

BY FAX

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C.D. Michel – S.B.N. 144258
Scott M. Franklin – S.B. N. 240254
Sean A. Brady – S.B.N. 262007
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Email: cmichel@michellawyers.com

FILED/ENDORSED
OCT 13 2017
By: H. Portalanza
Deputy Clerk

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

DAVID GENTRY, JAMES PARKER,
MARK MIDLAM, JAMES BASS, and
CALGUNS SHOOTING SPORTS
ASSOCIATION,

Plaintiffs and Petitioners,

v.

XAVIER BECERRA, in His Official
Capacity as Attorney General For the State
of California; STEPHEN LINDLEY, in
His Official Capacity as Acting Chief for
the California Department of Justice,
BETTY T. YEE, in Her Official Capacity
as State Controller, and DOES 1 - 10,

Defendants and Respondents.

Case No. 34-2013-80001667

**PLAINTIFFS' AMENDED NOTICE OF
MOTION TO COMPEL ADDITIONAL
RESPONSES TO REQUEST FOR
ADMISSIONS (SET THREE) PROPOUNDED
ON DEFENDANTS XAVIER BECERRA AND
STEPHEN LINDLEY AND FOR SANCTIONS**

Hearing Date: November 3, 2017
Hearing Time: 9:00 a.m.
Judge: Honorable Michael P. Kenny
Dept.: 31

Trial Date: March 16, 2018
Action Filed: October 16, 2013

PLEASE TAKE NOTICE that on November 3, 2017 at 9:00 a.m. or as soon thereafter as
the matter may be heard, in Department 31 of the Sacramento County Superior Court, located at
720 9th Street, Sacramento, CA 95814, Plaintiffs/Petitioners David Gentry, James Parker, Mark
Midlam, James Bass, and Calguns Shooting Sports Association (collectively "Plaintiffs") will and
hereby do move this Court for an order granting Plaintiffs' Motion to Compel Additional
Responses to Request for Admissions, Set Three, Propounded on Defendants/Respondents Xavier
Becerra and Stephen Lindley (collectively "Defendants"). Plaintiffs also will and do move the

1 Court for an award of sanctions due to Defendants' evasive conduct, e.g., knowingly making and
2 relying on a discovery objection that is clearly without merit. Sanctions are sought against the
3 named Defendants and any attorney that was a decision-maker as to Defendants' choice to engage
4 in the specific sanctionable conduct at issue, which may include those attorneys identified on
5 Defendants' discovery responses: Anthony Hakl, Stepan Haytayan, and Xavier Becerra.

6 This Motion is brought pursuant to Code of Civil Procedure sections 2023.010,
7 subdivisions (e)-(f), 2033.220, 2030.220, subdivision (a), and 2030.300, subdivisions (a)(1) and
8 (a)(3), on the grounds that Defendants have provided responses that include unfounded objections
9 and statements that are evasive and incomplete. A declaration in conformance with Code of Civil
10 Procedure section 2016.040 is provided herewith.

11 This Motion is based upon this notice, the attached memorandum of points and
12 authorities, the supporting Declaration of Scott M. Franklin, the separate statement of disputed
13 issues concurrently served and filed with this Motion, all papers and pleadings currently on file
14 with the Court, and such oral and documentary evidence as may be presented to the Court at the
15 time of the hearing.

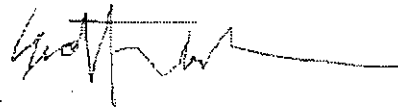
16 Please take further notice that:

17 [p]ursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the
18 merits of this matter by 2:00 p.m., the court day before the hearing. The complete
19 text of the tentative rulings for the department may be downloaded off the
20 court's website. If the party does not have online access, they may call the
21 dedicated phone number for the department as referenced in the local telephone
22 directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before
the hearing and receive the tentative ruling. If you do not call the court and the
opposing party by 4:00 p.m. the court day before the hearing, no hearing will be
held.

23 Sac. Super. Ct. L.R. 106(A).

24 Dated: October 13, 2017

MICHEL & ASSOCIATES, P.C.



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Scott M. Franklin
Attorney for Plaintiffs

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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I am over the age of eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Blvd., Suite 200, Long Beach, CA 90802.

On October 13, 2017, the foregoing document described as

PLAINTIFFS' AMENDED NOTICE OF MOTION TO COMPEL ADDITIONAL RESPONSES TO REQUEST FOR ADMISSIONS (SET THREE) PROPOUNDED ON DEFENDANTS XAVIER BECERRA AND STEPHEN LINDLEY

on the interested parties in this action by placing

- the original
- a true and correct copy

thereof enclosed in sealed envelope(s) addressed as follows:

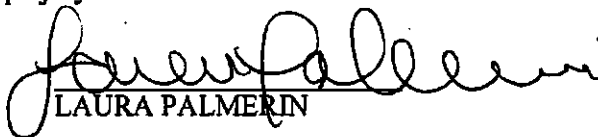
Anthony R. Hakl
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

Attorney for Defendants

(BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission. Said transmission was reported and completed without error. Executed on October 13, 2017, at Long Beach, California.

(BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit. Executed on October 13, 2017, at Long Beach, California.

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


LAURA PALMERIN