest. In the declaration of Ray Giles, he states that Plaintiff RTG Sporting Collectibles, LLC made approximately \$2,190.00 in profit from ammunition sales to California in 2010 and that, while the enforcement of Penal Code § 12318 would have impacted RTG Sporting Collectibles, LLC’s annual profits, he could not determine the full value of any profit loss because it is impossible to know how long the law would have remained in effect and how many of RTG Sporting Collectibles, LLC’s customers would have been exempt from the face-to-face requirement of Section 12318(c). (Declaration of Ray T. Giles ¶¶ 4-5.) However, the Court finds that this evidence is insufficient to establish that Plaintiff RTG Sporting Collectibles, LLC burden of attorneys’ fees is substantially greater than its financial interest because the Plaintiff has failed to provide the Court with any estimate of the financial benefits that success in this action yielded for Plaintiff.

For these reasons, the Plaintiffs have failed to demonstrate that the financial burden of private enforcement was enough to make an award of attorneys’ fees pursuant to Code of Civil Procedure § 1021.5 appropriate. Therefore, the Court denies the Plaintiffs’ motion for attorneys’ fees.

Pursuant to California Rules of Court, rule 3.1312(a) and Code of Civil Procedure section 1019.5(a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

like the ones owned by this Plaintiff and the costs of the administrative records required by the challenged statutes would have paled in comparison to the attorneys' fees incurred in bringing this lawsuit, the Plaintiff has provided no evidence to support these assertions. Further, while the Plaintiffs acknowledge that Plaintiff Able's Sporting, Inc. does have a pecuniary interest in the action and allege in the memorandums of points and authorities that this Plaintiff received no direct pecuniary gain and any indirect gain is highly speculative, the Plaintiffs have also failed to present any evidence to the Court to support those allegations.

Finally, on reply, the Plaintiffs submitted the declaration of Ray T. Giles, the owner of Plaintiff RTG Sporting Collectibles, LLC, in order to support their statement that Plaintiff RTG Sporting Collectibles, LLC's financial burden of attorneys' fees is out of proportion to the Plaintiff's private pecuniary interest. In the declaration of Ray Giles, he states that Plaintiff RTG Sporting Collectibles, LLC made approximately \$2,190.00 in profit from ammunition sales to California in 2010 and that, while the enforcement of Penal Code § 12318 would have impacted RTG Sporting Collectibles, LLC's annual profits, he could not determine the full value of any profit loss because it is impossible to know how long the law would have remained in effect and how many of RTG Sporting Collectibles, LLC's customers would have been exempt from the face-to-face requirement of Section 12318(c). (Declaration of Ray T. Giles ¶¶ 4-5.) However, the Court finds that this evidence is insufficient to establish that Plaintiff RTG Sporting Collectibles, LLC burden of attorneys' fees is substantially greater than its financial interest because the Plaintiff has failed to provide the Court with any estimate of the financial benefits that success in this action yielded for Plaintiff.

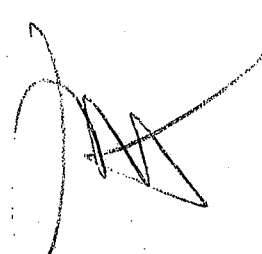
For these reasons, the Plaintiffs have failed to demonstrate that the financial burden of private enforcement was enough to make an award of attorneys' fees pursuant to Code of Civil Procedure § 1021.5 appropriate. Therefore, the Court denies the Plaintiffs' motion for attorneys' fees.

Pursuant to California Rules of Court, rule 3.1312(a) and Code of Civil Procedure section 1019.5(a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**

Issued By: JYH on 9/20/2011  
(Judge's initials) (Date)

*Adopted today 1/18/12*



<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> <b>Civil Department - Non-Limited</b> 1130 "O" Street Fresno, CA 93724-0002 (559)457-1900	FOR COURT USE ONLY
TITLE OF CASE: <b>Sherrif Clay Parker vs. State of Calif/JUDGMENT</b>	
<b>CLERK'S CERTIFICATE OF MAILING</b>	CASE NUMBER: <b>10CECG02116 JH</b>

Name and address of person served:

**C. D. Michel**  
**Michel & Associates**  
**180 East Ocean Blvd. Suite 200**  
**Long Beach, CA 90802**

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**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause and that a true copy of the 01/18/2012 Minute Order and copy of Tentative Rulings dated 01/18/12 and 09/20/2011 was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at, California, on:

