

Case No. 19-56004

In the United States Court of Appeals
for the Ninth Circuit

STEVEN RUPP, et al.,
Plaintiffs-Appellants,

v.

XAVIER BECERRA,
in his official capacity as Attorney General of the State of California,
Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California
Case No. 8:17-cv-00746-JLS-JDE

**APPELLANTS' EXCERPTS OF RECORD
VOLUME XXII OF XXII**

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Under Federal Rules of Appellate Procedure for the Ninth Circuit, rule 30-1, Plaintiffs-Appellants Steven Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and California Rifle & Pistol Association, Incorporated, by and through their attorney of record, confirm to the contents and form of Appellants' Excerpts of Record.

Date: January 27, 2020

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s/ Sean A. Brady

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2020, an electronic PDF of APPELLANTS' EXCERPTS OF RECORD, VOLUME XXII OF XXII was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Date: January 27, 2020

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11
12 **IN THE UNITED STATES DISTRICT COURT**
13
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
15
16 **SOUTHERN DIVISION**

17 STEVEN RUPP; STEVEN DEMBER;
18 CHERYL JOHNSON; MICHAEL
19 JONES; CHRISTOPHER SEIFERT;
20 ALFONSO VALENCIA; TROY WILLIS;
21 and CALIFORNIA RIFLE & PISTOL
22 ASSOCIATION, INCORPORATED,

23 Plaintiffs,

24 vs.

25 XAVIER BECERRA, in his official
26 capacity as Attorney General of the State
27 of California; and DOES 1-10,

28 Defendants.

CASE NO.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

1 Plaintiffs, Rupp, Dember, Johnson, Jones, Seifert, Valencia, Willis, and the
2 California Rifle & Pistol Association, Incorporated, through their counsel, bring this
3 action against Defendant Attorney General Xavier Becerra, in his official capacity,
4 and make the following allegations:

5 INTRODUCTION

6 1. Plaintiffs are law-abiding California residents who seek to protect
7 themselves and their families with rifles owned and in common use by millions of
8 Americans for self-defense. The Second Amendment squarely protects Plaintiffs’
9 right to keep and bear arms “typically possessed by law-abiding citizens for lawful
10 purposes.” *District of Columbia v. Heller*, 554 U.S. 570, 624-25 (2008). And
11 California plainly infringes that right by completely barring Plaintiffs from acquiring,
12 transferring, or possessing commonly owned rifles that it pejoratively labels “assault
13 weapons”—a non-technical, political term of ever-changing definition and scope
14 with no connection to the public safety interests that the law purports to serve.¹

15 2. California’s sweeping Assault Weapon Control Act (“the AWCA”)²
16 prohibits the most popular rifle models in the country, which are lawfully owned and
17 safely operated by millions of Americans in all but a few states. To achieve such a
18 broad ban, California classifies as “assault weapons” dozens of specific, popular
19 rifles by their make and model along with any other rifle having certain common
20 features that are the hallmarks of the most popular rifle models. None of these
21 features that qualify a rifle for the State’s prohibition have anything to do with rate of
22 fire, ammunition capacity, power, or anything else linked to the rifle’s potential to be

23
24 ¹ “ ‘Prior to 1989, the term “assault weapon” did not exist in the lexicon of
25 firearms. It is a political term, developed by anti-gun publicists to expand the
26 category of “assault rifles” so as to allow an attack on as many additional firearms as
27 possible on the basis of undefined “evil” appearance.’ ” *Stenberg v. Carhart*, 530
28 U.S. 914, 1001 n.16 (2000) (Thomas, J., dissenting) (quoting Bruce H. Kobayashi &
Joseph E. Olson, *In Re 101 California Street: A Legal and Economic Analysis of
Strict Liability for the Manufacture and Sale of “Assault Weapons”*, 8 Stan. L. &
Pol’y Rev. 41, 43 (1997)).

² Part 6, Title 4, Division 10, Chapter 2 of the California Penal Code,
commencing with section 30500.

1 exploited for crime. To the contrary, their purpose is to promote ergonomic comfort,
2 accuracy, and safe handling—that is, to make the rifles safer and more effective for
3 the core lawful purpose of self-defense. In sum, California’s prohibition of rifles “in
4 common use ... for lawful purposes like self-defense” is based on distinctions that
5 have nothing to do with public safety or any other valid government objective. *Id.* at
6 624. That is a policy choice the Second Amendment takes “off the table.” *Id.* at 636.

7 3. The Second Amendment is not the only constitutional provision
8 implicated by the State’s ban. By retroactively criminalizing firearms that were
9 lawful when purchased based on arbitrarily selected features—many of which
10 actually make firearms that are commonly owned and used *safer* and more effective
11 for self-defense—the AWCA violates the Due Process Clause. *See, e.g., Lingle v.*
12 *Chevron U.S.A. Inc.*, 544 U.S. 528, 541 (2005); *id.* at 548-49 (Kennedy, J.,
13 concurring). And by severely constraining the right of firearm owners to transfer
14 lawfully acquired firearms, and eliminating entirely the right of firearms owners “to
15 pass on” their lawfully acquired property to their family members or heirs— “one of
16 the most essential sticks in the bundle of” property rights, which has “been part of
17 the Anglo-American legal system since feudal times”—without compensation, the
18 AWCA violates the Takings Clause. *Hodel v. Irving*, 481 U.S. 704, 716 (1987);
19 *Horne v. Dep’t of Agric.*, 135 S. Ct. 2419, 2425, 2427 (2015).

20 4. Desiring to acquire, possess, use, and/or transfer these constitutionally
21 protected firearms for lawful purposes including self-defense, but justifiably fearing
22 prosecution if they do, Plaintiffs respectfully request this Court: (1) declare that
23 California Penal Code sections 30510(a), 30515(a)(1)(A-C), 30515(a)(1)(E-F),
24 30515(a)(3), 30520, 30600, 30605, 30925, and 30945, along with California Code of
25 Regulations, title 11, section 5499 (“11 C.C.R. 5499”), infringe Plaintiffs’
26 constitutional rights; and (2) permanently enjoin Defendants from enforcing each of
27 those sections to the extent they prevent law-abiding Californians, like Plaintiffs,
28 from acquiring, possessing, using or transferring constitutionally protected arms.

FACTUAL BACKGROUND

5. This case involves California’s ban on certain commonly owned semiautomatic, centerfire rifles with detachable magazines. “Semiautomatic” means the rifle discharges a single projectile with each pull of the trigger, no matter how long the trigger is depressed.³ “Centerfire” means the rifle uses “centerfire” (as opposed to “rimfire”) ammunition.⁴ And having a “detachable magazine” means that the rifle is fed ammunition via a magazine that is not fixed to the rifle.

6. There is nothing new or unusually dangerous about semiautomatic, centerfire rifles with detachable magazines. Such rifles have been in safe and effective use by civilians in this country—including in California—for over a century. As a general matter, they remain lawful in all states today.

7. Many semiautomatic, centerfire rifles with detachable magazines come standard with—or can be modified with widely available aftermarket products to include—particular features designed to promote comfort, safe handling, and accuracy. As relevant to this case, those features include a “pistol grip” (including a “forward pistol grip”), a “thumbhole stock,” a “flash suppressor,” and an adjustable (“telescoping”) stock. *See* Cal. Penal Code § 30515.

8. A “pistol grip” allows for a “grasp in which the web of the trigger hand (between the thumb and index finger) can be placed below the top of the exposed

³ By contrast, fully automatic weapons—otherwise known as a “machine guns”—are capable of discharging rounds as long as the trigger is depressed. *See Staples v. United States*, 511 U.S. 600, 602 n.1 (1994). Fully automatic “machine guns” are generally banned in California by Penal Code section 32625, a section Plaintiffs do not challenge here.

⁴ Ammunition consists of loaded cartridges that have four parts: a primer, case, propellant (gun powder) and a projectile (bullet or shot). *See* Cal. Penal Code § 16150. When a firing pin strikes the priming compound of a cartridge placed in a gun’s chamber, the resulting spark ignites the powder charge and the resulting gas drives the bullet out of the case and then out of the barrel. In a “centerfire” cartridge, the priming compound is contained in a cup mechanically positioned in a ‘pocket’ in the center of the back end of the cartridge case. In a “rimfire cartridge,” the priming compound has been placed on the outside rim of the cartridge case by centrifugal force. The clear majority of cartridge types are centerfire; rimfire ammunition generally consists of smaller cartridges, *e.g.*, .22LR.

1 portion of the trigger while firing.” Cal. Code Regs. tit. 11, § 5469(d). In other
2 words, a pistol grip allows for a more comfortable and stable grip, which in turn
3 promotes accuracy when shooting. “By holding the pistol grip, the shooter keeps the
4 barrel from rising after the first shot, and thereby stays on target for a follow-up shot.
5 The defensive application is obvious, as is the public safety advantage in preventing
6 stray shots.” *Kolbe v. Hogan*, 849 F.3d 114, 159 (4th Cir. 2017) (en banc) (Traxler,
7 J., dissenting) (citing David B. Kopel, *Rational Basis Analysis of “Assault Weapon”*
8 *Prohibition*, 20 J. Contemp. L. 381, 396 (1994)). A pistol grip also lessens recoil and,
9 by allowing a user to grip the rifle from below rather than from above, minimizes the
10 chance that a rifle will slip out of the user’s hand while firing, further increasing
11 safety, improving accuracy, and preventing stray shots.⁵

12 9. A “thumbhole stock” allows the thumb of the user’s “trigger hand to
13 penetrate into or through the stock while firing.” Cal. Code Regs. tit. 11, § 5469(e).
14 Like a pistol grip, a thumbhole stock makes it easier for a user to have a more
15 comfortable and stable grip, which provides for greater accuracy and decreases the
16 risk of dropping the weapon or firing stray shots.

17 10. A “flash suppressor” is a device designed to “reduce or redirect muzzle
18 flash”— the sudden flash of light caused by the explosion of gunpowder when a rifle
19 user fires a shot—“from the shooter’s field of vision.” Cal. Code Regs. tit. 11, §
20 5469(b). A “flash suppressor” prevents a rifle user from being blinded in low lighting
21 conditions, such as at dusk or dawn or during the nighttime. Another function of a
22 “flash suppressor” is to reduce recoil and muzzle (tip of the barrel) movement,
23 making the rifle less painful for the user to operate and increasing accuracy.

24 11. An adjustable (“telescoping”) stock permits the rifle’s user to adjust the
25 stock forward or backward, making it shorter or longer, according to his or her
26 specific physical size so that the rifle can be held comfortably.⁶ In other words, its

27
28 ⁵ A “forward pistol grip” serves the same function for the user’s forward hand.
See Cal. Code Regs. tit. 11, § 5469(c).

⁶ California provides no definition for “telescoping stock.”

1 purpose is to fit the particular user's arm length, making it easier, thus safer, to shoot;
2 particularly if there are multiple users of different sizes using the same rifle. And,
3 "there is essentially no difference between a short standard stock and a shortened
4 retractable stock." *Murphy v. Guerrero*, No. 14-00026, 2016 WL 5508998, at *19
5 (D. N. Mar. I. Sept. 28, 2016). As long as the rifle does not have an illegally short
6 overall length⁷ when the adjustable stock is at its most compact setting, a non-
7 adjustable stock can lawfully be just as short.

8 12. In sum, a pistol grip, thumbhole stock, flash suppressor, and adjustable
9 ("telescoping") stock (as those terms are defined by California regulations) are each
10 designed to make a rifle more comfortable or easier for a user to accurately operate,
11 thereby facilitating the rifle's safe and effective operation when used for a lawful
12 purpose such as self-defense.

13 13. None of these features increases a rifle's "rate of fire and capacity for
14 firepower." Cal. Penal Code § 30505(a). To the contrary, they "actually tend to make
15 rifles easier to control and more accurate—making them safer to use." *Murphy v.*
16 *Guerrero*, No. 14-00026, 2016 WL 5508998, at *18 (D. N. Mar. I. Sept. 28, 2016).

17 14. Rifles with these features are extremely popular with the American
18 public. Between 1990 and 2014, more than 11 million rifles having at least some of
19 these features were manufactured in or imported into the United States. *See Kolbe v.*
20 *Hogan*, 813 F.3d 160, 174 (4th Cir. 2016), *vacated* 849 F.3d 114 (2017). In 2012,
21 such rifles accounted for approximately 20 percent of all retail firearm sales. And in
22 2014 alone, approximately 1,228,000 such rifles were manufactured or sold in the
23 United States.⁸

24
25 ⁷ See Penal Code §§ 33210-33290, 17170 and 18 U.S.C.A. §§ 921(a)(8),
26 922(a)(4), 922(b)(4) (heavily restricting any "short-barreled" rifle having an overall
length of less than 26 inches).

