

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT  
Form 7. Mediation Questionnaire**

*Instructions for this form: <http://www.ca9.uscourts.gov/forms/form07instructions.pdf>*

**9th Cir. Case Number(s)**

**Case Name**

**Counsel submitting this form**

**Represented party/ parties**

*Briefly describe the dispute that gave rise to this lawsuit.*

Defendants issued health directives requiring a county-wide closures of firearms and ammunition retailers for an extended period of time on the basis that these retailers provided "non-essential" services to the public during the pandemic. Plaintiffs challenged these actions on the basis that they violated their Second Amendment rights by "prevent[ing] the Plaintiffs, Plaintiffs' members, and similarly situated members of the public from exercising their rights, including the purchase, sale, transfer of, and training with constitutionally protected arms, ammunition, magazines, and appurtenances, ... thus causing injury and damage that is actionable under 42 U.S.C. § 1983."

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*Briefly describe the result below and the main issues on appeal.*

Defendants moved for judgment on the pleadings against Plaintiffs. The district court granted the motion, on the basis that Plaintiffs lacked standing because their Second Amendment claim had been rendered "moot" by the issuance of later orders permitting firearms and ammunition retailers to reopen, and because, even assuming the claim was not moot, the prior orders passed muster under the applicable "intermediate scrutiny" standards.

The issues on appeal generally include (but are not limited to):

Whether Plaintiffs' claim was rendered "moot" by the issuance of later orders permitting firearms and ammunition retailers to reopen.

Whether the district court's "intermediate scrutiny" analysis properly articulates and applies the applicable constitutional standards in holding that the judgment should be entered against Plaintiffs on the pleadings.

*Describe any proceedings remaining below or any related proceedings in other tribunals.*

McDougall, et al v. County of Ventura, et al (9th Cir. Case No. 20-56220): where an appeal was recently filed from the district court's dismissal of a complaint involving similar shutdown orders enacted by Ventura County.

Altman et al v. County of Santa Clara et al (N.D. Ca. Case No. 4:20-cv-02180-JST): a complaint involving similar shutdown orders enacted by multiple counties in the Bay area, the final disposition of which remains pending.

**Signature**

**Date**

*(use "s/[typed name]" to sign electronically-filed documents)*