Date: **January 19, 2012**

Clerk, by **MARIA G. SANTANA**, Deputy  
 M. Santana

C. D. Michel, 180 East Ocean Blvd., Suite 200, Long Beach CA 90802  
**Peter A. Krause, Office of the Attorney General, 1300 I Street, Ste 125, Sacramento CA 95814**



# Exhibit 6

C. D. MICHEL

SPECIAL COUNSEL  
JOSHUA R. DALE  
W. LEE SMITH

ASSOCIATES  
SEAN A. BRADY  
SCOTT M. FRANKLIN  
HILLARY J. GREEN  
THOMAS E. MACIEJEWSKI  
CLINT B. MONFORT  
JOSEPH A. SILVOSO, III  
TAMARA M. RIDER  
LOS ANGELES, CA

Writer's Direct Contact:  
(562) 216-4444  
cmichel@michellawyers.com



OF COUNSEL  
DON B. KATES  
SAN FRANCISCO, CA

RUTH P. HARING  
LOS ANGELES, CA

GLENN S. MCROBERTS  
SAN DIEGO, CA

AFFILIATE COUNSEL  
JOHN F. MACHTINGER  
JEFFREY M. COHON  
LOS ANGELES, CA

DAVID T. HARDY  
TUCSON, AZ

## M E M O R A N D U M

### FROM THE DESK OF C. D. MICHEL

**Date:** February 22, 2011  
**Re:** AB 962 Victory and Acknowledgments

#### I. INTRODUCTION

On behalf of the legal team that was privileged to work on behalf of the National Rifle Association and to represent the California Rifle & Pistol Association Foundation ("CRPA Foundation") and the other plaintiffs in *Parker v. California*, the lawsuit successfully challenging the ammunition regulations enacted by Assemblyman Kevin de León's Assembly Bill 962 ("AB 962"), I wanted to get some information out so people can understand what went into obtaining this decision, can fully appreciate the value of the results, and can recognize the contributions of all those involved.

If it had gone into effect, AB 962 would have imposed burdensome and ill-conceived restrictions on the sale of ammunition in and into California. AB 962 required that "handgun ammunition" be stored out of the reach of customers, that ammunition vendors collect ammunition sales registration information and thumbprints from purchasers, and conduct transactions face-to-face for all deliveries and transfers of "handgun ammunition."

The central issue in the lawsuit was whether the definition of "handgun ammunition" as used in certain provisions of AB 962 was unconstitutionally vague. This lawsuit, funded *exclusively* by the NRA and CRPA Foundation, was prompted in part by the many concerns and questions raised by confused police, ammunition purchasers, and sellers about this infringement on their rights, and about what ammunition was covered by the new laws.

The lawsuit alleged, and the Court agreed, that certain provisions of AB 962 are unconstitutionally vague on their face because they fail to provide sufficient legal notice of what ammunition is "principally for use in a handgun," and thus is considered to be "handgun ammunition" subject to those provisions. It is practically impossible, both for those subject to the law and for those who must enforce it, to determine whether any of the thousands of

different cartridges that can be used in handguns are actually "principally for use in," or used more often in, a handgun than a rifle. The proportional usage of any given cartridge is impossible to determine, and in any event changes with market demands. In fact, the legislature itself was well aware of the vagueness problem with AB 962's definition of "handgun ammunition" and tried to redefine it via AB 2358 during the 2010 legislative session. AB 2358 failed in the face of opposition from the NRA and CRPA based on the proposal's many nonsensical infringements on ammunition sales to law-abiding citizens.

## II. BACKGROUND

The lawsuit was filed in Fresno Superior Court on June 17, 2010, challenging certain statutes made law by AB 962. The suit challenged the bills requirement that so-called "handgun ammunition" be stored out of the reach of customers and that transfers of so-called "handgun ammunition" be recorded by vendors (which records were to include the purchaser's identifying information, including a thumbprint, as well as the type of ammunition purchased), and conducted only when parties are face-to-face and the transferee provides bona fide identification, thereby prohibiting its transfer via mail order and internet. The lawsuit primarily alleged that the mandates of AB 962 were incomprehensible, because the applicable definition of "handgun ammunition" was unconstitutionally vague.

