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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	
Anna M. Barvir (SBN 268728)	FOR COURT USE ONLY
Michel & Associates, P.C.	Electronically Filed
180 E. Ocean Blvd., Suite 200	by Superior Court of CA,
Long Beach, CA 90802	
	County of Santa Clara,
TELEPHONE NO.: (562) 216-4444 FAX NO. (Optional): (562) 216-4445	on 6/26/2020 9:30 AM
E-MAIL ADDRESS (Optional): abarvir@michellawyers.com	Reviewed By: System System
ATTORNEY FOR (Name): Plaintiffs G. Mitchell Kirk, et al.	Case #19CV346360
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA	
STREET ADDRESS: 191 N. First Street	Envelope: 4514089
MAILING ADDRESS: 191 N. First Street	
CITY AND ZIP CODE: San Jose 95113	
BRANCH NAME: Downtown Superior Court	
	_
PLAINTIFF/PETITIONER: G. Mitchel Kirk, et al.	
DEFENDANT/RESPONDENT: City of Morgan Hill, et al.	
CASE MANAGEMENT STATEMENT	CASE NUMBER:
(Check one): × UNLIMITED CASE LIMITED CASE	19CV346360
(Amount demanded (Amount demanded is \$25,000	
exceeds \$25,000 or less)	
exceeds \$25,000) of less)	
A CASE MANAGEMENT CONFERENCE is scheduled as follows:	
Date: July 2, 2020 Time: 9:00 a.m. Dept.: 19 Di	/.: Room:
•	
Address of court (if different from the address above):	
Notice of Intent to Appear by Telephone, by (name): Anna M. Barvir for Plaintiffs	; Rod Thompson and Hannah Shearer for Defendants
INSTRUCTIONS: All applicable boxes must be checked, and the specifie	d information must be provided.
1. Party or parties (answer one):	
a. This statement is submitted by party (name):	
	1D ( ) (0) (M ) (III )
b. This statement is submitted <b>jointly</b> by parties (names): Plaintiffs Kirk, et al., a	
2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainal	nts only)
a. The complaint was filed on (date): April 15, 2019	
b. The cross-complaint, if any, was filed on (date):	
3. <b>Service</b> (to be answered by plaintiffs and cross-complainants only)	
	agus annearad ar haya baan diamisaad
a. X All parties named in the complaint and cross-complaint have been served,	lave appeared, or have been dismissed.
b. The following parties named in the complaint or cross-complaint	
(1) have not been served (specify names and explain why not):	
(2) have been served but have not appeared and have not been dis	missed (specify names):
(-)	
(3) boys had a default entared against them (analy);	
(3) have had a default entered against them (specify names):	
The fellowing additional months are added (agents, agents, agents, and a	and a second in the second all the bounds in the
c. The following additional parties may be added (specify names, nature of integrating they may be served):	roivernent in case, and date by which
ulcy may be serveuj.	
4. Description of case	
	including causes of action):
Complaint for Declaratory & Injunctive Relief (Preemption)	

	PLAINTIFF/PETITIONER: G. Mitchell Kirk, et al.	CASE NUMBER: 4000 / 240200
DEF	ENDANT/RESPONDENT: City of Morgan Hill, et al.	19CV346360
4. b.	Provide a brief statement of the case, including any damages. (If personal injury da damages claimed, including medical expenses to date [indicate source and amount earnings to date, and estimated future lost earnings. If equitable relief is sought, de Plaintiffs challenge Morgan Hill Municipal Code 9.04.030, requiring the reporting of preempted by Penal Code section 25250. Plaintiffs seek declaratory and injunctive	i], estimated future medical expenses, lost scribe the nature of the relief.) lost or stolen firearms within 48 hours, as
5. <b>J</b>	(If more space is needed, check this box and attach a page designated as Attach lury or nonjury trial	ment 4b.)
а	The party or parties request a jury trial x a nonjury trial. (If more the requesting a jury trial):	an one party, provide the name of each party
6. <b>T</b>	rial date	
а	The trial has been set for <i>(date):</i>	
b		the date of the filing of the complaint (if
С	Dates on which parties or attorneys will not be available for trial (specify dates and of The parties anticipate that this case will be disposed on summary judgment, the head 2020. The parties agree that a trial date should not be set until the Court rules on the set of the court rules.	aring for which is currently set for July 2,
7. <b>E</b>	Estimated length of trial	
Т	he party or parties estimate that the trial will take (check one):	
a	a. 💌 days (specify number): 1	
b	p. hours (short causes) (specify):	
T a b	Trial representation (to be answered for each party)  The party or parties will be represented at trial x by the attorney or party listed in a. Attorney:  D. Firm:	the caption by the following:
	c. Address:	
	d. Telephone number: f. Fax number:	
	e. E-mail address: g. Party represer	ted:
_	X Additional representation is described in Attachment 8.	
9. <b>F</b>	Preference	
L	This case is entitled to preference (specify code section):	
	Alternative dispute resolution (ADR)	
а	ADR information package. Please note that different ADR processes are available the ADR information package provided by the court under rule 3.221 for information court and community programs in this case.	
	in rule 3.221 to the client and reviewed ADR options with the client.	vided the ADR information package identified
	· · · · · · · · · · · · · · · · · · ·	information package identified in rule 3.221.
D	<ol> <li>Referral to judicial arbitration or civil action mediation (if available).</li> <li>This matter is subject to mandatory judicial arbitration under Code of Civil I mediation under Code of Civil Procedure section 1775.3 because the amostatutory limit.</li> </ol>	
	(2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit red Civil Procedure section 1141.11.	
	(3) This case is exempt from judicial arbitration under rule 3.811 of the Californ mediation under Code of Civil Procedure section 1775 et seq. (specify exe 3.811(b)(1): Involves a prayer for equitable relief that is not frivolous or instance.	mption):

