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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

DOWNTOWN COURTHOUSE

G. MITCHELL KIRK; and CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED, Plaintiffs and Petitioners, vs. CITY OF MORGAN HILL; MORGAN HILL CHIEF OF POLICE DAVID SWING, in his official capacity; MORGAN HILL CITY CLERK IRMA TORREZ, in her official capacity; and DOES 1-10, Defendants and Respondents	Case No: 19CV346360 **REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: July 2, 2020 Time: 9:00 a.m. Judge: Judge Peter Kirwan Dept.: 19 Action filed: April 15, 2019

I. THE CITY'S ORDINANCE IMPROPERLY DUPLICATES STATE LAW, RAISING SERIOUS DOUBLE JEOPARDY CONCERNS

Courts do not strike down local laws that duplicate state law just because they are interested in cleaning up the state and local code systems to ensure they are free of redundancy. Were that the goal, perhaps the City could get away with passing ordinances that differ ever so slightly from state law as to not be complete copies, as it did with its theft-reporting ordinance. But courts have long barred duplicative local laws for a much more important reason: they raise critical double jeopardy concerns. As the California Supreme Court has held, "[t]he reason that a conflict . . . is said to exist where an ordinance duplicates state law is that a conviction under the ordinance will operate to bar prosecution under state law for the same offense." (*Cohen v. Bd. of Supervisors* (1985) 40 Cal.3d 277, 292.) So even if an ordinance were intended to cover some purported shortcoming in state law, it is still preempted when it "denounces as criminal precisely the same acts which are attempted to be prohibited by the code." (*In re Sic* (1887) 73 Cal. 142, 146.)

The City tries to justify its redundant ordinance by insisting that because the City's reporting period is shorter, the behavior prohibited is distinct from what state law prohibits. (Defs.' Oppn., pp. 11-12.) It is not. While the City is correct that local ordinances may, sometimes, tighten restrictions imposed by state law (Defs.' Oppn., p. 12-13), in this case both state and local law prohibit the same action—losing a firearm and failing to report it. The City's ordinance merely tightens the reporting window by three days. Even if the Court finds that such is a significant enough distinction, double jeopardy concerns are no doubt implicated whenever someone reports a firearm lost or stolen on the sixth day or later or fails to report it altogether. For, in those situations, the failure to report offends *both* state and local law. When an ordinance prohibits the same acts forbidden by state law, the ordinance is "void to the extent that it duplicates the state enactment." (*People v. Commons* (1944) 64 Cal.App.2d Supp. 925, 929.) At absolute minimum, the City's law is preempted as to any cases in which the state can assert its jurisdiction; otherwise, there would be a conflict. (*Fiscal v. City & Cty. of S.F.* (2008) 158 Cal.App.4th 895, 913, fn. 7 ("*Fiscal*").)

The City's reliance on *Nordyke v. King* (2002) 27 Cal.4th 875 ("*Nordyke*") misses the mark. There, Alameda County banned possession of firearms at gun shows at its fairgrounds, presenting

the California Supreme Court with a narrow issue: "Does state law regulating the possession of firearms and gun shows preempt a municipal ordinance prohibiting gun possession on county property?" (*Id.* at p. 880.) Answering that question, the Court relied on the county's broad statutory authority to regulate commercial activities on its own property, holding that under state law

> [A] county is given *substantial authority to manage its property*, including the most fundamental decision as to how the property will be used, and that nothing in the gun show statutes evince an intent to override that authority. The gun show statutes do not mandate that counties use their property for such shows. . .. In sum, whether or not the [o]rdinance is partially preempted, Alameda County has the authority to prohibit the operation of gun shows held on its property and, at least to that extent, may ban possession of guns on its property.

(*Id.* at pp. 882-885, italics added.) In short, *Nordyke* stands for little more than the proposition that state gun-show laws—*which expressly contemplate further local regulation*—do not preclude local governments from banning the possession of firearms *at gun shows held on county-owned property*. The Court observed that "possessing a gun on county property is not identical to the crime of possessing an unlicensed firearm that is concealable or loaded, nor is it a lesser included offense, and therefore someone may lawfully be convicted of both offenses" (*Nordyke*, *supra*, 27 Cal.4th at p. 883), so the case is distinguishable as the state and local authorities restricted very distinct violations. Here, the City's ordinance *does* criminalize the same behavior state law criminalizes—failing to report the loss or theft of a firearm to local law enforcement. This is precisely the sort of local intrusion into state affairs that preemption prohibits.

