

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

DATE/TIME	June 22, 2018, 10:00 a.m.	DEPT. NO	28
JUDGE	HON. RICHARD K. SUEYOSHI	CLERK	E. GONZALEZ
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	
Nature of Proceedings:		MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND SECOND AMENDED PETITIONER FOR WRIT OF MANDAMUS	

The following shall constitute the Court's tentative ruling on the motion to for leave to file second amended petition and complaint which is scheduled to be heard by the Court on Friday, June 22, 2018 at 10:00 a.m. in Department 28. The tentative ruling shall become the final ruling of the Court unless a party wishing to be heard so advises the clerk of this Department no later than 4:00 p.m. on the court day preceding the hearing, and further advises the clerk that such party has notified the other side of its intention to appear.

In the event that a hearing is requested, oral argument shall be limited to no more than 20 minutes per side.

Any party desiring an official record of this proceeding shall make arrangements for reporting services with the Clerk of the Department where the matter will be heard not later than 4:30 p.m. on the day before the hearing. The fee is \$30.00 for civil proceedings lasting under one hour, and \$239.00 per half day of proceedings lasting more than one hour. (Local Rule 1.12(B) and Government Code § 68086.) Payment is due at the time of the hearing.

California Rule of Court Rule 3.1324 sets forth the requirements for a motion to amend a pleading, and the supporting declaration. Pursuant to subdivision (a)(3) the motion must “State what allegations are proposed to be added to the previous pleading, if any, and where, *by page, paragraph, and line number*, the additional allegations are located.” (emphasis added.) The motion, and declaration of Scott M. Franklin provide, “The proposed Second Amended Complaint filed herewith is the same as Plaintiffs’ prior pleading, except that two new causes of action have been added, and the prayer is amended to reflect the relief sought via the new causes of action.” This summary description fails to comply with Rule 3.1324, subdivision (a)(3).

Subdivision (b) provides that the declaration accompanying the motion must specify,

- “(1) The effect of the amendment;
- (2) Why the amendment is necessary and proper;
- (3) When the facts giving rise to the amended allegations were discovered; and
- (4) The reasons why the request for amendment was not made earlier.”

Although the motion includes a discussion of the effect of the amendment, the declaration does not. The declaration also does not specify why the amendment is necessary and proper, and although it includes a vague discussion of “difficulty in extracting information from Defendants” between 2015 and 2017, it does not give specific reasons why the request for amendment was not made earlier.

As Plaintiffs have failed to comply with Rule of Court Rule 3.1324, the motion for leave to file second amended complaint is **DENIED** without prejudice.

////////////////////////////////////

In the event that this tentative ruling becomes the final ruling of the Court, the ruling will be effective immediately via minute order. No formal order pursuant to CRC Rule 3.1312 or further notice is required.