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PLAINTIFF/PETITIONER: G. Mitchell Kirk, et al.	CASE NUMBER: 19CV346360	
DEFENDANT/RESPONDENT: City of Morgan Hill, et al.	190 7340300	

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in *(check all that apply and provide the specified information):* 

	The party or parties completing this form <b>are willing</b> to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case <b>have agreed</b> to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation		Mediation session not yet scheduled  Mediation session scheduled for (date):  Agreed to complete mediation by (date):  Mediation completed on (date):
(2) Settlement conference		Settlement conference not yet scheduled Settlement conference scheduled for (date): Agreed to complete settlement conference by (date): Settlement conference completed on (date):
(3) Neutral evaluation		Neutral evaluation not yet scheduled  Neutral evaluation scheduled for (date):  Agreed to complete neutral evaluation by (date):  Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration		Judicial arbitration not yet scheduled Judicial arbitration scheduled for (date): Agreed to complete judicial arbitration by (date): Judicial arbitration completed on (date):
(5) Binding private arbitration		Private arbitration not yet scheduled Private arbitration scheduled for (date): Agreed to complete private arbitration by (date): Private arbitration completed on (date):
(6) Other (specify):		ADR session not yet scheduled  ADR session scheduled for (date):  Agreed to complete ADR session by (date):  ADR completed on (date):

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PLAINTIFF/PETITIONER: G. Mitchell Kirk, et al.	CASE NUMBER: 19CV346360
DEFENDANT/RESPONDENT: City of Morgan Hill, et al.	190 0 340 300
11. Insurance	
a. Insurance carrier, if any, for party filing this statement (name):	
b. Reservation of rights: Yes No	
c. Coverage issues will significantly affect resolution of this case (explain):	
c coverage locates will digitalize a line state (Copplain).	
12. Jurisdiction	
Indicate any matters that may affect the court's jurisdiction or processing of this case an	nd describe the status.
Bankruptcy Other (specify):	
Status:	
13. Related cases, consolidation, and coordination	
a. There are companion, underlying, or related cases.	
(1) Name of case:	
(2) Name of court:	
<ul><li>(3) Case number:</li><li>(4) Status:</li></ul>	
(4) Status.  Additional cases are described in Attachment 13a.	
b. A motion to consolidate coordinate will be filed by	y (name party):
14. Bifurcation	
The party or parties intend to file a motion for an order bifurcating, severing, or co action (specify moving party, type of motion, and reasons):	ordinating the following issues or causes of
could (opposity morning party), type or more in a could make the	
15. Other motions	
x The party or parties expect to file the following motions before trial (specify moving	
Both parties filed cross-motions for summary judgment on all claims on May 1, 20 arguments are scheduled to be heard on July 2, 2020.	020. Briefing has been completed, and
a. g	
16. Discovery	
a. x The party or parties have completed all discovery.	
b. The following discovery will be completed by the date specified (describe all a	inticipated discovery):
<u>Party</u> <u>Description</u>	<u>Date</u>
c. X The following discovery issues, including issues regarding the discovery of ele	ectronically stored information, are
anticipated <i>(specify):</i> No deadline for the completion of discovery was set in this case. The parties, howe	ever, have no present intentions to conduct
further discovery. But if the pending cross-motions for summary judgment do not fu	ully dispose of the issues, and if the Court
identifies disputed factual issues requiring further development, the parties anticipa necessary.	ate that further discovery would be