II. THE CITY'S ORDINANCE CONTRADICTS STATE LAW, AND THE CITY IS NOT FREE TO ADOPT A STRICTER THEFT-REPORTING REQUIREMENT

As Plaintiffs have shown, the City's theft-reporting law contradicts state law because it prohibits Plaintiff Kirk and members of Plaintiff CRPA from doing what state law allows them to do—i.e., take up to five days before they must report the theft or loss of their firearms. (Pls.' Mot, p. 13; Pls.' Oppn., p. 17.) In response, the City characterizes its theft-reporting law as being like a lower local speed limit that, under *Ex Parte Daniels* (1920) 183 Cal. 636,[1] would not be preempted.

[1] The City argues that Plaintiffs misrepresent *Daniels* to support a rule that localities may not fix speed limits lower than those set by state law without violating contradiction preemption. (Defs.' Oppn., pp.15-16.) But Plaintiffs are not arguing that the City may never adopt a stricter

(Defs.' Oppn., pp. 15-16.) The argument is much like the City's argument in its motion for summary judgment that local governments are free to narrow that which state law permits by creating stricter local requirements. (Defs.' MSJ, pp. 11-12.) But as explained in Plaintiffs' opposition, such local action is not always permissible. (Pls.' Oppn., pp. 18-20.) In short, controlling precedent tells us two things. First, under *City of Riverside v. Inland Empire Patients Health & Wellness Ctr., Inc.* (2013) 56 Cal.4th 729, 743 ("*Riverside*")), stricter local regulation is preempted when it is not "reasonably possible" to comply with both state and local law. (Pls.' MSJ, pp. 13-14; Pls.' Oppn., pp. 18-19, 20.) And second, under *In re Hoffman* (1909) 155 Cal. 114, 118, stricter local regulation is appropriate if it serves a special local interest. (Pls.' Oppn., p. 19-20.)

Taken together, these precedents make clear that the City's ordinance simply does not fit within the City's limited authority to impose stricter requirements than state law provides.

A. It Is Not "Reasonably Possible" to Comply with Both State and Local Law

The test here is not whether, as the City suggests, it is "impossible" to comply with both the City's ordinance and state law. (Defs.' Oppn., p. 15.) It is whether it is "*reasonably* possible" (*Riverside*, *supra*, 56 Cal.4th 729, 743) to comply with both, a phrase that necessarily has a meaning distinct from what is merely "possible." Plaintiffs have shown that it is not *reasonably* possible for transients to know the City's ordinance differs from statewide law, and thus it is not reasonably possible to comply with both laws—you cannot comply with a law of which you are unaware, after all. (Pls.' MSJ, pp. 13-14; Pls.' Oppn., pp. 18-20.) Claiming otherwise, the City presumes that the first thing someone passing through Morgan Hill will do is drive to a local gun store to ask about regulations. (Defs.' Oppn., pp. 11-12, n. 5.) This may seem "reasonable" from the pages of a legal brief divorced from the reality of how even the most responsible people behave, but it is in fact neither reasonable nor realistic.

Even if someone who experiences firearm theft might understand that falling victim to that crime carries some duty to report, the existence of and compliance with statewide theft-reporting

regulation, like a lower speed limit. Rather, Plaintiffs use *Daniels* to illustrate a point about the reasonableness of compliance with a local law that transient citizens are unlikely to know of, given statewide law setting a different standard. (Pls.' MSJ, p. 14; Pls.' Oppn., p. 19.) That is, in situations where it is unreasonable to expect that transients would know of stricter local restrictions, like *Daniels*, it is not reasonably possible to comply with both state and local law.

requirements, of which both residents and transients are more likely to be aware, make it unlikely that victims would think to check whether some local law imposes a *different* reporting duty on them. Indeed, they are likely to have a false sense that they *have* complied with their reporting duty because they are informed by what they reasonably believe to be the supreme state law.