In a highly unusual move that reflects growing law enforcement opposition to ineffective gun control laws, Tehama County Sheriff Clay Parker was the lead plaintiff in the lawsuit. Other plaintiffs included the CRPA Foundation, Herb Bauer Sporting Goods, ammunition shipper Able's Ammo, collectible ammunition shipper RTG Sporting Collectibles, and individual Steven Stonecipher. The decision and all briefs filed in the case are posted at [www.michellawyers.com/parkervca](http://www.michellawyers.com/parkervca).

Department of Justice ("DOJ") lawyers representing the State of California declined to file a demurrer to our Complaint (the equivalent of a motion to dismiss at the pleadings stage), indicating they did not see any grounds that would support such a motion. Instead, acknowledging the potential merits of our case, the DOJ worked with the Legislature in a frantic last-minute attempt to moot the lawsuit by amending a pending bill, AB2358, to include a list of ammunition that would have replaced the nonsensical definition of "handgun ammunition" in AB 962.

But as mentioned above, AB 2358, which contained multiple other problematic provisions that would have hurt California gun owners, failed to pass.

AB 2358's fate was somewhat legally inconsequential with respect to the *Parker* lawsuit because AB 2358 was wrought with its own legal problems that would have been challenged in the *Parker* case regardless. But the consideration of the bill did force us to temporarily stall litigation, as we would have had to change the legal arguments if it had passed.

Once AB 2358 failed to pass, we immediately sought a preliminary injunction to stop AB 962's contested provisions from taking effect. We filed the motion and accompanying declarations on September 7, 2010, and worked with the Court and opposing counsel at the

DOJ to negotiate an adjusted briefing schedule for this important motion. Although the lawsuit was still being prepared and fine-tuned to maximize the potential for success, we were forced to rush to file the preliminary injunction motion in the face of the fast-approaching date on which AB 962 was set to take effect.

On November 17, 2010, our legal team appeared in Fresno Superior Court for the hearing on the Motion for Preliminary Injunction and related case management and scheduling conferences. During the hearing, the Court expressed concerns over the amount of "irreparable harm" that Plaintiffs might incur if an injunction was not issued at that time and suggested any harm could simply be "repaired" with money damages.

The Court encouraged the parties to focus on the underlying substantive issue and assisted us in reaching an agreement on how to expedite a decision on the merits prior to the effective date of February 1st. In doing so, the Court noted that although trials were being set out to December of 2012 at that time, the Court was willing to grant Plaintiffs an unusual trial setting preference. The Court then set a briefing schedule for an extremely expedited joint Motion for Summary Judgment and Trial, and set the hearing on Plaintiffs' Motion for Summary Judgment/Trial for January 18, 2011. Noting that "time was of the essence" for Plaintiffs, the Court ensured a ruling would either be made on the date of the hearing or within a few days thereafter to ensure the case was resolved in its entirety prior to February 1st. Plaintiffs' Motion for Summary Judgment/Trial was filed on December 7, 2010.

In light of the Court's willingness to expedite the litigation and reach a final decision on Plaintiffs' claims before the effective date of many of AB 962's provisions, Plaintiffs opted to withdraw their Motion for a Preliminary Injunction instead of protracting the litigation by arguing and requesting supplemental briefing on Plaintiffs' irreparable harm claims.

### III. THE DECISION

On January 18, 2011, in a dramatic ruling giving gun owners a win in this NRA/CRPA Foundation lawsuit, Fresno Superior Court Judge Jeffrey Hamilton ruled that AB 962 was unconstitutionally vague on its face.

On January 24, 2011, the Court issued an Order formally enjoining enforcement of the statutes, allowing mail order ammunition sales to California to continue and prohibiting enforcement of the requirement that ammunition sales be registered. The ruling came just days before the portion of the law that banned mail order sales of so called "handgun ammunition" was set to take effect.

A week later, on January 31, 2011, the Court issued its awaited Opinion formally documenting its January 18th oral ruling from the bench. In its 22 page Opinion, the Court explained, "[a]fter careful consideration, the Court finds that the definition of 'handgun ammunition' as established in Penal Code §§ 12060(b) and 12318(b)(2) is unconstitutionally vague and, [that] because the definition of 'handgun ammunition' is vague, Penal Code §§ 12060, 12061, and 12318, which define and regulate sales and transfers of 'handgun ammunition' are also impermissibly vague."

Constitutional vagueness challenges to state laws are extremely difficult to win, particularly in California firearms litigation, so this success is particularly noteworthy. Even so, an appeal by the State is likely. But in the meantime, the Court's Order enjoining enforcement of these laws, which took effect on February 1, 2011, remains in force.

