

EXHIBIT 1

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KIM RHODE, et al.,

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Attorney General of the State
of California,

Defendant.

Case No.: 3:18-cv-00802-BEN-JLB

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
INJUNCTION**

Hearing Date: August 19, 2019
Hearing Time: 10:30 a.m.
Courtroom: 5A
Judge: Hon. Roger T. Benitez

[Filed concurrently with Memorandum of
Points and Authorities, Request for
Judicial Notice, Declarations Sean A.
Brady, Richard Travis, James Gilhousen,
Dan Wolgin, Denise Welvang, Scott
Lindemuth, Bill Ortiz, David Burwell,
Chris Puehse, Travis Morgan, Ethan
Bartel, Myra Lowder, Daniel Gray,
Christina McNab, and George Dodd]

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 19, 2019 at 10:30 a.m. in Courtroom 5A of above-captioned court, located at 221 West Broadway, San Diego, California 92101, Plaintiffs Kim Rhode, Gary Brennan, Cory Henry, Edward Johnson, Scott Lindemuth, Richard Ricks, Denise Welvang, Able's Sporting, Inc., a Texas corporation, AMDEP Holdings, LLC, a Florida limited liability company d/b/a Ammunition Depot, R&S Firearms, Inc., an Arizona corporation d/b/a Sam's Shooters' Emporium, and California Rifle & Pistol Association, Incorporated, a California corporation ("Plaintiffs"), through their counsel, will move for a preliminary injunction under rule 65(a) of the Federal Rules of Civil Procedure. Specifically, Plaintiffs will seek an order temporarily enjoining Defendant Xavier Becerra, in his official capacity as Attorney General of the State of California, and his agents, servants, employees, and those working in active concert with him, from enforcing or giving effect to California Penal Code sections 30312(a), 30312(b), 30370, and 30352(a-d) during the pendency of this action.

Plaintiffs bring this motion because sections 30312(a), 30312(b), 30314(a), 30370, and 30352(a-d) violate the Second Amendment right to acquire and possess ammunition by placing undue and unjustified barriers to the exercise that right and California Penal Code sections 30312(b) and 30314(a) also violate the Commerce Clause by regulating extraterritorially and in a discriminatory fashion against non-California commerce. Unless this Court orders the requested preliminary relief, Defendant Becerra will continue to enforce sections 30312(a), 30312(b), 30370, and 30352(a-d), and irreparable injury will continue to result to the Plaintiffs as described in the memorandum of points and authorities filed simultaneously herewith.

This motion is based on this notice, the memorandum of points and authorities filed in support, the supporting declarations of Richard Travis, James Gilhousen, Dan Wolgin, Denise Welvang, Scott Lindemuth, Bill Ortiz, David Burwell, Chris Puehse, Travis Morgan, Ethan Bartel, Myra Lowder, Daniel Gray, Christina McNab, and George

Dodd, as well as any exhibits attached thereto. This motion is also based on the pleadings and records already on file, and on any further matters the Court deems appropriate.

Dated: July 22, 2019

MICHEL & ASSOCIATES, P.C.

s/ Sean A. Brady

Sean A. Brady

Email: sbrady@michellawyers.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Rhode, et al. v. Becerra*
Case No.: 3:18-cv-00802-JM-JMA

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

I have caused service of the following documents, described as:

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY
INJUNCTION**

on the following parties by electronically filing the foregoing on July 22, 2019, with the Clerk of the District Court using its ECF System, which electronically notifies them.

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2550 Mariposa Mall, Room 5090
Fresno, CA 93721

*Attorneys for Defendant Attorney General
Xavier Becerra*

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 2019, at Long Beach, CA.

s/ Laura Palmerin
Laura Palmerin