Even so, claiming there is no harm, the City leans on the common law presumption that "ignorance of a law is no excuse." (Defs.' Oppn., n. 6.) But to the extent that maxim does not violate due process as applied to the City's ordinance,[2] it reveals precisely why the ordinance is preempted. It does not derive from preemption doctrine as a shield to allegations that a local law contradicts state law, it is a criminal law presumption that tells us that one cannot escape liability simply because they were ignorant of the law. Because "ignorance of the law" is no defense, the City's theft-reporting mandate exposes individuals to unjust criminal prosecution for violating a law that they were reasonably unaware even existed.

Turning again to *Nordyke*, the City suggests it is reasonable to expect travelers to take affirmative steps to learn the local laws of every city they visit. (Defs.' Oppn., p. 15.) But to accept the City's position would essentially invalidate the third test for implied preemption. Certainly, if the fact that travelers could technically learn the local laws of all the cities they pass through were enough to overcome the threat that a "patchwork quilt" of local laws poses, there would never be reason to find preemption due to the effect on transient citizens. But that test is not only well-settled, it applies *because* transients are unlikely to know the laws in the cities they pass through.

B. The City Cites No Special Local Need Related to Theft-reporting

The City has never identified what special local need cities have related to theft reporting. To the contrary, the City's briefing reveals that the City passed the ordinance as a response to "its citizens' desire to take action on gun violence in light of the Parkland mass shooting," and not any

[2] The U.S. Supreme Court has held that the presumption offends due process when the law criminalizes a "wholly passive" failure to register and there is no proof that one would know of their duty to do so. (*Lambert v. California* (1957) 355 U.S. 223, 230.) There, a woman convicted of forgery was unaware of a local ordinance requiring that she register as a felon if in Los Angeles for more than five days. (*Id.* at p. 226.) The Court recognized that her failure to register was a "wholly passive act . . . unlike the commission of acts, or the failure to act under circumstances that should alert the doer to the consequences of his deed." (*Id.* at p. 228.) The Court thus held that "actual knowledge of the duty to register or proof of the probability of such knowledge and subsequent failure to comply are necessary before a conviction . . . can stand." (*Id.* at p. 229.)

local need. (Defs.' MSJ, p. 1.) What's more, in adopting its ordinance, the City cited four general purposes for theft-reporting, but never mentioned any "significant local interest" in requiring reporting within 48 hours, rather than five days. (SUMF Nos. 47-52. See also Pls.' Req. Jud. Ntc. Ex. D, at pp. 42, 46-46, Ex. F, at pp. 73-88, 265-289, Ex. H, at pp. 308-309, Ex. J, pp. 347-362.) And those four purposes are nearly identical to the goals of Prop 63's statewide theft-reporting scheme. (Pls.' MSJ, pp. 21-22.) But the City cites nothing to suggest that Prop 63 does not adequately address those interests or that its ordinance is better suited to serve them—likely because it *cannot*. (Pls.' MSJ, pp. 22-23; Pls.' Oppn., pp. 13-15; SUMF Nos. 47-52.)

The City's only genuine attempt to show that theft reporting is a matter of local concern relies on a 2011 report about youth violence in San Mateo County, ostensibly to show that crimes involving guns vary from one community to the next, and thus the strategies for reducing those crimes must similarly vary. (Defs.' Oppn., p. 10.) Concededly, in California, the broad field of gun control, generally, is not a matter of exclusive state concern for this very reason. (See *Suter v. City of Lafayette* (1997) 57 Cal.App.4th 1109. But see *Great W. Shows v. Cty. of L.A.* (2002) 27 Cal.4th 867, 866 [recognizing that gun control is not exclusively a state concern, but narrower subsets of that field may be].) But the cited report provides no basis to believe that local governments have some special need for theft reporting that does not apply to communities throughout the state. It merely finds that youth violence in San Mateo County was a costly problem and, without a shred of data that theft-reporting would do anything to address that problem, recommends that cities adopt mandatory theft reporting laws (among other gun control measures). (Barvir Decl., Ex. MM, at p. 192.) And it made that proposal years *before* California voters adopted Prop 63, enacting a comprehensive statewide theft-reporting scheme addressing the same general interests the City has.