27 ⁸ To put that in perspective, less than 570,000 Ford F-150 trucks—the best-
28 selling vehicle in the United States—were sold in 2014. Warren Clarke, *Top 10 Best-*
Selling Vehicles for 2014, Edmunds (Jan. 15, 2015), [https://www.edmunds.com/car-](https://www.edmunds.com/car-reviews/top-10/top-10-best-selling-vehicles-for-2014.html)
[reviews/top-10/top-10-best-selling-vehicles-for-2014.html](https://www.edmunds.com/car-reviews/top-10/top-10-best-selling-vehicles-for-2014.html).

15. Purchasers consistently report that one of the most important reasons for their purchase of this class of rifle is self-defense. Other lawful and constitutionally protected purposes for these rifles include hunting, competitive shooting, and target shooting.

16. Rifles equipped with the banned features are no more dangerous or susceptible to use for criminal purposes than those without them. In recognition of that fact, the vast majority of States place no special restrictions on semiautomatic, centerfire rifles with a detachable magazine for having a pistol grip, thumbhole stock, flash suppressor, or adjustable stock. Indeed, only five States other than California (plus the District of Columbia) place restrictions on such rifles, and all those restrictions are of recent vintage.⁹

CALIFORNIA'S ASSAULT WEAPONS CONTROL ACT

A. General Principles

17. This case concerns what is known, in relevant part, as the Roberti-Roos Assault Weapons Control Act of 1989, or the AWCA, found at Part 6, Title 4, Division 10, Chapter 2 of the California Penal Code, commencing with section 30500.¹⁰

18. The AWCA generally makes it illegal to manufacture or cause to be manufactured, distribute, transport, import into the state for sale, keep for sale, offer or expose for sale, or give, or lend any "assault weapon." A violation is punishable as a felony by imprisonment for four, six, or eight years. Cal. Penal Code § 30600(a).

19. The AWCA also generally prohibits the possession of any "assault weapon." A violation is punishable as either a misdemeanor or felony with potential

⁹ Connecticut (Conn. Gen. Stat. Ann. §§ 53-202a - 53-2020); Washington D.C. (D.C. Code Ann. § 7-2501.01); Maryland (Md. Code Ann., Crim. Law § 4-301); Massachusetts (Mass. Gen. Laws Ann. ch. 140, § 121); New Jersey (N.J. Stat. Ann. § 2C:39-1(w)); and New York (N.Y. Penal Law § 265.00(22)).

¹⁰ These statutes are also known as the ".50 Caliber BMG Regulation Act of 2004." The firearms impacted by the provisions of that Act, although appearing in the same statutes as "assault weapons," are not at issue in this litigation.

1 imprisonment in county jail or state prison. *Id.* § 30605(a); *id.* § 1170(h).

2 20. The AWCA includes a few limited exceptions that apply to specific
3 groups like peace officers, special “dangerous weapons permit” holders,¹¹ executors
4 of estates, and those specifically licensed to engage in the business of firearms
5 restricted under the AWCA. *See id.* §§ 30625-30630, 30645-30655, 31000-31005.
6 The exceptions do not, however, permit possession of an “assault weapon” by a
7 member of the general public.

8 21. As discussed further below, there is an exception to the general
9 restriction on “possessing” an “assault weapon” for anyone who lawfully acquired a
10 firearm prior to the legislature classifying that firearm as an “assault weapon,”
11 provided the firearm was registered with the California Department of Justice (“the
12 California DOJ”) as an “assault weapon” during the statutorily mandated registration
13 period. Firearms exempted from the ban by these “grandfathering” provisions,
14 however, generally cannot be transferred to ordinary private citizens in California,
15 including members of the owner’s family upon the death of the owner. They can only
16 be transferred to specified law enforcement agencies and personnel, certain
17 “dangerous weapon” permit holders, or those who reside out of state. *Id.* §§ 30625,
18 30645, 30650, 31055, 31100. Thus, lawful possession of timely registered
19 grandfathered “assault weapons” is effectively confined to the lifetime of the current
20 owner, after which the executor of the estate must dispose of them as described in the
21 preceding sentence or law enforcement will confiscate them.

22 **B. Definition of “Assault Weapon”**

23 22. The class of firearms that California defines as “assault weapons” has
24 evolved (and expanded) several times since the AWCA was first enacted in 1989.

25 23. As originally written, the AWCA expressly declared over 55 firearms,
26

27 ¹¹ This permit is generally issued only to those in the business of selling or
28 transferring such firearms, and only upon demonstrating a bona fide market or public
necessity for the issuance of such a permit in their application to the Department of
Justice. *See* Cal. Code Regs, tit. 11, §§ 4132-4137.

1 listed by make and model, to be “assault weapons.” Those firearms include the
 2 “Avtomat Kalashnikovs (AK) series,” the “Colt AR-15 and AR-15 series” rifles, the
 3 “SKS with detachable magazine,” and any firearm declared an “assault weapon” by a
 4 court under Penal Code section 30520 (former Penal Code section 12276.5).¹² *See*
 5 *Assemb. B. 357, 1989-1990 Reg. Sess. (Cal. 1989), 1989 Cal. Stat. 64-65.*

6 ***Category 1 Assault Weapons***

7 24. In 1991, the Legislature amended the AWCA to add several new
 8 firearms to the list of restricted “assault weapons,” including “Made in China AK,
 9 AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S.” *See* Cal. Penal Code § 30510
 10 (former Cal. Penal Code § 12276 (1992)) (added by Sen. B. 263, 1991-1992 Reg.
 11 Sess. (Cal. 1991), 1991 Cal. Stat. 4440-41). The “Avtomat Kalashnikovs (AK)
 12 series” and “CAR-15 series” were removed, while the provision banning the “Colt
 13 AR-15 series” remained. *See id.* And “[a]ll AK series” were added to the list. *See id.*
 14 This list of firearms commonly became known as “Category 1” “assault weapons.”

15 25. Category 1 “assault weapons” were required to be registered on or
 16 before March 31, 1992, following an extension after the 1991 amendment. *See* Cal.
 17 Penal Code § 30960(a) (former Cal. Penal Code § 12285(f) (1992)). It is no longer
 18 possible to register a Category 1 “assault weapon” and, therefore, no longer possible
 19 for the public to acquire one. Individuals who still possess a Category 1 “assault
 20 weapon” can only legally do so if the firearm was properly registered by the
 21 applicable deadline. And as explained above, registered owners of Category 1
 22 “assault weapons” cannot transfer them to ordinary private citizens within California,
 23 even their own family members upon their death.

24 ***Category 2 Assault Weapons***

25 26. In 2000, the California Supreme Court explained the legal requirements
 26 for adding a firearm to the list of “assault weapons.” *Kasler v. Lockyer*, 23 Cal. 4th

27
 28 ¹² In 2010, the legislature reorganized without substantive change all the Penal
 Code sections relating to “deadly weapons,” including those relating to “assault
 weapons.” *See* Sen. B. 1080, 2009-2010 Reg. Sess. (Cal. 2010).

1 472 (2000). Immediately following this decision, the California DOJ added more
2 than 60 AR-15 and AK “series” firearms to that list. These firearms are commonly
3 referred to as “Category 2 assault weapons.”

4 27. The list of rifles that the California DOJ deemed “assault weapons” as
5 “series” makes and models, or Category 2 “assault weapons” can be found at 11
6 C.C.R. § 5499. In 2006, the legislature repealed the California DOJ’s authority to
7 add firearms to the list of “assault weapons” identified in 11 C.C.R. § 5499. *See* Cal.
8 Penal Code § 30520 (former Cal. Penal Code § 12276.5) (added by Assemb. B.
9 2718, 2005-2006 Reg. Sess. (Cal. 2006), 2006 Cal. Stat. 6342-43). Thus, the list of
10 firearms deemed “assault weapons” by make and model in Penal Code section 30510
11 or 11 C.C.R. § 5499 (Category 1 or Category 2 “assault weapons”) is now static.¹³

12 28. Category 2 “assault weapons” were required to be registered on or
13 before January 23, 2001. It is no longer possible to register a Category 2 “assault
14 weapon” and, therefore, no longer possible for the public to acquire one. Individuals
15 who still possess a Category 2 “assault weapon” can only legally do so if it was
16 properly registered by the applicable deadline. And as explained above, registered
17 owners of Category 2 assault weapons cannot transfer them to ordinary private
18 citizens within California, even their own family members upon their death.

19 ***Category 3 Assault Weapons***

20 29. In 1999, the legislature again amended the AWCA to further expand the
21 definition of “assault weapon.” Unlike Category 1 and Category 2 “assault
22 weapons,” which are expressly listed by make and model, this time the legislature
23 classified a firearm as an “assault weapon” based on its features and configuration.
24 *See* Cal. Penal Code § 30515 (former Cal. Penal Code § 12276.1) (added by Sen. B.
25 123, 1999-2000 Reg. Sess. (Cal. 1999), 1999 Cal. Stat. 1805-06). Firearms meeting
26 this definition are commonly referred to as “Category 3” “assault weapons.”

27
28 ¹³ *See* Assault Weapons Identification Guide, California Attorney General,
<https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/awguide.pdf> (3d Ed.,
Nov. 2001).

1 30. Category 3 “assault weapons” include:

2 (a) (1) A semiautomatic, centerfire rifle ***that has the***
3 ***capacity to accept a detachable magazine and any***
4 ***one of the following:***

5 (A) A pistol grip that protrudes conspicuously
6 beneath the action of the weapon.

7 (B) A thumbhole stock.

8 (C) A folding or telescoping stock.

9 (D) A grenade launcher or flare launcher.

10 (E) A flash suppressor.

11 (F) A forward pistol grip.

12 (2) A semiautomatic, centerfire rifle that has a
13 fixed magazine with the capacity to accept more than
14 10 rounds.

15 (3) A semiautomatic, centerfire rifle that has an
16 overall length of less than 30 inches.

17 (4) A semiautomatic pistol ***that has the capacity***
18 ***to accept a detachable magazine and any one of the***
19 ***following:***

20 (A) A threaded barrel, capable of accepting a
21 flash suppressor, forward handgrip, or
22 silencer.

23 (B) A second handgrip.

24 (C) A shroud that is attached to, or partially or
25 completely encircles, the barrel that allows the
26 bearer to fire the weapon without burning the
27 bearer’s hand, except a slide that encloses the
28 barrel.

 (D) The capacity to accept a detachable
 magazine at some location outside of the pistol
 grip.

 (5) A semiautomatic pistol with a fixed magazine
 that has the capacity to accept more than 10 rounds.

 (6) A semiautomatic shotgun that has both of the
 following:

(A) A folding or telescoping stock.

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.

(8) Any shotgun with a revolving cylinder.

Cal. Penal Code § 30515.

31. In 2000, the California DOJ promulgated regulations, defining the following key terms for Category 3 “assault weapons”: (a) “Detachable magazine;” (b) “Flash suppressor;” (c) “Forward pistol grip;” (d) “Pistol grip that protrudes conspicuously beneath the action of the weapon;” and (e) “Thumbhole stock.” Cal. Code Regs. tit. 11, § 5469.

32. Category 3 “assault weapons” were required to be registered on or before December 31, 2000. It is no longer possible to register a Category 3 “assault weapon” and, therefore, no longer possible for the public to acquire one. Individuals who still possess a Category 3 “assault weapon” can only legally do so if it was properly registered by the applicable deadline. And as explained above, registered owners of Category 3 “assault weapons” cannot transfer them to ordinary private citizens within California, even their own family members upon their death.

Category 4 Assault Weapons

33. Because Category 3 assault weapons must have “the capacity to accept a detachable magazine,” Cal. Penal Code § 30505, rifle owners who preferred to keep safety and accuracy-enhancing features like a pistol grip, thumbhole stock, flash suppressor, or adjustable stock (which would otherwise be banned under the Category 3 definition) could avoid categorization as a Category 3 “assault weapon” by disabling their rifle’s capacity to accept a detachable magazine. To do so, they typically retrofitted their firearms with an aftermarket product generally referred to as a “magazine lock.”

34. Whereas the standard magazine release for a “detachable magazine” operates with the push of a finger, the typical “magazine lock” replaces the standard one-piece magazine release button with a two-piece assembly that cannot be operated with just the push of a finger; rather, a tool is needed to reach the button to release the magazine so it can be removed. The most common “tool” used to remove the magazine is the tip of a bullet, and a bullet is expressly considered a “tool” under California Code of Regulations, title 11, section 5469(a). Because a tool is needed to release the magazine, and because California considers a magazine not to be “detachable” if a “tool” is required to remove it from the firearm, a firearm with a “magazine lock” does not qualify as having “the capacity to accept a detachable magazine.” Therefore, prior to 2017, firearms with a “magazine lock” did not fall within the “assault weapon” definition, and could accordingly be equipped with safety- and accuracy-enhancing features like a pistol grip, thumbhole stock, flash suppressor, or adjustable stock.