## V. PARTICIPANTS

This success was the result of a team effort, both in terms of the plaintiffs who were named in the lawsuit itself and the several organizations, companies, and individuals who also contributed to the effort and to this victory. Each of these parties played a vital role in achieving this tremendous result for those who choose to exercise their Second Amendment rights and not be arbitrarily subjected to prosecution for doing so.

Below is a list of the plaintiffs and a description of their involvement. Below that is a list of others who contributed to this success in a variety of ways.

### A. Sponsor

Funding for this case was provided by the Legal Action Project, a joint effort between the NRA and CRPA Foundation. The NRA is a non-profit membership organization founded in 1871 and incorporated under the laws of New York, with headquarters in Fairfax, Virginia and an office in Sacramento, California. Principal funding for the case was provided by the NRA. The NRA represents several hundred thousand individual members and hundreds of affiliated clubs and associations in California. Donations to support this and similar cases can be made at [www.nraila.org](http://www.nraila.org).

Seventeen years ago the NRA and CRPA joined forces to fight local gun bans being written and pushed in California by the gun ban lobby. Their coordinated efforts became the NRA/CRPA "Local Ordinance Project" (LOP) - a statewide campaign to fight ill-conceived local efforts at gun control and educate politicians about available programs that are effective in reducing accidents and violence without infringing on the rights of law-abiding gun owners. The NRA/CRPA LOP has had tremendous success in beating back most of these anti-self-defense proposals.

In addition to fighting local gun bans, for decades the NRA has been litigating dozens of cases in California courts to promote the right to self-defense and the Second Amendment. In the post-*Heller* and *McDonald* legal environment, NRA and CRPA Foundation have formed the NRA/CRPA Foundation Legal Action Project (LAP), a joint venture to proactively strike down ill-conceived gun control laws and ordinances and advance the rights of firearms owners, specifically in California. Sometimes success is more likely when LAP's litigation efforts are kept low profile, so the details of every lawsuit are not always released.

To see a partial list of the LOP's and LAP's recent accomplishments, or to contribute to the NRA or to the NRA/CRPA LAP and support this and similar Second Amendment cases, visit [www.nraila.com](http://www.nraila.com) and [www.crpafoundation.org](http://www.crpafoundation.org).

## **B. Plaintiffs**

### **1. Associations/Corporations**

**California Rifle & Pistol Association Foundation** is a non-profit entity headquartered in Fullerton, California. Contributions to CRPA Foundation are used for the direct benefit of Californians. Funds granted by the Foundation benefit a wide variety of constituencies throughout California, including gun collectors, hunters, target shooters, law enforcement, and those who choose to own a firearm to defend themselves and their families. CRPA Foundation seeks to: raise awareness about unconstitutional laws, defend and expand the legal recognition of the rights protected by the Second Amendment, promote firearms and hunting safety, protect hunting rights, enhance marksmanship skills of those participating in shooting sports, and educate the general public about firearms. The CRPA Foundation also supports law enforcement and various charitable, educational, scientific, and other firearms-related public interest activities that support and defend the Second Amendment rights of all law-abiding Americans. In this suit, CRPA Foundation represented the interests of the tens of thousands of its supporters who reside in the State of California who were too numerous to conveniently bring this action individually and who would have been impacted by the unconstitutional statutes of AB 962. [www.crupa.org](http://www.crupa.org)

**Herb Bauer Sporting Goods, Inc.** is a retail sporting goods store in Fresno, California that sells a variety of ammunition. **Barry Bauer** is the President of Herb Bauer Sporting Goods. [www.herbbauersportinggoods.com](http://www.herbbauersportinggoods.com)

**Able's Ammo** is an ammunition vendor that ships many different types of firearm ammunition directly to California residents. [www.ableammo.com](http://www.ableammo.com)

**RTG Sporting Collectibles** is a collectible ammunition vendor that ships many different types of firearm ammunition. [www.rtgammo.com](http://www.rtgammo.com)

### **2. Individuals**

**Sheriff Clay Parker** was the duly elected Sheriff for the County of Tehama, California. Sheriff Parker has been a law enforcement officer since 1981 and is a graduate of the Federal Bureau of Investigation's National Academy. He was originally elected Sheriff of Tehama County in 1998 and was re-elected to that position twice. Sheriff Parker is also the immediate past President of the California State Sheriffs' Association and is a former President of the Western States' Sheriffs' Association. He became a plaintiff in this lawsuit when he realized he did not know how to enforce certain provisions of AB 962 due to the vagueness of the term "handgun ammunition" used therein.