III. THE CITY'S ORDINANCE INTRUDES UPON A FIELD FULLY OCCUPIED BY STATE LAW

A. Prop 63 Created a Comprehensive Statewide Scheme, "Clearly Indicating" Voter Intent to Preempt Local Regulation

Through Prop 63, California voters enacted a firearm theft-reporting mandate that "fully and completely" (*O'Connell v. City of Stockton* (2007) 41 Cal.4th 1061, 1067) covers the subject of theft reporting through a robust statewide scheme aimed at addressing both state and local concerns

and regulating all manner of conduct related to reporting firearm theft and loss (Pls. MSJ, pp. 16-17, discussing SUMF Nos. 12-18), making it exclusively a matter of state concern. And to be abundantly clear, it is this effect of the voters' enactment that matters, not the say-nothing preambles of Prop 63 the City would prefer to focus on. When "voters enact a state law by ballot initiative, voter intent is considered in place of the Legislature's." (Defs.' MSJ, p. 14, citing *Persky v. Bushey* (2018) 21 Cal.App.5th 810, 818-819.) Like a legislature then, evidence of the voters' subjective intent is secondary to the operation and effect of their enactment. (*S.F. Apartment Assn. v. City & Cty. of S.F.* (2016) 3 Cal.App.5th 463, 476.) Indeed, "[t]he motives of the legislators . . . will always be presumed to be to accomplish that which follows as the natural and reasonable effect of their enactments." (*Cty. of L.A. v. Superior Court (Burroughs)* (1975) 13 Cal.3d 721, 726.) The "natural and reasonable effect" of Prop 63's comprehensive, statewide scheme is to fully occupy the field of theft reporting, preempting local regulation. So resort to extrinsic evidence of subjective voter intent is unnecessary and improper.[3]

In response to Plaintiffs' argument that, on its face, state law regarding theft reporting is comprehensive and thus fully occupies the field, the City suggests that, under *Fiscal*, Plaintiffs must show that the preempting state law represents a "broad, evolutional statutory scheme." (Defs.' Oppn., pp. 18-19) But just because that was the sort of state law at issue in *Fiscal*, does not limit the application of Type 1 implied field preemption to such instances. And the City cites nothing to support its suggestion that a single state-law enactment (rather than an "evolutional" statutory scheme) cannot fully occupy the field. As long as the enactment "fully and completely" covers the subject matter such that it has become a matter of exclusive state concern, it preempts.

Attacking Plaintiffs' reference to section 25250's myriad exemptions, the City again mischaracterizes Plaintiffs' argument, claiming that "the California Supreme Court has twice

[3] The City misunderstands Plaintiffs' argument as regards "voter intent," suggesting that they claim only that the drafters' failure to expressly authorize local action regarding theft reporting implies an intent to preempt. (Defs.' Oppn., p. 21.) While it *is* significant that Prop 63's drafters saw fit to include *three express references* to local regulation in other sections of the measure—but did not as to theft-reporting—that is not the extent of Plaintiffs' argument. To reiterate, it is the "natural and reasonable effect" of the enactment which is presumed to establish the lawmakers' intent. (*Burroughs*, *supra*, 13 Cal.3d at p. 726.) And the statewide scheme, which is comprehensive by design and effect, clearly evinces the voters' intent to occupy the field. For a full analysis of voter intent, see Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, pp. 11-13.

rejected the argument that, *without more*, a state law that provides exceptions preempts a local law that omits those exceptions." (Defs. Oppn., pp. 19-20, citing *Nordyke*, *supra*, 27 Cal.4th at p. 884;[4] *Riverside*, *supra*, 56 Cal.4th at p. 759, italics added.)[5] But Plaintiffs do not argue otherwise. Rather, Plaintiffs examine the various exemptions as just a part of a broader, fully comprehensive scheme regulating the entire field of firearm theft reporting. The exceptions do not stand "alone." For that reason, the City's reliance on *Riverside* and *Nordyke* is inapt. In *Riverside*, the California Supreme Court held that the Compassionate Use Act and the Medical Marijuana Program did not preempt a local *zoning* laws barring the operation of medical marijuana dispensaries within city limits. (56 Cal.4th at p. 762. The Court reasoned:

> *The CUA and the MMP create no all-encompassing scheme for the control and regulation of marijuana for medicinal use.* These statutes, both carefully worded, *do no more* than exempt certain conduct by certain persons from certain state criminal and nuisance laws against the possession, cultivation, transportation, distribution, manufacture, and storage of marijuana.