35. In 2016, the Legislature introduced Assembly Bill 1135 and Senate Bill 880, which once again changed the “assault weapon” definitions for rifles and pistols (but not shotguns). The purpose of these bills was to make equipping a pistol or rifle with a “magazine lock” an insufficient alteration to take that firearm outside the definition of an “assault weapon.” *See* Assemb. B. 1135, 2015-2016 Reg. Sess. (Cal. 2016); Sen B. 880, 2015-2016 Reg. Sess. (Cal. 2016).

36. Specifically, the Legislature amended the definition of “assault weapon” in Penal Code section 30515 as follows:

(a) (1) A semiautomatic, centerfire rifle ***that does not have a fixed magazine but has any one of the following:***

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(B) A thumbhole stock.

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

....

(4) A semiautomatic pistol *that does not have a fixed magazine but has any one of the following:*

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(B) A second handgrip.

(C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(b) *For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.*

Cal. Penal Code § 30515 (subdivisions (a)(1), (a)(4), and (b) are emphasized to underscore the only changes made to the definition of "assault weapon" from 2016 to 2017).

37. Firearms now classified as "assault weapons" as a result of Assembly Bill 1135 and Senate Bill 880 are being referred to as "Category 4" "assault weapons." The sale or transfer of a Category 4 "assault weapon" is prohibited as of January 1, 2017. Thus, it is no longer possible to acquire a Category 4 (or any) "assault weapon" in California.

38. Individuals who currently possess a Category 4 "assault weapon" can

1 only legally do so if they lawfully acquired and possessed it before January 1, 2017,
2 and they must register such firearms by December 31, 2017. It will be illegal to
3 possess an unregistered Category 4 “assault weapon” after December 31, 2017, even
4 if that firearm was lawfully acquired. Like registered owners of earlier-designated
5 “assault weapons,” registered owners of Category 4 “assault weapons” cannot
6 transfer them to ordinary private citizens within California, even their own family
7 members upon their death.

8 **C. Summary of Assault Weapons Regulation**

9 39. As a result of the Category 4 “assault weapon” definition, a rifle that
10 does *not* have a fixed magazine is an “assault weapon” if it has any of the statutorily
11 enumerated features (pistol grip, thumbhole stock, flash suppressor, or adjustable
12 stock), but a rifle that *does* have a fixed magazine is *not* an assault weapon even if it
13 has all of those features.

14 40. A Category 3 or Category 4 “assault weapon” can be modified so that it
15 no longer meets the “assault weapon” definition by removing the features that
16 qualify it as one. These modified firearms would not need to be registered and may
17 be lawfully possessed, used, or transferred, subject only to California’s general
18 firearm laws. For example, the owner of a generic AR-15 platform rifle could
19 remove the “pistol grip” and “flash suppressor” and permanently affix the stock so it
20 is not adjustable; the firearm would then be considered a standard rifle under
21 California law and not an “assault weapon.”

22 41. That is not the case, however, with Category 1 or Category 2 “assault
23 weapons” (those expressly listed by make and model in Penal Code section 30510 or
24 11 C.C.R. § 5499). They remain “assault weapons” forever, regardless of their
25 features, must be registered, and cannot generally be transferred.

26 42. There are two noteworthy practical effects of this distinction between
27 Category 1 and 2 “assault weapons” and Category 3 and 4 “assault weapons.” First,
28 rifles that are essentially identical in function, configuration, features, design, caliber,

1 rate of fire, and ammunition capacity, can have drastically different treatment under
2 the law, solely because of what maker's marks the rifles have etched onto their
3 surface. For example, a rifle with "Colt AR-15" engraved on it that does not have a
4 "pistol grip" or "flash suppressor" and has a fixed (non-adjustable) stock is still an
5 "assault weapon," while a rifle in the same configuration with "Illegal Assault
6 Weapon" engraved on it is not. Second, the rifle marked "Illegal Assault Weapon"
7 could legally have a "detachable magazine" and not be an "assault weapon," as long
8 as it does not have other restricted features, while the rifle marked "Colt AR-15"
9 could have a fixed magazine and would still be an "assault weapon."

10 43. As long as their overall length is at least 30 inches, California does not
11 place any additional restrictions on semiautomatic, centerfire rifles with detachable
12 magazines that do not have the restricted "assault weapon" features (pistol grip,
13 thumbhole stock, flash suppressor, or adjustable stock). This means that an eighteen-
14 year-old who is not otherwise disqualified from firearm ownership in California may
15 lawfully purchase and use such a rifle, subject only to California's general firearm
16 restrictions that are not at issue here.

17 44. It also means that California is the only state other than Connecticut¹⁴ to
18 treat as an "assault weapon" any semiautomatic, centerfire rifle—regardless of its
19 magazine system or ammunition capacity—that is under 30 inches in overall length.

20 PARTIES

21 Plaintiffs

22 45. Plaintiff Steven Rupp is a resident of Orange County, California, and a
23 law-abiding citizen of the United States. Plaintiff Rupp lawfully owns a semi-
24 automatic, centerfire rifle with a non-fixed magazine and a pistol grip, flash
25 suppressor, and adjustable stock, making it an "assault weapon" under the latest
26 amendment to the AWCA (Category 4). He keeps it in his home for self-defense and
27

28 ¹⁴ Conn. Gen. Stat. Ann. § 53-202a(1)(E)(iii).

1 other lawful purposes, like training and recreation. As a result of the AWCA,
2 Plaintiff Rupp is prohibited from transferring his rifle to his offspring, which he
3 would do but for this restriction and fear of prosecution for violating the AWCA. Mr.
4 Rupp also owns a firearm frame or “lower receiver” that he wishes to assemble into a
5 fully functioning semiautomatic, centerfire rifle with a detachable magazine that has
6 a pistol grip, flash suppressor, and adjustable stock. As a result of the AWCA, he is
7 prohibited from assembling his firearm frame into a semiautomatic, centerfire rifle
8 that has a non-fixed magazine and a pistol grip, flash suppressor, or adjustable stock.
9 But for this restriction and fear of prosecution for violating the AWCA, Mr. Rupp
10 would assemble his firearm frame into such a configuration, which rifle he would use
11 for self-defense and for other lawful purposes.

12 46. Plaintiff Steven Dember is a resident of Orange County, California, and
13 a law-abiding citizen of the United States. Plaintiff Dember seeks to acquire a rifle
14 that is prohibited by the AWCA to keep in his home for self-defense and other lawful
15 purposes, like hunting, training, and recreation. But for the AWCA and his fear of
16 prosecution for violating it, Plaintiff Dember would acquire a semiautomatic,
17 centerfire rifle with a detachable magazine, having one or more of the features that
18 would make it a prohibited “assault weapon” under California law.

19 47. Plaintiff Cheryl Johnson is a resident of Orange County, California, and
20 a law-abiding citizen of the United States. Plaintiff Johnson seeks to acquire a rifle
21 that is prohibited by the AWCA to keep in her home for self-defense and other
22 lawful purposes, like hunting, training, and recreation. But for the AWCA and her
23 fear of prosecution for violating it, Plaintiff Johnson would acquire a semiautomatic,
24 centerfire rifle with a detachable magazine, having one or more of the features that
25 would make it a prohibited “assault weapon” under California law.

26 48. Plaintiff Michael Jones is a resident of Orange County, California and a
27 law-abiding citizen of the United States. Mr. Jones lawfully owns a semiautomatic,
28 centerfire rifle which he keeps in his home for self-defense and for other lawful

1 purposes, such as hunting and recreation. Mr. Jones' rifle is deemed an "assault
2 weapon" based on the rifle's features under the latest amendment to the AWCA (it is
3 a Category 4 "assault weapon"). As such, he must register the firearm as an "assault
4 weapon" before January 1, 2018, for his possession of it in that configuration to
5 continue to be lawful, which he intends to do. Upon so registering it, Plaintiff Jones
6 will not be able to devise or transfer his rifle in that configuration to his offspring or
7 otherwise devise or transfer his property to law-abiding Californians. But for this
8 restriction and fear of prosecution for violating the AWCA, Plaintiff Jones would
9 devise or transfer his rifle to his offspring.

10 49. Plaintiff Christopher Seifert is a resident of Orange County, California
11 and a law-abiding citizen of the United States. Mr. Seifert lawfully owns a registered
12 semi-automatic centerfire rifle with a detachable magazine, which he keeps in his
13 home for self-defense and for other lawful purposes, such as hunting and recreation.
14 Mr. Seifert's rifle is deemed an "assault weapon" under California law because it has
15 a detachable magazine and at least one prohibited feature (it is a Category 3 "assault
16 weapon"). As such, Plaintiff Seifert cannot devise or transfer his rifle to offspring or
17 otherwise devise or transfer his property to law-abiding Californians. But for this
18 restriction and fear of prosecution for violating the AWCA, Plaintiff Seifert would
19 devise or transfer his rifle to his offspring. Mr. Seifert also owns a firearm frame or
20 "lower receiver" that he wishes to assemble into a fully functioning semiautomatic,
21 centerfire rifle with a detachable magazine that has a pistol grip, flash suppressor,
22 and adjustable stock. As a result of the AWCA, he is prohibited from assembling his
23 firearm frame into a semiautomatic, centerfire rifle that has a non-fixed magazine
24 and a pistol grip, flash suppressor, or adjustable stock. But for this restriction and
25 fear of prosecution for violating the AWCA, Mr. Seifert would assemble his firearm
26 frame into such a configuration, which rifle he would use for self-defense and for
27 other lawful purposes.

28 50. Plaintiff Alfonso Valencia is a resident of Orange County, California, a

1 law-abiding citizen of the United States, and former Los Angeles Deputy Sheriff.
2 Plaintiff Valencia seeks to acquire a rifle that is prohibited by the AWCA to keep in
3 his home for self-defense and other lawful purposes, like hunting, training, and
4 recreation. But for the AWCA and his fear of prosecution for violating it, Plaintiff
5 Valencia would acquire a semiautomatic, centerfire rifle with a detachable magazine,
6 having one or more of the features that would make it a prohibited “assault weapon”
7 under California law.

8 51. Plaintiff Troy Willis is a resident of Riverside County, California and a
9 law-abiding citizen of the United States, and a retired reserve officer for the Indio
10 Police Department. Mr. Willis lawfully owns a registered semiautomatic centerfire
11 rifle with a detachable magazine, which he keeps in his home for self-defense and for
12 other lawful purposes, such as hunting and recreation. Mr. Willis’ rifle is deemed an
13 “assault weapon” under California law because it has a detachable magazine and at
14 least one prohibited feature (it is a Category 3 “assault weapon”). As such, Plaintiff
15 Willis cannot devise or transfer his rifle to his offspring or otherwise devise or
16 transfer his property to law-abiding Californians. But for this restriction and fear of
17 prosecution for violating the AWCA, Plaintiff Willis would devise or transfer his
18 rifle to his offspring.

19 52. Each of the individual Plaintiffs identified above is eligible under the
20 laws of the United States and of the State of California to receive and possess
21 firearms.

22 53. Plaintiff California Rifle & Pistol Association, Inc. (“CRPA”), is a
23 nonprofit membership and donor-supported organization qualified as tax-exempt
24 under 26 U.S.C. § 501(c)(4) with its headquarters in Fullerton, California. Founded
25 in 1875, CRPA seeks to defend the civil rights protected under the Second
26 Amendment of all law-abiding individuals, including the fundamental right to
27 acquire, possess, use, and transfer firearms.

28 54. CRPA also provides guidance to California gun owners regarding their

1 legal rights and responsibilities. In addition, CRPA is dedicated to promoting the
2 shooting sports and providing education, training, and organized competition for
3 adult and junior shooters. CRPA members come from virtually all walks of life,
4 including law enforcement officers, professionals, firearm experts, and many others.

5 55. In this suit, CRPA represents the interests of the tens of thousands of its
6 members who reside in the State of California, including Orange County, who are
7 too numerous to conveniently bring this action individually, and who are impacted
8 by California's "assault weapon" laws. CRPA members wish to exercise their
9 constitutionally protected Second Amendment right to keep and bear arms without
10 being subjected to criminal prosecution. There are countless CRPA members who
11 are, or will be, eligible for lawful firearm ownership in California who, but for the
12 AWCA and fear of prosecution for violating it, would acquire, assemble, or import to
13 possess in their homes for self-defense and other lawful purposes, a semiautomatic,
14 centerfire rifle with a detachable magazine and a "pistol grip," "flash suppressor,"
15 "thumbhole stock," or adjustable stock. There are also CRPA members who already
16 lawfully possess such firearms and would, but for the AWCA and fear of prosecution
17 for violating it, transfer them to offspring or other law-abiding Californians.