**Stephen Stonecipher** is a resident of Fresno, California who mails ammunition to friends and family and sometimes receives ammunition in the mail from out-of-state shippers of ammunition.

## C. Other Assistance

### 1. Associations/Corporations

**Midway USA** is a Missouri ammunition vendor. Through its Chief Executive Officer, **Larry Potterfield**, Midway USA submitted a declaration in support of Plaintiffs' Motion for Summary Judgment explaining the real world impact of AB 962's vagueness. [www.midwayusa.com](http://www.midwayusa.com)

**Chattanooga Shooting Supplies D/B/A Natchez Shooters Supplies** is a Tennessee ammunition distributor. Through its Vice President, **Brian Hall**, Natchez Shooters Supplies submitted a declaration in support of Plaintiffs' Motion for Summary Judgment explaining the real world impact of AB 962's vagueness. [www.natchezss.com](http://www.natchezss.com)

**Cheaper Than Dirt** is a Texas ammunition distributor. Through its Chief Executive Officer, **Michael Tenny**, Cheaper Than Dirt submitted a declaration in support of Plaintiffs' Motion for Summary Judgment explaining the real world impact of AB 962's vagueness. [www.cheaperthandirt.com](http://www.cheaperthandirt.com)

### 2. Individuals

**Stephen Helsley** retired from the California Department of Justice as the Assistant Director of the Division of Law Enforcement. For the past eighteen years he has worked for the NRA, first as a State Liaison and then as a political consultant. Mr. Helsley has a wealth of knowledge regarding firearms and ammunition. He shared this knowledge with the Court by way of expert testimony and declarations submitted in support of Plaintiffs' Motion for Preliminary Injunction and Plaintiffs' Motion for Summary Judgment. All of this was provided by Mr. Helsley *pro bono*.

**Mike Haas** is the creator and author of "Haas' Guide to Small Arms Ammunition," a free computer utility that provides technical information on over 100 cartridges and their ballistics. He also runs Ammo Guide, the leading community reloading website. Mr. Haas provided expert testimony in support of Plaintiffs' Motion for Preliminary Injunction *pro bono*. [www.ammoguide.com](http://www.ammoguide.com)

**Sheriff Tom Allman** is the Sheriff-Coroner for the County of Mendocino, California. He has been a law enforcement officer since 1980 and was elected Sheriff-Coroner of Mendocino County in 2006 - a position he has held since. Sheriff Allman submitted a declaration in support of Plaintiffs' Motion for Summary Judgment explaining the difficulty law enforcement would face in trying to enforce AB 962.

#### **D. Legal Team**

##### **Attorneys for All Plaintiffs**

C. D. ("Chuck") Michel, Lead Counsel

Clint B. Monfort

Sean A. Brady

##### **Law Clerks**

Anna Barvir

Bobbie Ross

##### **Paralegal**

Claudia Ayala

##### **Legal Secretary**

Valerie Pomella

Michel & Associates, P.C.

180 East Ocean Blvd., Suite 200

Long Beach, CA 90802

Telephone: (562) 216-4444

Email: [cmichel@michellawyers.com](mailto:cmichel@michellawyers.com)

Website: [www.michellawyers.com](http://www.michellawyers.com) / [www.calgunlaws.com](http://www.calgunlaws.com)

Michel & Associates attorneys advocate on behalf of a variety of civil rights, including the Second Amendment right to keep and bear arms, and Michel & Associates has one of the most recognized and respected firearms litigation practices in the nation. We provide outstanding advocacy on behalf of the NRA, the CRPA, other Second Amendment and self-defense civil rights advocacy groups, and individual gun owners. We are uniquely qualified to represent our clients in what is still a highly charged and dynamic political environment, one in which inadvertent violations can be all too common and potential legal consequences unjustly severe.

Michel & Associates, P.C. does much more than practice firearms law. For more information about our law practice, please visit our website [www.michellawyers.com](http://www.michellawyers.com). Michel & Associates, P.C. can help with a variety of legal matters. We hope you will consider coming to us first for all your legal needs.

Unlike many law firms that support anti-gun-owner efforts to undermine your right to keep and bear arms by providing *probono* services to the gun ban lobby and subsidized the effort with the legal fees paid by their clients, Michel & Associates, P.C. provides many hours of *probono* legal service to gun owners and to the associations that protect their rights. Shop for your legal service provider carefully!