(*Riverside*, *supra*, 56 Cal.4th at p. 757, italics added.) The *Nordyke* Court's holding was similarly narrow because the law at issue merely created an exception to state laws barring firearm possession in government buildings, nothing more. (*Ibid.*) Unlike both cases, Prop 63 *does* establish an all-encompassing statewide scheme. (Pls.' Mot., pp. 16-17, citing Pls.' SUMF Nos. 10-18.) While it may be true that state-level exceptions "without more" may not establish preemption of local laws, there is indisputably "more" here. There is a comprehensive statewide scheme that fully addresses firearm theft reporting, fully occupying the field and preempting local action.

B. The City's Law Frustrates the Statewide Theft-reporting Scheme

Assuming (without conceding) that Plaintiffs must prove the City's law "stands as an obstruction to the accomplishment and execution of the full purposes and objectives of the" state scheme (*Fiscal*, *supra*, 158 Cal.App.4th at p. 911), the City's law does just that. While the City

[4] The City also City misrepresents the conclusions the *Nordyke* Court reached. The Court stated that it was possible that the ordinance at issue was partially preempted as to those exceptions, though it declined to rule on that issue. (*Nordyke*, *supra*, 27 Cal.4th at p. 884.) While it is clear to Plaintiffs that MHMC section 9.40.030 is fully preempted, at best, the City's argument makes the point that their ordinance is only *partially* preempted.

[5] The City also suggests that Plaintiffs must prove the exceptions are "so essential that localities cannot impose their own regulations on exempt individuals." (Defs.' Oppn., p. 20.) The City cites nothing for this "rule," and it is not the test cited in *Riverside*.

pretends that its ordinance harmoniously coexists with state law simply because it is technically possible to comply with both laws, the City's ordinance erect substantial barriers to the achievement of Prop 63's "purposes and objectives" that the City ignores. (Defs.' Oppn., pp. 14-15.) For instance, the City's law may *deter* theft-reporting by those who live in or lose their firearms in Morgan Hill. Indeed, it is not difficult to imagine a layperson losing a firearm in the City and, thinking they have five days to report the loss, missing the City's brief 48-hour reporting deadline. If, between days three and five, the individual learns of the City's unique reporting requirement, they would reasonably fear being charged with a crime and might be less likely to report the loss at all.[6] Worse yet, under these circumstances, the City's law would likely prevent state prosecution for failure to report because, under the Fifth Amendment, the firearm theft victim cannot be forced to incriminate himself by reporting the theft after day three and essentially turning himself in for violating the City's ordinance. Similarly, enforcement of the City's law against any person who fails to report or waits more than five days strips the state of its authority to prosecute a violation of section 25250. In short, the City argues that its ordinance is in harmony with state law. But by impeding the state's objectives by deterring reporting after day two and interfering with the state's ability to prosecute the violation of its laws, the ordinance is painfully out of tune.

IV. THE CITY'S ORDINANCE INTRUDES UPON A FIELD THAT PARTIALLY OCCUPIED BY STATE LAW, AND ITS ADVERSE EFFECTS ON TRANSIENT CITIZENS FAR OUTWEIGH ANY POSSIBLE BENEFIT TO THE CITY

Countless Californians may travel through the City with firearms while on a hunting trip, as part of a move, or for any number of other reasons. Should their firearm be lost or stolen while they are within the City's limits, they would have to comply with both state law and local law. Yet the City's ordinance gives them three fewer days to report, a fact of which they are unlikely to be aware, exposing them to unjust criminal prosecution for unknowing violations of the law. (See *supra* Part II.A.) If local governments are free to deviate from state law, enacting their own theft-reporting ordinances at will, each arbitrarily setting any number of days to report, a "patchwork quilt" of varying reporting mandates will confront gun owners whenever they move about the state.

[6] See Barvir Decl., Ex. LL, p. 179 [explaining that firearm theft-reporting requirements might have the unintended consequence of discouraging reporting if firearm owners miss the deadline].)

Citing an example of a Morgan Hill resident who loses their firearm outside the City, the City itself provides a good example of the threat facing City residents as they move about the state. (Defs.' MSJ, p. 11.) That person would have to report the theft to MHPD within 48 hours under local law. (SUMF No. 22.) Then, under state law, they'd have to report the theft in a duplicate report within five days to the police in the city where the theft occurred. (SUMF No. 13.) Unless, of course, it occurred in a city with its own reporting period, in which case the victim would need to make a duplicate report within some other window. The wildly varying local laws governing theft reporting expose transient Californians to *criminal prosecution* for unknowing violations of local law and, where they have failed to report within five days, violation of both state *and* local laws for identical conduct. This is just the sort of harm to transients that preemption seeks to avoid.