18 **Defendants**

19 56. Defendant Xavier Becerra is the Attorney General of California. He is
20 the chief law enforcement officer of California. Defendant Becerra is charged by
21 Article V, Section 13 of the California Constitution with the duty to see that the laws
22 of California are uniformly and adequately enforced. Defendant Becerra also has
23 direct supervision over every district attorney and sheriff in all matters pertaining to
24 the duties of their respective officers. Defendant Becerra's duties also include
25 informing the public, local prosecutors, and law enforcement regarding the meaning
26 of the laws of the State, including restrictions on certain firearms classified as
27 "assault weapons." He is sued in his official capacity.

28 57. The true names or capacities, whether individual, corporate, associate or

otherwise of the Defendants named herein as Does 1-10, are presently unknown to Plaintiffs, who therefore sue said Defendants by such fictitious names. Plaintiffs pray for leave to amend this Complaint to show the true names or capacities of these Defendants if and when the same have been determined.

58. Defendants Becerra and Does 1-10 are responsible for formulating, executing, and administering California’s “assault weapons” laws at issue in this lawsuit and are in fact presently enforcing them.

59. Defendants enforce California’s “assault weapon” laws against Plaintiffs and other California citizens under color of state law within the meaning of 42 U.S.C. § 1983.

JURISDICTION AND VENUE

60. The Court has original jurisdiction of this civil action under 28 U.S.C. § 1331 because the action arises under the Constitution and laws of the United States, thus raising federal questions. The Court also has jurisdiction under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983 since this action seeks to redress the deprivation, under color of the laws, statutes, ordinances, regulations, customs, and usages of the State of California and political subdivisions thereof, of rights, privileges or immunities secured by the United States Constitution and by Acts of Congress.

61. Plaintiffs’ claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, respectively, and their claim for attorneys’ fees is authorized under 42 U.S.C. § 1988.

62. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in this district.

GENERAL ALLEGATIONS

[Right to Keep and Bear Arms]

63. The Second Amendment to the United States Constitution declares that “the right of the people to keep and bear arms shall not be infringed.” U.S. Const.

1 amend. II.

2 64. The United States Supreme Court has concluded (thrice) that “[s]elf-
3 defense is a basic right, recognized by many legal systems from ancient times to the
4 present day, and . . . individual self-defense is ‘the central component’ of the Second
5 Amendment right.” *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010) (quoting
6 *Heller*, 554 U.S. at 599, 628); *see also Caetano v. Massachusetts*, -- U.S. --, 136 S.
7 Ct. 1027 (2016). The Court has held that “a prohibition of an entire class of ‘arms’
8 that is overwhelmingly chosen by American society” is unconstitutional, especially
9 when that prohibition extends “to the home, where the need for defense of self,
10 family, and property is most acute.” *Heller*, 554 U.S. at 628.

11 65. The “arms” protected by the Second Amendment are those “typically
12 possessed by law-abiding citizens for lawful purposes” today. *Id.* at 624-25; *see also*,
13 *e.g.*, *Caetano*, 136 S. Ct. at 1027-28. The Court has specifically explained that
14 semiautomatic rifles, including ones prohibited by California, “traditionally have
15 been widely accepted as lawful possessions.” *Staples*, 511 U.S. at 612.

16 66. The Supreme Court has also held that the Second Amendment right to
17 keep and bear arms is incorporated into the Due Process Clause of the Fourteenth
18 Amendment and so may not be infringed by state and local governments. *McDonald*,
19 561 U.S. at 750.

20 [Due Process Clause]

21 67. The Due Process Clause of the Fourteenth Amendment provides that
22 “No state shall . . . deprive any person of life, liberty, or property, without due process
23 of law.” U.S. Const. amend. XIV.

24 68. “The touchstone of due process is protection of the individual against
25 arbitrary action of government.” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974); *see*,
26 *e.g.*, *Cty. of Sacramento v. Lewis*, 523 U.S. 833, 845 (1998) (collecting cases). Thus,
27 a statute that deprives an individual of life, liberty, or property arbitrarily or
28 irrationally—that is, without serving “any legitimate governmental objective”—

1 violates the Due Process Clause. *Lingle*, 544 U.S. at 542.

2 69. Legislation that changes the law retroactively—making illegal conduct
3 that was legal when undertaken—is especially likely to run afoul of the Due Process
4 Clause. *See Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1, 16-17 (1976); *E.*
5 *Enterprs. v. Apfel*, 524 U.S. 498, 547-550 (1998) (Kennedy, J., concurring in part
6 and dissenting in part). “If retroactive laws change the legal consequences of
7 transactions long closed, the change can destroy the reasonable certainty and security
8 which are the very objects of property ownership. As a consequence, due process
9 protection for property must be understood to incorporate our settled tradition against
10 retroactive laws of great severity.” *Id.* at 548-49.

11 70. A law that deprives an owner of private property without a legitimate
12 justification violates the Due Process Clause regardless of whether it also violates the
13 Takings Clause. *See Lingle*, 544 U.S. at 541-42; *id.* at 548-49 (Kennedy, J.,
14 concurring).

15 [Takings Clause]

16 71. The Takings Clause of the Fifth Amendment provides “nor shall private
17 property be taken for public use, without just compensation.” U.S. Const. amend. V.
18 The Takings Clause applies against the States through the Fourteenth Amendment.
19 *See Lingle*, 544 U.S. at 536.

20 72. The Takings Clause protects against two kinds of governmental takings:
21 a direct “physical appropriation” of “an interest in property,” and “a restriction on the
22 use of property,” which is known as a “regulatory taking.” *Horne*, 135 S. Ct. at 2425,
23 2427 (2015). “When the government physically takes possession of an interest in
24 property for some public purpose, it has a categorical duty to compensate the former
25 owner.” *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg’l Planning Agency*, 535 U.S.
26 302, 322 (2002). Likewise, a regulation that “goes too far”—for example, by
27 depriving a landowner of economically beneficial use or otherwise “interfer[ing]
28 with legitimate property interests”—requires just compensation. *Lingle*, 544 U.S. at

1 537-39.

2 73. Among the many protected “interest[s] in property” is “the right to pass
3 on property—to one’s family in particular” after death. *Hodel*, 481 U.S. at 716. The
4 right to devise property is “one of the most essential sticks in the bundle of” property
5 rights and cannot be “completely abolished” by the government without
6 compensation. *Id.* at 716-17.

7 **[Violation of Plaintiffs’ Right to Keep and Bear Arms]**

8 74. Semiautomatic, centerfire rifles with a detachable magazine, including
9 those that the AWCA expressly prohibits by make and model, are arms “typically
10 possessed by law-abiding citizens for lawful purposes” throughout the United States.
11 *Heller*, 554 U.S. at 624-25.

12 75. Most of the features prohibited on semiautomatic, centerfire rifles with a
13 detachable magazine by Penal Code section 30515(a)(1)—a “pistol grip,” a “flash
14 suppressor,” and a “thumbhole stock” or adjustable stock, or any combination of
15 these features (as those terms are defined in California Code of Regulations, title 11,
16 section 5469)—are standard on rifles that are “typically possessed by law-abiding
17 citizens for lawful purposes,” *Heller*, 554 U.S. at 624-25, throughout the United
18 States.¹⁵

19 76. No public interest is furthered by prohibiting these common rifle
20 features, or by prohibiting any of the commonly possessed rifles that California
21 expressly lists as “assault weapons” by make and model on the ground that they have
22 such features. None of these features makes the rifles more dangerous, raises their
23 likelihood of use in crimes, or increases the power, rate of fire, or ammunition
24 capacity of a semiautomatic, centerfire rifle with a detachable magazine. To the

25
26 ¹⁵ Plaintiffs do not assert that “grenade launchers,” listed as a prohibited
27 feature under California’s definition of an “assault weapon,” are in common use or
28 otherwise protected under the Second Amendment. Such devices are restricted as
“destructive devices” under California law, the possession of which is generally
prohibited irrespective of California’s “assault weapon” restrictions. *See* Cal. Penal
Code §§ 16460(a)(2), 18710. Those laws are not challenged here.

1 contrary, these features enhance public safety by making rifles safer, more accurate,
2 and more effective for use in self-defense.

3 77. Semiautomatic, centerfire rifles with an overall length of 26 inches or
4 more are arms “typically possessed by law-abiding citizens for lawful purposes”
5 throughout the United States. *Heller*, 554 U.S. at 624-25. The AWCA uniquely (with
6 the sole exception of Connecticut) bars any such rifles under 30 inches, regardless of
7 their magazine system, ammunition capacity, or features. In doing so, it bans
8 countless rifles of lengths that are common and generally accepted for lawful
9 purposes throughout the country.¹⁶

10 [Violation of Plaintiffs’ Right to Due Process]

11 78. The AWCA violates Plaintiffs’ rights under the Due Process Clause
12 because it deprives them of protected property interests—namely, the possession and
13 transfer of otherwise-lawful rifles—without due process of law. The due process
14 concerns are heightened here because the ban applies retroactively to eliminate
15 property rights (including the right to transfer or devise the rifles to a family member
16 in California) that existed at the time the rifles were purchased. *See E. Enterprs.*, 524
17 U.S. at 547-550 (Kennedy, J., concurring in part and dissenting in part).

18 79. The ban violates Plaintiffs’ due process rights because it imposes
19 prohibitions and restrictions that have nothing to do with furthering any permissible
20 governmental objective. *Lingle*, 544 U.S. at 542. Moreover, the ban draws arbitrary
21 distinctions, prohibiting rifles that have the statutorily enumerated features in
22 combination with a non-fixed magazine while permitting rifles that have the exact
23 same statutorily enumerated features in combination with a fixed magazine, and
24 prohibiting rifles with a fixed magazine due to their maker’s marks, regardless of
25 their features, while permitting effectively identical rifles with non-fixed magazines,

26 ¹⁶ Penal Code § 30515(a)(3); *see* Penal Code §§ 33210-33290, 17170 and 18
27 U.S.C.A. §§ 921(a)(8), 922(a)(4), 922(b)(4) (heavily restricting any “short-barreled”
28 “short-barreled” rifle having an overall length of less than 26 inches). Plaintiffs do not challenge these
“short-barreled” rifle restrictions, but only California’s prohibition on semiautomatic
centerfire rifles with an overall length of under 30 inches and over 26 inches.

1 as long as they do not have the prohibited features.

2 **[Violation of the Plaintiffs' Rights Under the Takings Clause]**

3 80. The AWCA violates Plaintiffs' rights under the Takings Clause. Not
4 only does the law severely constrain Plaintiffs' rights to transfer their lawfully
5 acquired rifles property during their lifetimes; it requires them upon their death to
6 physically surrender to the government (or a tiny category of people permitted by the
7 government to possess dangerous weapons) lawfully acquired rifles that they would
8 otherwise devise to their children or heirs. The law thus deprives Plaintiffs of their
9 property rights—indeed, destroys “one of the most essential sticks in the bundle of”
10 property rights—without compensation. *Hodel*, 481 U.S. at 716; *see Horne*, 135 S.
11 Ct. at 2427; *Lingle*, 544 U.S. at 537-39.

12 **DECLARATORY JUDGMENT ALLEGATIONS**

13 81. There is an actual and present controversy between the parties. Plaintiffs
14 contend that the AWCA infringes on Plaintiffs' right to keep and bear arms under the
15 Second and Fourteenth Amendments to the United States Constitution, by generally
16 prohibiting commonly-possessed firearms it deems “assault weapons.” Plaintiffs also
17 contend that the AWCA violates the Due Process Clause by banning lawfully
18 acquired firearms based on features that have nothing to do with enhancing public
19 safety or any other valid governmental objective. And Plaintiffs contend that the
20 AWCA violates the Takings Clause by depriving them of protected property interests
21 in their lawfully acquired firearms without compensation. Defendants deny these
22 contentions. Plaintiffs desire a judicial declaration that California Penal Code
23 sections 30510(a), 30515(a)(1)(A-C), 30515(a)(1)(E-F), 30515(a)(3), 30520, 30600,
24 30605, 30925, and 30945, as well as California Code of Regulations, title 11, section
25 5499, violate Plaintiffs' constitutional rights. Plaintiffs should not be forced to
26 choose between risking criminal prosecution and exercising their constitutional rights
27 to keep and bear common arms for self-defense and other lawful purposes, and to
28 devise their lawfully acquired property to their heirs.

INJUNCTIVE RELIEF ALLEGATIONS

82. Plaintiffs are presently and continuously injured by Defendants' enforcement of California Penal Code 30510(a), 30515(a)(1)(A-C), 30515(a)(1)(E-F), 30515(a)(3), 30520, 30600, 30605, 30925, and 30945, as well as California Code of Regulations, title 11, section 5499, insofar as those provisions violate Plaintiffs' rights under the Second Amendment, the Due Process Clause, and the Takings Clause by precluding (without compensation) the acquisition, possession, use, and transfer of rifles that are "typically possessed by law-abiding citizens for lawful purposes" nationwide.

