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2017 OCT 13 PM 4:04

SSSC COURTHOUSE  
SUPERIOR COURT  
OF CALIFORNIA  
SACRAMENTO COUNTY

1 C.D. Michel – S.B.N. 144258  
2 Scott M. Franklin – S.B. N. 240254  
3 Sean A. Brady – S.B.N. 262007  
4 MICHEL & ASSOCIATES, P.C.  
5 180 East Ocean Blvd., Suite 200  
6 Long Beach, CA 90802  
7 Telephone: (562) 216-4444  
8 Facsimile: (562) 216-4445  
9 Email: [cmichel@michellawyers.com](mailto:cmichel@michellawyers.com)

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

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

Plaintiffs and Petitioners,

v.

15 XAVIER BECERRA, in His Official  
16 Capacity as Attorney General For the State  
17 of California; STEPHEN LINDLEY, in  
18 His Official Capacity as Acting Chief for  
19 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 SPECIAL  
INTERROGATORIES (SET FOUR)  
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

21 PLEASE TAKE NOTICE that on November 3, 2017 at 9:00 a.m. or as soon thereafter as  
22 the matter may be heard, in Department 31 of the Sacramento County Superior Court, located at  
23 720 9th Street, Sacramento, CA 95814, Plaintiffs/Petitioners David Gentry, James Parker, Mark  
24 Midlam, James Bass, and Calguns Shooting Sports Association (collectively "Plaintiffs") will and  
25 hereby do move this Court for an order granting Plaintiffs' Motion to Compel Additional  
26 Responses to Special Interrogatories, Set Four, Propounded on Defendants/Respondents Xavier  
27 Becerra and Stephen Lindley (collectively "Defendants"). Plaintiffs also will and do move the  
28 Court for an award of sanctions due to Defendants intentionally evasive conduct, e.g., knowingly

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

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

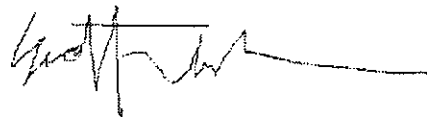
11 This Motion is based upon this notice, the attached memorandum of points and  
12 authorities, the supporting Declaration of Scott M. Franklin, the separate statement of disputed  
13 issues concurrently served and filed with this Motion, all papers and pleadings currently on file  
14 with the Court, 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  
23 the hearing and receive the tentative ruling. If you do not call the court and the  
24 opposing party by 4:00 p.m. the court day before the hearing, no hearing will be  
25 held.

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

23 Dated: October 13, 2017

**MICHEL & ASSOCIATES, P.C.**



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27 Scott M. Franklin  
28 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 SPECIAL INTERROGATORIES (SET FOUR)  
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:

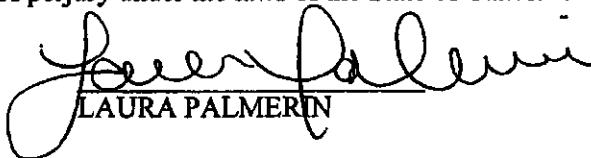
Anthony R. Hakl  
Deputy Attorney General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550

*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

BY FAX

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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,

vs.

XAVIER BECERRA, in his official  
capacity as Attorney General for the State  
of California; STEPHEN LINDLEY, in his  
official capacity as director of the Bureau of  
Firearms; BETTY YEE, in her official  
capacity as State Controller for the State of  
California; and DOES 1-10,

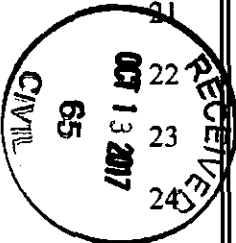
Defendants and Respondents.

CASE NO. 34-2013-80001667

**[PROPOSED] ORDER RE: PLAINTIFFS'  
MOTION TO COMPEL FURTHER  
RESPONSES TO SPECIAL  
INTERROGATORIES (SET FOUR)**

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



Plaintiffs/Petitioners David Gentry, James Parker, Mark Midlam, James Bass, and  
Calguns Shooting Sports Association's (collectively "Plaintiffs") Motion to Compel Additional  
Responses to Special Interrogatories (Set Four) was heard on November 3, 2017. After  
considering all the papers and admissible evidence submitted by the parties in support of and in  
opposition to the Motion, and the arguments of counsel in connection with this matter, and good

1 cause appearing:

2 IT IS HEREBY ORDERED that the Motion is GRANTED and Defendants are  
3 ORDERED to serve further responses to Plaintiffs' Special Interrogatories, Set Four, Nos. 33, 35,  
4 37-41, 42, 43, 45-49, 52, and 53 . Such further responses shall be provided to Plaintiffs no later  
5 than December 1, 2017.

6 IT IS FURTHER ORDERED that Plaintiffs be awarded \$ \_\_\_\_\_ pursuant to Code  
7 of Civil Procedure section 2023.010, because the Court finds there was no substantial justification  
8 for Defendants' having made an unmeritorious objection to discovery based on a claim that  
9 special interrogatories cannot be used to obtain information concerning a party's legal  
10 contentions. *Id.* § 2023.010(e). That claim is wrong, and the relevant statute is clear on this point.  
11 Code Civ. Proc. § 2030.010(b) (“[a]n interrogatory may relate to whether another party is making  
12 a certain contention[; a]n interrogatory is not objectionable because answer to it involves a[]  
13 contention that relates to . . . the application of law to fact”); *see also id.* § 2017.010 (“Discovery  
14 may relate to the claim or defense of . . . any . . . party to the action.”). Defendants conduct in this  
15 regard was also an evasive; Defendants' intended to leave Plaintiffs in the dark as to Defendants'  
16 legal positions via the use of an unmeritorious objection and thereby unfairly limit Plaintiffs'  
17 ability to prepare for trial. Sanctions are also appropriate for this reason. *Id.* § 2023.010(f). The  
18 Court expressly finds that the award of sanctions is for no reason unjust in this instance.

19 **IT IS SO ORDERED.**

20 Date: \_\_\_\_\_

\_\_\_\_\_  
21 Hon. Michael P. Kenny Judge of the Superior Court

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**PROOF OF SERVICE**

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On October 13, 2017, the foregoing document(s) described as

**[PROPOSED] ORDER RE: PLAINTIFFS' MOTION TO COMPEL FURTHER RESPONSES TO SPECIAL INTERROGATORIES (SET FOUR)**

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

*Attorney for Defendants*

X (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.

X (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.

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

  
LAURA PALMERIN