In response to Plaintiffs' concerns, the City once more argues that there is no harm to transient citizens because they are expected to know the laws of the cities through which they travel. (Defs.' Oppn., pp. 24-25.) But again, if this were all that was necessary to defeat a claim of undue burden on transients, it is not clear that there would ever be a threat sufficient to overcome a city's vague assertion of its "interests." (See *supra* Part II.A., p. 5.) The third test for preemption may as well not exist. What's more, the City's reliance on *Galvan v. Superior Court* (1969) 70 Cal.2d 851 ("*Galvan*") to make its point is unhelpful. For the City ignores that the ordinance at issue specifically *protected* transient citizens from undue burden. The *Galvan* Court held:

> We find that the San Francisco gun law places no undue burden on transient citizens. *Indeed, the ordinance was drafted to prevent such a burden*. The law, applicable to firearms possessed by persons in San Francisco, provides for a seven-day exemption, and thus excludes those transients who might otherwise be burdened.

(*Id.* at p. 864, italics added.) Here, the City did not bother to include any such exemption for transient citizens. To the contrary, it went out of its way to ensure the law did apply to them. And, as discussed below, the burden that places on these Californians is all the more intolerable because the City cites no local interest that state law does not already serve.

Under Type 3 implied preemption, "[t]he significant issue in determining whether local regulation should be permitted depends upon a 'balancing of two conflicting interests: (1) the needs of local governments to meet the special needs of their communities; and (2) the need for uniform

state regulation.' [citation]." (*Robins v. Cnty. of L.A.* (1966) 248 Cal.App.2d 1, 9-10 ("*Robins*").) Plaintiffs have repeatedly pointed out that the City never asserts a single local interest related to theft reporting that state law does not already address. (Pls.' MSJ, pp. 21-23; Pls.' Oppn., pp. 13-15.) Rather than address Plaintiffs' criticism, the City pivots, claiming that it need not engage in an "effectiveness analysis." (Defs.' Oppn., pp. 25-26.) But Plaintiffs do not argue that preemption generally requires that localities prove their laws will be effective to pass muster. But, under controlling precedent, it is significant that the City cannot show that its 48-hour reporting requirement is likely to serve any interest not already served by the state's five-day requirement.

Again, under *Robins*, the City must show some particular local interest related to theft reporting and that state law does not address that interest with "reasonable adequacy." (Pls.' MSJ, p. 21.) This is because this type of preemption considers "[1] whether substantial geographic, economic, ecological or other distinctions are persuasive of the need for local control, and [2] whether local needs have been adequately recognized and comprehensively dealt with at the state level." (*Robins*, *supra*, 248 Cal.App.2d at p. 10.) The City fails on both counts. First, before the Court can even consider whether state theft-reporting law "adequately recognize[s] and comprehensively deal[s] with" (*ibid.*) the City's special needs, the City must disclose what those needs are. But the City refuses to identify any interest sensitive to differing local circumstances. (See *supra* Part II.B.) Instead, it makes sweeping generalizations about the need for theft reporting based on increasing firearm theft and crimes involving guns throughout the country. (Defs.' Oppn., pp. 25-26.) Second, because there is no reliable evidence that a shortened reporting period would provide any benefit to the City beyond what state law provides (SUMF No. 53), the adverse effects on transients outweighs any possible benefit to the City. The ordinance is preempted.

V. CONCLUSION

For these reasons, the Court should grant Plaintiffs' Motion for Summary Judgment, deny the City's, and enter an order enjoining enforcement of MHMC section 9.04.030.

Dated: June 25, 2020

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir
Anna M. Barvir
Attorney for Plaintiffs

PROOF OF SERVICE
STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

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

On June 25, 2020, I served the foregoing document(s) described as

REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

on the interested parties in this action by placing

[ ] the original
[X] a true and correct copy

thereof by the following means, addressed as follows:

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X (BY ELECTRONIC TRANSMISSION) As follows: I served a true and correct copy by electronic transmission via One Legal. Said transmission was reported and completed without error.

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

Executed on June 25, 2020, at Long Beach, California.

s/ Laura Palmerin
Laura Palmerin