83. If not enjoined by this Court, Defendants will continue to enforce the Act in derogation of Plaintiffs' constitutional rights. Plaintiffs have no plain, speedy, and adequate remedy at law. Damages are indeterminate or unascertainable and, in any event, would not fully redress any harm suffered by Plaintiffs due to their inability to engage in constitutionally protected activity because of California's ongoing enforcement of the AWCA.

CLAIMS FOR RELIEF

Right to Keep and Bear Arms

(U.S. Const. amends. II and XIV)

84. Paragraphs 1-83 are realleged and incorporated herein by reference.

85. The AWCA's definition of "assault weapon"—whether by express listing of make and model or by prohibited feature combinations—includes the most popular class of rifles in the nation. The AWCA, therefore, generally prohibits Californians or those visiting California from the acquisition, importation, use, possession, and transfer of such rifles, subject to severe criminal penalties, including up to years in prison.

86. These prohibitions and restrictions on rifles that are commonly possessed throughout the United States by law-abiding, responsible citizens for lawful purposes infringe on the right of the People of California, including Plaintiffs,

1 to keep and bear protected arms as guaranteed by the Second Amendment of the
2 United States Constitution, and as made applicable to California by the Fourteenth
3 Amendment.

4 87. In violation of the Second Amendment, the AWCA prohibits law-
5 abiding, responsible adults, including Plaintiffs Rupp, Dember, Johnson, and
6 Valencia, as well as members of CRPA, who would otherwise do so, from acquiring
7 a rifle listed in Penal Code section 30510 or 11 C.C.R. § 5499 (Category 1 or 2
8 “assault weapons”) or that has features listed in Penal Code section 30515(a)
9 (Category 3 “assault weapons”) that are standard on rifles that are in common use by
10 law-abiding citizens for lawful purposes throughout the United States.

11 88. In violation of the Second Amendment, the AWCA prohibits law-
12 abiding, responsible adults, including Plaintiffs Rupp, Dember, Johnson, Valencia,
13 and Seifert, as well as members of CRPA, who would otherwise do so, from
14 possessing a rifle that is listed in Penal Code section 30510 or 11 C.C.R. § 5499
15 (Category 1 or 2 “assault weapons”) or that has features listed in Penal Code section
16 30515(a) (Category 3 “assault weapons”) that are standard on rifles in common use
17 by law-abiding citizens for lawful purposes throughout the United States.

18 89. In violation of the Second Amendment, the AWCA prohibits law-
19 abiding, responsible adults, including Plaintiffs Rupp and Seifert, as well as members
20 of CRPA, who would otherwise do so, from adding features listed in Penal Code
21 section 30515(a) that are standard on rifles in common use by law-abiding citizens
22 for lawful purposes throughout the United States to their semiautomatic, centerfire
23 rifles.

24 90. In violation of the Second Amendment, the AWCA prohibits law-
25 abiding, responsible adults, including Plaintiffs Seifert and Willis, as well as
26 members of CRPA, who would otherwise do so, from transferring to their offspring
27 or to other law-abiding Californian residents a rifle that is listed in Penal Code
28 section 30510 or 11 C.C.R. § 5499 (Category 1 or 2 “assault weapons”), which

1 belongs to the most popular class of rifles among law-abiding citizens for lawful
2 purposes throughout the United States.

3 91. In violation of the Second Amendment, the AWCA prohibits law-
4 abiding, responsible adults, including Plaintiff Jones, as well as members of CRPA,
5 who would otherwise do so, from transferring to their offspring or to other law-
6 abiding Californian residents a rifle that is deemed an “assault weapons” by virtue of
7 its features, which belongs to the most popular class of rifles among law-abiding
8 citizens for lawful purposes throughout the United States.

9 92. In violation of the Second Amendment, the AWCA prohibits law-
10 abiding, responsible adults, including members of CRPA who would otherwise do
11 so, from obtaining or possessing semiautomatic, centerfire rifles, regardless of their
12 magazine system or ammunition capacity, with an overall length of less than 30 but
13 more than 26 inches, as the general consensus in the country for decades has been
14 that rifles with an overall length of more than 26 inches are acceptable for use, and
15 typically used by, law-abiding people for lawful purposes.¹⁷ In doing so, it bans
16 countless rifles of lengths that are common and generally accepted throughout the
17 country for lawful purposes.

18 93. The AWCA’s prohibitions extend into Plaintiffs’ homes, where the
19 Second Amendment protections are at their zenith, but also affects lawful and
20 constitutionally protected conduct such as hunting, recreational shooting, and
21 competitive marksmanship participation.

22 94. Defendants cannot satisfy their burden of justifying the AWCA’s
23 restrictions on the Second Amendment right of the People, including Plaintiffs, to
24 acquire, possess, transfer, transport, and use rifles that are in common use by law-
25 abiding adults throughout the United States for the core right of defense of self and
26 home and other lawful purposes.

27 _____
28 ¹⁷ See Penal Code §§ 33210-33290, 17170 and 18 U.S.C.A. §§ 921(a)(8), 922(a)(4),
922(b)(4) (heavily restricting any “short-barreled” rifle having an overall length of
less than 26 inches).

Due Process Clause

(U.S. Const. amend. XIV)

95. Paragraphs 1 through 94 are realleged and incorporated herein by reference.

96. The AWCA's definition of "assault weapon"—whether by express listing of make and model or by prohibited feature combinations—violates the Due Process Clause because prohibiting the rifles and/or features targeted by the law does not advance the State's asserted justification of public safety. If anything, prohibiting the features enumerated by the AWCA undermines public safety by making rifles less safe and more difficult for law-abiding citizens to use for the purpose of self-defense.

97. For example, as noted, a semiautomatic, centerfire rifle with a detachable magazine with "Colt AR-15" engraved on it that does not have a "pistol grip" or "flash suppressor" and has a fixed (non-adjustable) stock is still an "assault weapon," while a rifle in the same configuration with "Illegal Assault Weapon" engraved on it is not. And a rifle marked "Illegal Assault Weapon" could legally have a "detachable magazine" and not be an "assault weapon," as long as it does not have other restricted features, while the rifle marked "Colt AR-15" could have a fixed magazine and would still be an "assault weapon."

98. Likewise, there is no legitimate basis for banning rifles that have the statutorily enumerated features in combination with a non-fixed magazine while permitting rifles that have the very same statutorily enumerated features in combination with a fixed magazine rifle.

99. These distinctions do not advance any legitimate government objective, let alone do so in a sufficiently meaningful manner. And they are particularly offensive under the Due Process Clause because they apply retroactively to eliminate property rights that existed at the time the rifles were lawfully purchased.

///

Takings Clause

(U.S. Const. amends. V and XIV)

100. Paragraphs 1 through 99 are realleged and incorporated herein by reference.

101. The AWCA severely constrains the right of owners of rifles covered by the law to transfer their lawfully acquired property during their lifetimes, and completely abrogates their right to devise their property to their children or heirs. Rifle owners who wish to keep their property in-state and within their family instead must physically surrender the rifles to the government without compensation, or to a very small category of people to whom the government has issued permits to own dangerous weapons.

102. By severely constraining Plaintiffs' property rights in their rifles during their lifetimes, and completely destroying an essential and long-lasting property right by requiring surrender of those rifles without government compensation upon their death, the AWCA effects both a regulatory and a physical appropriation of private property without just compensation, in violation of the Takings Clause.

PRAYER

Plaintiffs pray that the Court:

1. Enter a declaratory judgment under 28 U.S.C. § 2201 that California Penal Code sections 30510(a), 30515(a)(1)(A-C), 30515(a)(1)(E-F), 30515(a)(3), 30520, 30600, 30605, 30925, and 30945, as well as California Code of Regulations, title 11, section 5499, are each unconstitutional facially and to the extent they apply to "assault weapons" or, alternatively, to the extent they prohibit any semi-automatic, centerfire rifle with a detachable magazine having a "pistol grip," "flash suppressor," "thumbhole stock," or "telescoping" stock, or any semi-automatic, centerfire rifle that is over 26 inches in overall length, because such provisions unlawfully infringe on the right of the People to keep and bear arms that are in common use contemporarily, in violation of the Second and Fourteenth

1 Amendments to the United States Constitution; arbitrarily deprive Plaintiffs of
2 protected property interests und the Due Process Clause; and unconstitutionally take
3 property without compensation in violation of the Takings Clause;

4 2. Issue an injunction enjoining Defendants and their officers, agents, and
5 employees from enforcing any provisions of California Penal Code sections
6 30510(a), 30515(a)(1)(A-C), 30515(a)(1)(E-F), 30515(a)(3), 30520, 30600, 30605,
7 30925, 30945, and California Code of Regulations, title 11, section 5499,
8 prohibiting "assault weapons" or, alternatively, to the extent they prohibit the
9 acquisition, possession, or transfer of any semi-automatic, centerfire rifle with a
10 detachable magazine having a "pistol grip," "flash suppressor," "thumbhole stock,"
11 or "telescoping" stock, or any semi-automatic, centerfire rifle that is over 26 inches
12 in overall length;

13 3. Award remedies available pursuant to 42 U.S.C. § 1983 and all
14 reasonable attorneys' fees, costs, and expenses under 42 U.S.C. § 1988, or any other
15 applicable law; and

16 4. Grant any such other and further relief as the Court may deem proper.

17
18 Dated: April 24, 2017

MICHEL & ASSOCIATES, P.C.



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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Southern Division - Santa Ana)
CIVIL DOCKET FOR CASE #: 8:17-cv-00746-JLS-JDE**

Steven Rupp et al v. Xavier Becerra et al
Assigned to: Judge Josephine L. Staton
Referred to: Magistrate Judge John D. Early
Case in other court: 9th CCA, 19-56004
Cause: 42:1983 Civil Rights Act

Date Filed: 04/24/2017
Date Terminated: 07/22/2019
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

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Date Filed	#	Docket Text
12/06/2019	123	NOTICE OF FILING TRANSCRIPT filed for proceedings 05/31/2019, 10:57 a.m. re Transcript 122 THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dpa) TEXT ONLY ENTRY (Entered: 12/06/2019)
12/06/2019	122	TRANSCRIPT for proceedings held on 05/31/2019, 10:57 a.m. Court Reporter: Deborah Parker, CSR 10342, phone number transcripts@ddparker.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through DEBORAHDPARKER.COM or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 12/27/2019. Redacted Transcript Deadline set for 1/6/2020. Release of Transcript Restriction set for 3/5/2020. (dpa) (Entered: 12/06/2019)
12/06/2019	121	NOTICE OF CLERICAL ERROR: Due to clerical error Re: Transcript (CV), 119 . Page 6, 15: "Freeman" revised "Friedman"; Page 7, 14: added [sic]; Page 13, 8, added "grip"; and Page 13, 16: added [sic] and page 17, 16, added [sic]. Revised Transcript is uploaded. (dpa) (Entered: 12/06/2019)
11/05/2019	120	NOTICE OF FILING TRANSCRIPT filed for proceedings 05/31/2019, 10:57 a.m. re Transcript 119 THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dpa) TEXT ONLY ENTRY (Entered: 11/05/2019)