## **VI. WHAT'S NEXT?**

### **A. Recovery of Fees and Costs**

As the prevailing party in the lawsuit, NRA/CRPA Foundation's attorneys at Michel and Associates, P.C., are currently preparing a motion to recover all legal fees and costs from the State of California that were incurred in the *Parker* litigation. The fees recovered in this case will be used to fund subsequent litigation efforts on behalf of California firearm owners.

### **B. Potential Appeal and Impact on Second Amendment Jurisprudence**

Attorneys for State are currently considering whether to appeal the decision, which would be an interesting prospect in terms of developing Second Amendment jurisprudence in the California Court of Appeals and potentially the California Supreme Court.

In striking down AB962, Judge Hamilton did not feel it necessary to apply a "heightened standard" of clarity in finding the definition of "handgun ammunition" unconstitutional in *Parker*. Should the case be appealed, Plaintiffs will urge the Court of Appeal to adopt (as they did with the trial court) a heightened standard of clarity because AB 962 implicates the exercise of fundamental rights. The issue of whether Second Amendment regulations are entitled to the same constitutional requirements of clarity as the First Amendment and other fundamental rights is one of first impression, and the prospect of an appellate court adopting a novel standard for Second Amendment due process challenges is much more likely than at the trial court level.

The application of a heightened standard could have far reaching impacts on due process challenges to current and future firearms legislation that cannot be successfully challenged directly on Second Amendment grounds. So while AB 962 is currently enjoined from enforcement, an appeal by the state could result in a written appellate opinion establishing that firearms-related legislation must provide the utmost clarity for firearm owners. Such an opinion could have promising impacts as gun owners continuously struggle to decipher the ever-tangled web of federal, state, and local regulations imposed on law-abiding firearm owners.

### **C. New Proposed Legislation Restricting the Right to Acquire Ammunition**

Despite this win for common sense over ill-conceived, counterproductive, and poorly-drafted gun laws, additional legislation on this and related subjects has been proposed in Sacramento this legislative session. Senator de León has already introduced legislation (Senate Bill 124) which will attempt to clarify the vagueness found in AB 962 by amending the definition of "handgun ammunition" to include all ammunition that "can be used in a handgun," that is, virtually *all* ammunition.

As with AB 962 and AB 2358, SB 124 is similarly wrought with problems that will be met with multiple legal challenges in the courts should it pass. But legal challenges are costly and time-consuming, and the best way to defeat ill-conceived and counter-productive legislation is before it passes. NRA and CRPA Foundation attorneys at Michel and Associates, P.C. are currently preparing memoranda exposing the numerous flaws in this legislation, which

will be used to counter this ineffective, knee-jerk reaction to the *Parker* decision that will cause far more problems than it will solve.

It remains absolutely critical that those who believe in the right to keep and bear arms stay informed and make their voices heard in Sacramento. When AB 962 passed, there was loud outcry from law-abiding gun owners impacted by the new law. Those voices must be heard during the legislative session and before a proposed law passes, not after it is signed into law. To help, sign up for legislative alerts at [www.nraila.com](http://www.nraila.com) and [www.calnra.com](http://www.calnra.com) and respond when called upon.

Thank you for your support in making NRA and CRPAF strong.

#CDM#

#176231v3<Interwoven> -Parker Thank You-Victory Memo

**DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL**

Case Name: **Sheriff Clay Parker, et al. v. The State of California**  
No.: **10CECG02116**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the Oddessy electronic filing system. Participants who are registered with Oddessy will be served electronically. Participants in this case who are not registered with Oddessy will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On June 9, 2017, I electronically served the attached **DECLARATION OF GEORGE WATERS IN SUPPORT OF DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION FOR ATTORNEYS' FEES ON APPEAL** by transmitting a true copy via this Court's Oddessy system. Because one or more of the participants in this case have not registered with the Court's Oddessy system or are unable to receive electronic correspondence, on June 9, 2017, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Anna Barvir  
Michel & Associates, P.C.  
180 East Ocean Blvd., Suite 200  
Long Beach CA 90802-4079

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 9, 2017, at Sacramento, California.

\_\_\_\_\_  
Tracie L. Campbell  
Declarant

\_\_\_\_\_  
*Tracie Campbell*  
Signature