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PLAINTIFF/PETITIONER: G. Mitchell Kirk, et al.	CASE NUMBER: 19CV346360
DEFENDANT/RESPONDENT: City of Morgan Hill, et al.	190 / 340300
17. Economic litigation	•
<ul> <li>This is a limited civil case (i.e., the amount deman of Civil Procedure sections 90-98 will apply to this</li> </ul>	ded is \$25,000 or less) and the economic litigation procedures in Code case.
	w the case from the economic litigation procedures or for additional ally why economic litigation procedures relating to discovery or trial
18. <b>Other issues</b> The party or parties request that the following addition	al matters be considered or determined at the case management
conference (specify):	
19. <b>Meet and confer</b>	
<ul> <li>a.  \[ \times \] The party or parties have met and conferred with a of Court (if not, explain):</li> </ul>	all parties on all subjects required by rule 3.724 of the California Rules
b. X After meeting and conferring as required by rule 3 (specify): See Attachment 19.	.724 of the California Rules of Court, the parties agree on the following
20. Total number of pages attached <i>(if any):</i> 2	
	d to discuss the status of discovery and alternative dispute resolution, ss the authority to enter into stipulations on these issues at the time of ty of the party where required.
Date: June 26, 2020	
Anna M. Barvir	s/ Anna M. Barvir
(TYPE OR PRINT NAME)	(SIGNATURE OF PARTY OR ATTORNEY)
James A. Allison	s/ James A. Allison
(TYPE OR PRINT NAME)	(SIGNATURE OF PARTY OR ATTORNEY)
	Additional signatures are attached

SHORT TITLE:

CASE NUMBER

G. Mitchell Kirk, et al. v. City of Morgan Hill, et al.

19CV346360

ATTACHMENT (Number): 8

(This Attachment may be used with any Judicial Council form.)

Plaintiffs G. Mitchell Kirk and California Rifle & Pistol Association, Incorporated:

C.D. Michel (SBN: 144258) cmichel@michellawyers.com Anna M. Barvir (SBN: 268728) abarvir@michellawyers.com

Tiffany D. Cheuvront (SBN: 317144) tcheuvront@michellawyers.com
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200

Long Beach, CA 90802 Tel.: (562) 216-4444 Fax: (562) 216-4445

Defendants City of Morgan Hill, Morgan Hill Chief of Police David Swing, and Morgan Hill City Clerk Irma

Torrez:

Roderick M. Thompson (SBN: 96192)

rthompson@fbm.com

James A. Allison (SBN: 319204)

jallison@fbm.com

Farella Braun + Martel LLP

235 Montgomery Street, 17th Floor

San Francisco, CA 94104

Tel.: (415) 954-4400 Fax: (415) 954-4480

Hannah Shearer (SBN: 292710)

hshearer@giffords.org

Hannah Friedman (SBN: 324771)

hfriedman@giffords.org

Giffords Law Center to Prevent Gun Violence

268 Bush Street # 555 San Francisco, CA 94104 Tel.: (415) 433-2062

Fax: (415) 433-2062

Donald Larkin, City Attorney (SBN: 199759)

City of Morgan Hill 17575 Peak Avenue Morgan Hill, CA 95037 Tel.: (408) 779-7271

Fax: (408) 779-1592

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

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	10001046260
G. Mitchell Kirk, et al. v. City of Morgan Hill, et al.	19CV346360 _
	1

ATTACHMENT (Number): 19

(This Attachment may be used with any Judicial Council form.)

19.b. Meet and Confer: After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following:

Pursuant to rule 3.724(3), the parties have identified the following facts that are uncontested and may be the subject of stipulation:

- 1. On November 8, 2016, California voters approved Proposition 63, the Background Checks for Ammunition Purchases and Large-Capacity Ammunition Magazine Ban Initiative. As a result, among other things, Penal Code 25250 became law.
- 2. On November 28, 2018, the City of Morgan Hill adopted Ordinance No. 2289 to amend section 9.04.030 of the Morgan Hill Municipal Code.

Pursuant to rule 3.724(4), the parties have identified the following issues that remain contested:

1. Whether California Penal Code section 25250 preempts Morgan Hill Municipal Code section 9.04.030.

Pursuant to rule 3.724(5), the parties agree that the case can be narrowed by eliminating the following claims or defenses:

1. Second Cause of Action for a Writ of Mandate and/or Prohibition; Plaintiffs have submitted, and Defendants consent to, Plaintiffs' Request for Dismissal with prejudice.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 7 of 7 (Add pages as required)

1 PROOF OF SERVICE STATE OF CALIFORNIA 2 COUNTY OF SANTA CLARA 3 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 4 business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802. 5 On June 26, 2020, I served the foregoing document(s) described as 6 CASE MANAGEMENT STATEMENT 7 on the interested parties in this action by placing 8 the original X a true and correct copy 9 thereof by the following means, addressed as follows: 10 Roderick M. Thompson 11 rthompson@fbm.com James Allison 12 iallison@fbm.com Farella Braun + Martel LLP 13 235 Montgomery Street, 17th Floor San Francisco, CA 94104 14 Hannah Shearer 15 hshearer@giffords.org Hannah Friedman 16 hfriedman@giffords.org Giffords Law Center to Prevent Gun Violence 17 268 Bush Street #555 San Francisco, CA 94104 18 Attorneys for Defendants/Respondents 19 20 (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 21 error. 22 (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. 23 Executed on June 26, 2020, at Long Beach, California. 24 25 s/ Laura Palmerin Laura Palmerin 26 27 28