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11/05/2019	119	TRANSCRIPT for proceedings held on 05/31/2019, 10:57 a.m. Court Reporter: Deborah D. Parker, CSR 10342, phone number transcripts@ddparker.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through DEBORAHDPARKER.COM or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 11/26/2019. Redacted Transcript Deadline set for 12/6/2019. Release of Transcript Restriction set for 2/3/2020. (dpa) (Entered: 11/05/2019)
09/25/2019	118	TRANSCRIPT ORDER re: Court of Appeals case number 19-56004, as to Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis for Court Reporter. Court will contact Laura Palmerin at lpalmerin@michellawyers.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Brady, Sean) (Entered: 09/25/2019)
09/24/2019	117	ORDER by Judge Josephine L. Staton GRANTING REQUEST for Approval of Substitution of Attorney Sean A Brady for Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis in place and stead of Peter A Patterson, Nicole F Reaves 116 . (jp) (Entered: 09/25/2019)
09/19/2019	116	REQUEST of Peter A. Patterson and Nicole Frazer Reaves to Withdraw as Attorney California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Proposed Order) (Patterson, Peter) (Entered: 09/19/2019)
08/28/2019	115	NOTIFICATION from Ninth Circuit Court of Appeals of case number assigned and briefing schedule. Appeal Docket No. 19-56004 assigned to Notice of Appeal to 9th Circuit Court of Appeals 114 as to plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (jp) (Entered: 08/29/2019)
08/27/2019	114	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. Appeal of Judgment, 111 . (Appeal Fee - \$505 Fee Paid, Receipt No. 0973-24336061.) (Brady, Sean) (Entered: 08/27/2019)
08/07/2019	113	ORDER GRANTING Joint Stipulation to Stay Litigation of Costs Pending Appeal 112 by Judge Josephine L. Staton that all proceedings regarding costs in this action shall be stayed until 30 days after the completion of all appellate proceedings. (jp) (Entered: 08/07/2019)
08/01/2019	112	Joint STIPULATION to Continue Litigation of Costs from 8/14/2019 to 30 days after completion of all appellate proceedings filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Proposed Order)(Brady, Sean) (Entered: 08/01/2019)
07/31/2019	111	JUDGMENT by Judge Josephine L. Staton. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment is entered in favor of Defendant and against Plaintiffs. Plaintiffs shall take nothing by way of their Third Amended Complaint from Defendant Xavier Becerra. Each and every claim and prayer for relief asserted in Plaintiffs Third Amended Complaint is denied. Defendant is the prevailing party and shall be entitled to recover reasonable costs of suit. (SEE DOCUMENT FOR FURTHER INFORMATION). (jp) (Entered: 07/31/2019)
07/31/2019	110	OBJECTIONS to Notice of Lodging 109 Proposed Judgment filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Brady, Sean) (Entered: 07/31/2019)
07/26/2019	109	NOTICE OF LODGING filed re Order on Motion for Summary Judgment,,, 108 (Attachments: # 1 Proposed Judgment, # 2 Certificate of Service)(Echeverria, John) (Entered: 07/26/2019)
07/22/2019	108	ORDER GRANTING Attorney General's Motion for Summary Judgment (Doc. 73) and DENYING Plaintiffs' Motion for Summary Judgment (Doc. 77) by Judge Josephine L. Staton, the Court GRANTS the Attorney General's Motion for Summary Judgment and DENIES Plaintiffs' Motion for Summary Judgment. The Attorney General is ORDERED to submit a proposed judgment no later than five (5) days from the date of this Order. (MD JS-6. Case Terminated.) (jp) (Entered: 07/22/2019)
05/31/2019	107	MINUTES OF Hearing re Defendant Xavier Becerra's Motion for Summary Judgment 73 , and Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment 77 before Judge Josephine L. Staton: Hearing held. Matters taken under submission by the Court. Defendant's request to vacate all pending dates is GRANTED. Court Reporter: Deborah Parker. (SEE DOCUMENT FOR FURTHER INFORMATION). (jp) (Entered: 05/31/2019)
05/28/2019	106	NOTICE OF MOTION AND MOTION to Exclude the Testimony of Defendant's Expert Witness Michael Mersereau filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. Motion set for hearing on 7/5/2019 at 10:30 AM before Judge Josephine L. Staton. (Attachments: # 1 Memorandum of Points and Authorities, # 2 Declaration of Sean A. Brady, # 3 Proposed Order) (Brady, Sean) (Entered: 05/28/2019)
05/28/2019	105	NOTICE OF MOTION AND MOTION to Exclude the Testimony of Defendant's Expert Witness John J. Donohue filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. Motion set for hearing on 7/5/2019 at 10:30 AM before Judge Josephine L. Staton. (Attachments: # 1 Memorandum of Points and Authorities, # 2 Declaration of Sean A. Brady, # 3 Proposed Order) (Brady, Sean) (Entered: 05/28/2019)
05/28/2019	104	NOTICE OF MOTION AND MOTION to Exclude the Testimony of Defendant's Expert Witness Christopher B. Colwell, M.D. filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. Motion set for hearing on 7/5/2019 at 10:30 AM before Judge Josephine L. Staton. (Attachments: # 1 Memorandum of Points and Authorities, # 2 Declaration of Sean A. Brady, # 3 Proposed Order) (Brady, Sean) (Entered: 05/28/2019)
05/28/2019	103	NOTICE OF MOTION AND MOTION to Exclude the Testimony of Defendant's Expert Witness Lucy P. Allen filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. Motion set for hearing on 7/5/2019 at 10:30 AM before Judge Josephine L. Staton. (Attachments: # 1 Memorandum of Points and Authorities, # 2 Declaration of Sean A. Brady, # 3 Proposed Order) (Brady, Sean) (Entered: 05/28/2019)
05/17/2019	102	REPLY in support of NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Declaration of Sean A. Brady)(Brady, Sean) (Entered: 05/17/2019)
05/17/2019	101	STATEMENT of Genuine Disputes of Materials Fact re Plaintiffs' Additional Undisputed Material Facts [92-1] NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 05/17/2019)

05/17/2019	100	Supplemental Objections to Evidence in opposition to re: NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 05/17/2019)
05/17/2019	99	REPLY in Support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Third Amended Complaint 73 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 05/17/2019)
05/13/2019	98	ORDER by Judge Josephine L. Staton GRANTING MOTION of Brady and The National Association of Social Workers for Leave to File Amici Curiae Brief in support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment 97 . (jp) (Entered: 05/13/2019)
05/09/2019	97	NOTICE OF MOTION AND MOTION to File Amicus Brief filed by Amici curiae Brady, National Association of Social Workers. Motion set for hearing on 5/31/2019 at 10:30 AM before Judge Josephine L. Staton. (Attachments: # 1 Brief of Amici Curiae Brady and National Association of Social Workers, # 2 Proposed Order) (Attorney Devon Mobley-Ritter added to party Brady(pty:am), Attorney Devon Mobley-Ritter added to party National Association of Social Workers(pty:am)) (Mobley-Ritter, Devon) (Entered: 05/09/2019)
05/03/2019	96	DECLARATION of Sean A. Brady in opposition to NOTICE OF MOTION AND MOTION for Summary Judgment as to Third Amended Complaint 73 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Exhibit 49, # 2 Exhibit 50, # 3 Exhibit 51-52, # 4 Exhibit 53 part 1 of 2, # 5 Exhibit 53 part 2 of 2, # 6 Exhibit 54, # 7 Exhibit 55, # 8 Exhibit 56, # 9 Exhibit 57, # 10 Exhibit 58-62, # 11 Exhibit 63, # 12 Exhibit 64-69)(Brady, Sean) (Entered: 05/03/2019)
05/02/2019	95	DECLARATION of Sean A. Brady in opposition to NOTICE OF MOTION AND MOTION for Summary Judgment as to Third Amended Complaint 73 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Brady, Sean) (Entered: 05/02/2019)
05/02/2019	94	REQUEST FOR JUDICIAL NOTICE <i>in Support of Plaintiffs' Opposition to Defendant's Motion for Summary Judgment</i> filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Brady, Sean) (Entered: 05/02/2019)
05/02/2019	93	Objections to Evidence filed in Support of Defendant's Motion for Summary Judgment in Opposition to re: NOTICE OF MOTION AND MOTION for Summary Judgment as to Third Amended Complaint 73 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Brady, Sean) (Entered: 05/02/2019)
05/02/2019	92	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Summary Judgment as to Third Amended Complaint 73 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Statement of Genuine Disputes of Material Fact and Additional Uncontroverted Facts)(Brady, Sean) (Entered: 05/02/2019)
05/02/2019	91	Objections to Evidence Filed in support of re: NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 05/02/2019)
05/02/2019	90	DECLARATION of Peter H. Chang in opposition to NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 filed by Defendant Xavier Becerra. (Attachments: # 1 Exhibit 46)(Chang, Peter) (Entered: 05/02/2019)
05/02/2019	89	STATEMENT of Genuine Disputes of Material Fact re Plaintiffs' NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 05/02/2019)
05/02/2019	88	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 05/02/2019)
04/26/2019	87	STATEMENT Statement of Uncontroverted Facts and Conclusions of Law filed by Plaintiff Steven Rupp (<i>corrected</i>) (Brady, Sean) (Entered: 04/26/2019)
04/26/2019	86	MEMORANDUM in Support of <i>Plaintiffs' Motion for Summary Judgment (corrected)</i> filed by Plaintiff Steven Rupp. (Brady, Sean) (Entered: 04/26/2019)
04/26/2019	85	NOTICE OF ERRATA filed by Plaintiff Steven Rupp. correcting NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 and <i>Plaintiffs Statement of Uncontroverted Facts and Conclusions of Law</i> (Brady, Sean) (Entered: 04/26/2019)
04/11/2019	84	ORDER GRANTING Everytown For Gun Safety's Unopposed Motion for Lave to File Amicus Curiae Brief in support of Defendant's Motion for Summary Judgment (Doc. 82) by Judge Josephine L. Staton. (SEE DOCUMENT FOR FURTHER INFORMATION). (jp) (Entered: 04/11/2019)
04/11/2019	83	ORDER GRANTING Giffords Law Center's Motion for Lave to participate as Amicus Curiae (Doc. 81) by Judge Josephine L. Staton. (SEE DOCUMENT FOR FURTHER INFORMATION). (jp) (Entered: 04/11/2019)
04/01/2019	82	NOTICE OF MOTION AND MOTION to File Amicus Brief <i>Unopposed Motion By Everytown For Gun Safety For Leave To File Amicus Curiae Brief In Support Of Defendants Motion For Summary Judgment</i> filed by Amicus Curiae Everytown for Gun Safety. Motion set for hearing on 5/31/2019 at 10:30 AM before Judge Josephine L. Staton. (Attachments: # 1 Brief Of Amicus Curiae Everytown For Gun Safety In Support Of Defendants Motion For Summary Judgment, # 2 Appendix Of Publically Available Historical Laws, # 3 Proposed Order Granting Everytown For Gun Safetys Unopposed Motion For Leave To File Amicus Curiae Brief In Support Of Defendants Motion For Summary Judgment) (Attorney Matthew Eric Sloan added to party Everytown for Gun Safety(pty:am)) (Sloan, Matthew) (Entered: 04/01/2019)
04/01/2019	81	NOTICE OF MOTION AND MOTION to File Amicus Brief <i>filed by Proposed Amicus</i> Giffords Law Center. Motion set for hearing on 5/31/2019 at 10:30 AM before Judge Josephine L. Staton. (Attachments: # 1 Amicus Brief of Giffords Law Center to Prevent Gun Violence, # 2 Proposed Order) (Attorney Scott A Edelman added to party Giffords Law Center(pty:am)) (Edelman, Scott) (Entered: 04/01/2019)
03/25/2019	80	NOTICE OF LODGING filed re NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 (Attachments: # 1 Proposed Judgment)(Brady, Sean) (Entered: 03/25/2019)
03/25/2019	79	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Brady, Sean) (Entered: 03/25/2019)
03/25/2019	78	DECLARATION of Sean A. Brady and Exhibits 1-8 in support of NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint 77 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven

		Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Exhibit 9-11 to Declaration of Sean A. Brady, # 2 Exhibit 12-19 to Declaration of Sean A. Brady, # 3 Exhibit 20-21 to Declaration of Sean A. Brady, # 4 Exhibit 22 Part 1 of 4 to Declaration of Sean A. Brady, # 5 Exhibit 22 Part 2 of 4 to Declaration of Sean A. Brady, # 6 Exhibit 22 Part 3 of 4 to Declaration of Sean A. Brady, # 7 Exhibit 22 Part 4 of 4 to Declaration of Sean A. Brady, # 8 Exhibit 23 to Declaration of Sean A. Brady, # 9 Exhibit 24 Part 1 of 3 to Declaration of Sean A. Brady, # 10 Exhibit 24 Part 2 of 3 to Declaration of Sean A. Brady, # 11 Exhibit 24 Part 3 of 3-26 to Declaration of Sean A. Brady, # 12 Exhibit 27 to Declaration of Sean A. Brady, # 13 Exhibit 28-44 to Declaration of Sean A. Brady, # 14 Exhibit 45-48 to Declaration of Sean A. Brady)(Brady, Sean) (Entered: 03/25/2019)
03/25/2019	77	NOTICE OF MOTION AND MOTION for Summary Judgment as to each Claim Asserted in Plaintiffs' Third Amended Complaint filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. Motion set for hearing on 5/31/2019 at 10:30 AM before Judge Josephine L. Staton. (Attachments: # 1 Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Summary Judgment, # 2 Statement of Uncontroverted Facts and Conclusions of Law, # 3 Declaration of Steven Rupp, # 4 Declaration of Steven Dember, # 5 Declaration of Cheryl Johnson, # 6 Declaration of Christopher Seifert, # 7 Declaration of Alfonso Valencia, # 8 Declaration of Troy Willis, # 9 Declaration of Michael Jones, # 10 Declaration of Dennis Martin, # 11 Declaration of Richard Travis) (Brady, Sean) (Entered: 03/25/2019)
03/25/2019	76	DECLARATION of Peter H. Chang in Support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Third Amended Complaint 73 filed by Defendant Xavier Becerra. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29, # 30 Exhibit 30, # 31 Exhibit 31, # 32 Exhibit 32, # 33 Exhibit 33, # 34 Exhibit 34, # 35 Exhibit 35, # 36 Exhibit 36, # 37 Exhibit 37, # 38 Exhibit 38, # 39 Exhibit 39, # 40 Exhibit 40, # 41 Exhibit 41, # 42 Exhibit 42, # 43 Exhibit 43, # 44 Exhibit 44, # 45 Exhibit 45)(Chang, Peter) (Entered: 03/25/2019)
03/25/2019	75	NOTICE OF LODGING filed re NOTICE OF MOTION AND MOTION for Summary Judgment as to Third Amended Complaint 73 (Attachments: # 1 Proposed Judgment)(Chang, Peter) (Entered: 03/25/2019)
03/25/2019	74	STATEMENT of Uncontroverted Facts in Support of Defendant's NOTICE OF MOTION AND MOTION for Summary Judgment as to Third Amended Complaint 73 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 03/25/2019)
03/25/2019	73	NOTICE OF MOTION AND MOTION for Summary Judgment as to Third Amended Complaint filed by Defendant Xavier Becerra. Motion set for hearing on 5/31/2019 at 10:30 AM before Judge Josephine L. Staton. (Chang, Peter) (Entered: 03/25/2019)
02/22/2019	72	ORDER GRANTING The Joint Stipulation and Request to Set Briefing and Hearing Schedule for Cross-motions for Summary Judgment 71 by Judge Josephine L. Staton as follows: Motion, opening brief, and supporting papers: 3/25/2019; Opposition brief and supporting papers: 5/2/2019; Reply brief and supporting papers: 5/17/2019. On the date of filing, the moving parties shall notice the motions for the Court's first available motions hearing date, but no earlier than 5/31/2019 at 10:30 AM. (jp) (Entered: 02/22/2019)
02/20/2019	71	STIPULATION for Order Set Briefing Schedule and Hearing Date for Cross-Motions for Summary Judgment filed by Defendant Xavier Becerra. (Attachments: # 1 Proposed Order)(Chang, Peter) (Entered: 02/20/2019)
01/04/2019	70	ORDER GRANTING THE JOINT STIPULATION TO EXTEND PRETRIAL DEADLINES by Judge Josephine L. Staton, re Stipulation to Continue, 69 . NOTE: CHANGES MADE BY THE COURT. (Motions due by 5/27/2019. Motions in Limine to be filed by 6/17/2019. Last date to conduct settlement conference is 5/6/2019. Final Pretrial Conference reset for 8/2/2019 at 10:30 AM before Judge Josephine L. Staton.) (mrgr) (Entered: 01/04/2019)
12/28/2018	69	Joint STIPULATION to Continue Pretrial Deadlines Re: Order,, Set/Reset Deadlines/Hearings, 62 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Proposed Order)(Brady, Sean) (Entered: 12/28/2018)
12/27/2018	68	ORDER by Judge Josephine L. Staton: GRANTING 67 Non-Resident Attorney Peter A Patterson APPLICATION to Appear Pro Hac Vice on behalf of Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis, designating Sean A Brady as local counsel. (jp) (Entered: 12/27/2018)
12/21/2018	67	APPLICATION of Non-Resident Attorney Peter A. Patterson to Appear Pro Hac Vice on behalf of Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis (Pro Hac Vice Fee - \$400 Fee Paid, Receipt No. 0973-22943162) filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Proposed Order) (Brady, Sean) (Entered: 12/21/2018)
12/13/2018	66	ORDER by Judge Josephine L. Staton: granting 65 Non-Resident Attorney Nicole F. Reaves APPLICATION to Appear Pro Hac Vice on behalf of Steven Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, California Rifle and Pistol Association, Inc., and Dennis Martin, designating Sean A. Brady as local counsel. (bm) (Entered: 12/13/2018)
12/07/2018	65	APPLICATION of Non-Resident Attorney Nicole F. Reaves to Appear Pro Hac Vice on behalf of Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis (Pro Hac Vice Fee - \$400 Fee Paid, Receipt No. 0973-22859828) filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Proposed Order) (Brady, Sean) (Entered: 12/07/2018)
12/03/2018	64	ORDER by Judge Josephine L. Staton, GRANTING 63 Non-Resident Attorney John Parker Sweeney APPLICATION to Appear Pro Hac Vice on behalf of Plaintiff Steven Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and California Rifle & Pistol Association, Incorporated, designating Sean A. Brady as local counsel. (es) (Entered: 12/03/2018)
11/30/2018	63	APPLICATION of Non-Resident Attorney John Parker Sweeney to Appear Pro Hac Vice on behalf of Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis (Pro Hac Vice Fee - \$400 Fee Paid, Receipt No. 0973-22824857) filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Proposed Order) (Brady, Sean) (Entered: 11/30/2018)
09/10/2018	62	ORDER by Judge Josephine L. Staton, GRANTING Joint Stipulation to Extend Discovery and Pretrial Deadlines. 61 The Court having considered the parties' joint stipulation, and good cause having been shown, hereby grants the stipulation and orders that the pretrial schedule is modified as follows: Final Pretrial Conference (1:30 p.m.) May 31, 2019. [See order for further details.] (es) (Entered: 09/10/2018)
08/28/2018	61	Joint STIPULATION for Extension of Time to File Discovery & Pretrial Deadlines filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Proposed Order) (Brady, Sean) (Entered: 08/28/2018)

		Willis. (Attachments: # 1 Proposed Order)(Brady, Sean) (Entered: 08/28/2018)
07/06/2018	60	THIRD AMENDED COMPLAINT against Defendant All Defendants amending Amended Complaint/Petition, 50 , filed by Plaintiffs Alfonso Valencia, Cheryl Johnson, Troy Willis, Steven Dember, California Rifle and Pistol Association, Incorporated, Michael Jones, Steven Rupp, Dennis Martin, Christopher Seifert(Brady, Sean) (Entered: 07/06/2018)
07/06/2018	59	ORDER REGARDING THE JOINT STIPULATION TO FILE A THIRD AMENDED COMPLAINT 56 by Judge Josephine L. Staton. Pursuant to the parties agreement within the Stipulation, Defendant Xavier Becerras deadline to respond to the Third Amended Complaint is July 5, 2018. (es) (Entered: 07/06/2018)
07/05/2018	58	ANSWER to Amended Complaint/Petition, 50 <i>Third Amended Complaint [56-1]</i> filed by Defendant Xavier Becerra.(Chang, Peter) (Entered: 07/05/2018)
06/28/2018	57	NOTICE OF LODGING filed re Stipulation to Amend/Correct, 56 (Attachments: # 1 Proposed Order re Joint Stipulation to File a Third Amended Complaint)(Brady, Sean) (Entered: 06/28/2018)
06/27/2018	56	Joint STIPULATION to Amend Amended Complaint/Petition, 50 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Exhibit 1 - Third Amended Complaint)(Brady, Sean) (Entered: 06/27/2018)
06/13/2018	55	STIPULATION Extending Time to Answer the complaint as to Xavier Becerra answer now due 6/27/2018, re Amended Complaint/Petition, 50 filed by Defendant Xavier Becerra.(Chang, Peter) (Entered: 06/13/2018)
06/11/2018	54	ORDER by Judge Josephine L. Staton, Granting Joint Stipulation to Extend Discovery & Pretrial Deadlines 52 . NOTE: CHANGES MADE BY THE COURT. The Court having considered the parties' joint stipulation, and good cause having been shown, hereby grants the stipulation and orders that the pretrial schedule is modified as follows: (see document for details). (dro) (Entered: 06/11/2018)
06/08/2018	53	Notice of Withdrawal of Motion for Extension of Time to File, 51 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Brady, Sean) (Entered: 06/08/2018)
06/08/2018	52	Joint STIPULATION for Extension of Time to File Discovery & Pretrial Deadlines filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Declaration of Sean A. Brady in Support of the Joint Stipulation to Extend Discovery & Pretrial Deadlines, # 2 Proposed Order)(Brady, Sean) (Entered: 06/08/2018)
06/08/2018	51	NOTICE OF MOTION AND MOTION for Extension of Time to File Discovery & Pretrial Deadlines filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Declaration of Sean A. Brady in Support of Unopposed Motion to Extend Discovery & Pretrial Deadlines, # 2 Proposed Order) (Brady, Sean) (Entered: 06/08/2018)
05/30/2018	50	Second AMENDED COMPLAINT against Defendant All Defendants amending Amended Complaint/Petition, 16 , Complaint (Attorney Civil Case Opening),,, 1 , filed by Plaintiffs Alfonso Valencia, Cheryl Johnson, Troy Willis, Steven Dember, California Rifle and Pistol Association, Incorporated, Michael Jones, Steven Rupp, Dennis Martin, Christopher Seifert (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Brady, Sean) (Entered: 05/30/2018)
05/09/2018	49	ORDER (1) GRANTING DEFENDANTS MOTION TO DISMISS (Doc. 17); (2) DENYING PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION (Doc. 24); AND (3) DENYING PLAINTIFFS MOTION FOR LEAVE AS MOOT (Doc. 41) by Judge Josephine L. Staton (es) (Entered: 05/09/2018)
04/11/2018	48	ORDER by Judge Josephine L. Staton, Granting Stipulation Modifying Pretrial Schedule 47 . The deadlines and hearings originally scheduled have been rescheduled. (Fact Discovery cut-off 7/13/2018., Motions due by 11/2/2018., Motions in Limine to be filed by 1/21/2019., Last date to conduct settlement conference is 12/21/2018., Final Pretrial Conference set for 2/15/2019 01:30 PM before Judge Josephine L. Staton.) See document for further information. (twdb) (Entered: 04/11/2018)
04/03/2018	47	Joint STIPULATION for Extension of Time to File Pretrial Documents filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Proposed Order)(Brady, Sean) (Entered: 04/03/2018)
03/08/2018	46	MINUTE IN CHAMBERS ORDER TAKING PLAINTIFFS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL DECLARATION (Doc. 41) UNDER SUBMISSION by Judge Josephine L. Staton: Before the Court is Plaintiffs' Motion for Leave to File Supplemental Declaration of Dennis Martin in Support of Plaintiffs Motion for a Preliminary Injunction. 41 Defendants opposed, and Plaintiffs replied. (Opp., Doc. 42; Reply, Doc. 44.) The Court finds this matter appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. Cal. R 7-15. Accordingly, the hearing set for March 9, 2018, at 2:30 p.m., is VACATED, and the Court takes the matter UNDER SUBMISSION. (dv) (Entered: 03/08/2018)
02/23/2018	45	ORDER by Judge Josephine L. Staton: Granting Stipulation 43 . Court hereby ORDERS that This case is exempt from the ADR Program; and The Order/Referral to ADR (Dkt. No. 39) is hereby vacated. (mt) (Entered: 02/23/2018)
02/23/2018	44	REPLY in support NOTICE OF MOTION AND MOTION for Leave to file Supplemental Declaration of Dennis Martin in Support of Plaintiffs' Motion for Preliminary Injunction 41 filed by Plaintiff Steven Rupp. (Brady, Sean) (Entered: 02/23/2018)
02/22/2018	43	STIPULATION for Relief from ADR Program re Order/Referral to ADR (No 2) (Mediation Panel) (ADR-12) 39 filed by Defendant Xavier Becerra. (Attachments: # 1 Proposed Order)(Chang, Peter) (Entered: 02/22/2018)
02/16/2018	42	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Leave to file Supplemental Declaration of Dennis Martin in Support of Plaintiffs' Motion for Preliminary Injunction 41 <i>Defendant</i> filed by Defendants Xavier Becerra, Does. (Attorney John D Echeverria added to party Does(ply:df)) (Echeverria, John) (Entered: 02/16/2018)
02/06/2018	41	NOTICE OF MOTION AND MOTION for Leave to file Supplemental Declaration of Dennis Martin in Support of Plaintiffs' Motion for Preliminary Injunction filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. Motion set for hearing on 3/9/2018 at 02:30 PM before Judge Josephine L. Staton. (Attachments: # 1 Declaration of Sean A. Brady in Support of Motion for Leave to File Supplemental Declaration of Dennis Martin, # 2 Proposed Order) (Brady, Sean) (Entered: 02/06/2018)
12/22/2017	40	MINUTES OF Motion Hearing held before Judge Josephine L. Staton: taking under advisement 24 MOTION for Preliminary Injunction; taking under advisement 17 MOTION to Dismiss ; Court Reporter: Deborah Parker. (twdb) (Entered: 12/22/2017)

12/19/2017	39	ORDER/REFERRAL to ADR Procedure No. 2 by Judge Josephine L. Staton. Case is ordered to Court Mediation Panel for mediation based upon a stipulation of the parties. ADR Proceeding to be held no later than October 23, 2018. (tg) (Entered: 12/19/2017)
12/19/2017	38	CIVIL TRIAL ORDER (tg) (Entered: 12/19/2017)
12/19/2017	37	MINUTE ORDER (IN CHAMBERS) SCHEDULING ORDER by Judge Josephine L. Staton: On the Courts own motion, the Scheduling Conference set for hearing December 22, 2017 is VACATED and taken off calendar. The Final Pretrial Conference is set for 12/21/2018 at 1:30 p.m. See document for further dates and details. (tg) (Entered: 12/19/2017)
12/05/2017	36	SCHEDULING NOTICE by Judge Josephine L. Staton: On the Court's own motion, the hearings on Defendant's Partial Motion to Dismiss 17 and Plaintiff's Motion for Preliminary Injunction 24 , set for December 15, 2017, at 2:30 p.m., are CONTINUED to December 22, 2017, at 2:30 p.m.; and the Scheduling Conference currently set for December 15, 2017, at 1:30 p.m., is reset to December 22, 2017, at 1:30 p.m.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (es) TEXT ONLY ENTRY (Entered: 12/05/2017)
12/01/2017	35	REPLY in support of NOTICE OF MOTION AND MOTION for Preliminary Injunction re California Penal Code section 30900, subdv. (b) . Motion 24 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Declaration of Sean A. Brady in Support of Plaintiffs' Reply to Defendant's Opposition to Motion for Preliminary Injunction)(Brady, Sean) (Entered: 12/01/2017)
12/01/2017	34	JOINT RULE 26(f) REPORT filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Brady, Sean) (Entered: 12/01/2017)
12/01/2017	33	REPLY in support of NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Takings Clause and Due Process Clause Claims 17 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 12/01/2017)
11/28/2017	32	NOTICE of Appearance filed by attorney John D Echeverria on behalf of Defendant Xavier Becerra (Attorney John D Echeverria added to party Xavier Becerra(pty:dft))(Echeverria, John) (Entered: 11/28/2017)
11/27/2017	31	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Declaration (Motion related) 29 . The following error(s) was/were found: Title page is missing. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (lwag) (Entered: 11/27/2017)
11/22/2017	30	DECLARATION of John D. Echeverria in opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction re California Penal Code section 30900, subdv. (b) . Motion 24 filed by Defendant Xavier Becerra. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12)(Chang, Peter) (Entered: 11/22/2017)
11/22/2017	29	DECLARATION of Patrick Plant in opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction re California Penal Code section 30900, subdv. (b) . Motion 24 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 11/22/2017)
11/22/2017	28	DECLARATION of Blake Graham in opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction re California Penal Code section 30900, subdv. (b) . Motion 24 filed by Defendant Xavier Becerra. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Chang, Peter) (Entered: 11/22/2017)
11/22/2017	27	Defendant's OPPOSITION to Plaintiffs' Motion for Preliminary Injunction OPPOSITION re: NOTICE OF MOTION AND MOTION for Preliminary Injunction re California Penal Code section 30900, subdv. (b) . Motion 24 filed by Defendant Xavier Becerra. (Chang, Peter) (Entered: 11/22/2017)
11/20/2017	26	ORDER Dismissing Plaintiff Douglas Grassey 23 by Judge Josephine L. Staton: The Court having considered the parties' stipulation and good cause having been shown, hereby orders as follows: Plaintiff Douglas Grassey is hereby dismissed, without prejudice, from this action in its entirety, which dismissal shall not prejudice any claims, allegations, or relief being pursued by any other Plaintiff as to any Defendant. (lwag) (Entered: 11/20/2017)
11/15/2017	25	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION for Preliminary Injunction re California Penal Code section 30900, subdv. (b) . Motion 24 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Douglas Grassey, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attachments: # 1 Exhibit B, # 2 Exhibit C, # 3 Exhibit D, # 4 Exhibit E, # 5 Exhibit F, # 6 Exhibit G, # 7 Exhibit H, # 8 Exhibit I)(Brady, Sean) (Entered: 11/15/2017)
11/14/2017	24	NOTICE OF MOTION AND MOTION for Preliminary Injunction re California Penal Code section 30900, subdv. (b) . Motion filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Douglas Grassey, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. Motion set for hearing on 12/15/2017 at 02:30 PM before Judge Josephine L. Staton. (Attachments: # 1 Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Preliminary Injunction, # 2 Declaration of Richard Travis in Support of Plaintiffs' Motion for Preliminary Injunction, # 3 Declaration of James Curcuruto in Support of Plaintiffs' Motion for Preliminary Injunction, # 4 Declaration of Stephen Helsley in Support of Plaintiffs' Motion for Preliminary Injunction, # 5 Declaration of Dennis Martin in Support of Plaintiffs' Motion for Preliminary Injunction, # 6 Proposed Order) (Brady, Sean) (Entered: 11/14/2017)
11/14/2017	23	Joint STIPULATION to Dismiss Plaintiff Douglas Grassey filed by Plaintiffs Alfonso Valencia, Cheryl Johnson, Troy Willis, Steven Dember, California Rifle and Pistol Association, Incorporated, Douglas Grassey, Michael Jones, Steven Rupp, Dennis Martin, Christopher Seifert. (Attachments: # 1 Proposed Order)(Brady, Sean) (Entered: 11/14/2017)
11/14/2017	22	ORDER by Judge Josephine L. Staton, re Stipulation 20 . Pursuant to the parties Stipulation, the Court hereby ORDERS that: The hearing on Defendant's Partial Motion to Dismiss is continued to December 15, 2017, at 2:30 p.m.; and The scheduling conference currently set for December 1, 2017, at 1:30p.m. is reset to December 15, 2017, at 1:30 p.m. (mba) (Entered: 11/14/2017)
11/09/2017	21	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Takings Clause and Due Process Clause Claims 17 filed by Plaintiffs California Rifle and Pistol Association, Incorporated, Steven Dember, Douglas Grassey, Cheryl Johnson, Michael Jones, Dennis Martin, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Attorney Sean Anthony Brady added to party Douglas Grassey(pty:pla), Attorney Sean Anthony Brady added to party Dennis Martin(pty:pla))(Brady, Sean) (Entered: 11/09/2017)
11/08/2017	20	STIPULATION to Continue Hearing on Defendant's Motion to Dismiss and Scheduling Conference from December 1, 2017 to December 15, 2017 Re: NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Takings Clause and Due Process Clause Claims 17 , Initial Order Setting R26 Scheduling Conference - form only 19 filed by Defendant Xavier Becerra. (Attachments: # 1 Proposed Order)(Chang, Peter) (Entered: 11/08/2017)
10/10/2017	19	ORDER SETTING SCHEDULING CONFERENCE by Judge Josephine L. Staton. Scheduling Conference is set for 12/1/2017 at 4629 4629 .

		See document for further details. (tg) (Entered: 10/10/2017)
10/05/2017	18	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Takings Clause and Due Process Clause Claims 17 filed by Defendant Xavier Becerra. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Chang, Peter) (Entered: 10/05/2017)
10/05/2017	17	NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Takings Clause and Due Process Clause Claims filed by Defendant Xavier Becerra. Motion set for hearing on 12/1/2017 at 02:30 PM before Judge Josephine L. Staton. (Attachments: # 1 Proposed Order) (Chang, Peter) (Entered: 10/05/2017)
09/11/2017	16	First AMENDED COMPLAINT against Defendant All Defendants amending Complaint (Attorney Civil Case Opening),,, 1 , filed by Plaintiffs Alfonso Valencia, Cheryl Johnson, Troy Willis, Steven Dember, California Rifle and Pistol Association, Incorporated, Michael Jones, Steven Rupp, Christopher Seifert(Brady, Sean) (Entered: 09/11/2017)
09/08/2017	15	ORDER by Judge Josephine L. Staton, Granting Stipulation for Extension of Time to Amend 14 . Plaintiffs may amend the Original Complaint on or before September 11, 2017; (twdb) (Entered: 09/08/2017)
09/01/2017	14	STIPULATION for Extension of Time to Amend Complaint (Attorney Civil Case Opening),,, 1 , STIPULATION for Extension of Time to File Answer or Otherwise Respond to First Amended Complaint filed by Defendant Xavier Becerra. (Attachments: # 1 Proposed Order)(Chang, Peter) (Entered: 09/01/2017)
08/08/2017	13	STIPULATION Extending Time to Answer the complaint as to Xavier Becerra answer now due 9/11/2017, re Complaint (Attorney Civil Case Opening),,, 1 filed by Defendant Xavier Becerra.(Attorney Peter H Chang added to party Xavier Becerra(pty:dft))(Chang, Peter) (Entered: 08/08/2017)
08/04/2017	12	TEXT ONLY ENTRY (IN CHAMBERS) ORDER DISCHARGING ORDER TO SHOW CAUSE: The Court is in receipt of Plaintiffs timely-filed Notice and Acknowledgment of Receipt of Summons and Complaint in response to the Order to Show Cause. The Order to Show Cause issued July 31, 2017 is hereby DISCHARGED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (tg) TEXT ONLY ENTRY (Entered: 08/04/2017)
08/01/2017	11	NOTICE AND ACKNOWLEDGMENT OF SERVICE of Summons and Complaint returned Executed filed by Plaintiff Alfonso Valencia, Cheryl Johnson, Troy Willis, Steven Dember, California Rifle and Pistol Association, Incorporated, Michael Jones, Steven Rupp, Christopher Seifert, upon Defendant Xavier Becerra acknowledgment sent by Plaintiff on 7/20/2017, answer due 8/10/2017. Acknowledgment of Service signed by Peter Chang, Deputy Attorney General. (Michel, Carl) (Entered: 08/01/2017)
07/31/2017	10	MINUTE ORDER IN CHAMBERS by Judge Josephine L. Staton: ORDER TO SHOW CAUSE RE DISMISSAL. Counsel is hereby ordered to show cause in writing no later than August 7, 2017, why this action should not be dismissed for lack of prosecution.(Show Cause Response due by 8/7/2017.) (twdb) (Entered: 07/31/2017)
04/26/2017	9	NOTICE of Interested Parties filed by Plaintiffs All Plaintiffs, (Michel, Carl) (Entered: 04/26/2017)
04/26/2017	8	INITIAL STANDING ORDER FOR CASES ASSIGNED TO JUDGE JOSEPHINE L. STATON. (tg) (Entered: 04/26/2017)
04/26/2017	7	NOTICE OF DEFICIENCIES in Attorney Case Opening RE: Complaint (Attorney Civil Case Opening), 1 . The following error(s) was found: No Notice of Interested Parties has been filed. A Notice of Interested Parties must be filed with every partys first appearance. See Local Rule 7.1-1. Counsel must file a Notice of Interested Parties immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83-7. (car) (Entered: 04/26/2017)
04/26/2017	6	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening), 1 as to Defendant Xavier Becerra. (car) (Entered: 04/26/2017)
04/26/2017	5	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (car) (Entered: 04/26/2017)
04/26/2017	4	NOTICE OF ASSIGNMENT to District Judge Josephine L. Staton and Magistrate Judge John D. Early. (car) (Entered: 04/26/2017)
04/24/2017	3	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening),,, 1 filed by Plaintiffs California Rifle & Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Michel, Carl) (Entered: 04/24/2017)
04/24/2017	2	CIVIL COVER SHEET filed by Plaintiffs California Rifle & Pistol Association, Incorporated, Steven Dember, Cheryl Johnson, Michael Jones, Steven Rupp, Christopher Seifert, Alfonso Valencia, Troy Willis. (Michel, Carl) (Entered: 04/24/2017)
04/24/2017	1	COMPLAINT Receipt No: 0973-19739726 - Fee: \$400, filed by Plaintiffs Alfonso Valencia, California Rifle & Pistol Association, Incorporated, Steven Rupp, Michael Jones, Cheryl Johnson, Troy Willis, Steven Dember, Christopher Seifert. (Attorney Carl Dawson Michel added to party California Rifle & Pistol Association, Incorporated(pty:pla), Attorney Carl Dawson Michel added to party Steven Dember(pty:pla), Attorney Carl Dawson Michel added to party Cheryl Johnson(pty:pla), Attorney Carl Dawson Michel added to party Michael Jones(pty:pla), Attorney Carl Dawson Michel added to party Steven Rupp(pty:pla), Attorney Carl Dawson Michel added to party Christopher Seifert(pty:pla), Attorney Carl Dawson Michel added to party Alfonso Valencia(pty:pla), Attorney Carl Dawson Michel added to party Troy Willis(pty:pla))(Michel, Carl) (Entered: 04/24/2017)

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