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*official capacity as Director of the California*  
 7 *Department of Justice Bureau of Firearms*

11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **LANA RAE RENNA, et al.,**

15 Plaintiffs,

16 v.

17 **XAVIER BECERRA, in his official**  
**capacity as Attorney General of**  
 18 **California, et al.,**

19 Defendants.

Case No. 20-cv-2190-DMS-DEB

**DEFENDANTS' SPECIAL  
 APPEARANCE AND OBJECTION  
 TO NOTICE OF RELATED CASES**

Judge: The Honorable  
 Dana M. Sabraw

Courtroom: 13A

Action Filed: November 10, 2020

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

3 Defendants Xavier Becerra, in his official capacity as the Attorney General of  
4 the State of California (the “Attorney General”), and Luis Lopez, in his official  
5 capacity as the Director of the California Department of Justice Bureau of Firearms  
6 (together, “Defendants”), hereby specially appear to object to the Notice of Related  
7 Cases filed in his action (Dkt. 4).<sup>1</sup>

8 The Notice of Related Cases claims that the instant action is related to *Duncan*  
9 *v. Becerra*, No. 17-cv-1017-BEN-JLB (S.D. Cal.), *Miller v. Becerra*, No. 19-cv-  
10 01537-BEN-JLB (S.D. Cal.), and *Fouts v. Becerra*, No. 19-cv-01662-BEN-JLB (S.D.  
11 Cal.). The instant action is not related to any of those prior actions.

12 Under Local Civil Rule 40.1(g), an action may be related to another action  
13 where both actions involve (i) “some of the same parties and are based on the same or  
14 similar claims,” (ii) the same “property, transaction, patent, trademark, or event,” or  
15 (iii) “substantially the same facts and the same questions of law.” Actions involve the  
16 same or similar “claims” where they arise out of the same nucleus of operative facts.  
17 *See Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 714 (9th Cir. 2001)  
18 (noting that claims are sufficiently similar for res judicata purposes where they “arise  
19 out of the same transactional nucleus of facts”).

20 As in *Duncan*, *Miller*, and *Fouts*, this action concerns a facial challenge to  
21 certain California statutes under the Second Amendment and names some of the same  
22 parties, including the Attorney General. Dkt. 4 at 3-4. But the similarities stop there  
23 and are insufficient to deem the instant action related to any of the prior cases. *See*  
24 *Harris v. Stonecrest Care Auto Ctr., LLC*, No. 04CV2593-LAB (LSP), 2008 WL  
25 474388, at \*1 (S.D. Cal. Feb. 20, 2008) (Burns, C.J.) (declining transfer of  
26 purportedly related case because, while “[t]he defendants in both cases are the same

27 <sup>1</sup> Defendants have not yet been served with a copy of the summons and  
28 complaint. Defendants specially appear at this time for the limited purpose of  
asserting their objection to the Notice of Related Cases.

1 and the cases involve similar legal theories,” “[t]he complaint [in the prior case]  
2 involves a different plaintiff and arises from different facts”).

3 Although the instant action is a Second Amendment case challenging the  
4 constitutionality of a California law, it concerns the constitutionality of entirely  
5 *different* statutory provisions that regulate *different* weapons, accessories, or conduct  
6 and that were enacted to accomplish *different* public-safety objectives. This case  
7 concerns the constitutionality of California’s Unsafe Handgun Act, Cal. Penal Code  
8 §§ 31900, 32000 et seq., which was previously upheld by the Ninth Circuit in *Pena v.*  
9 *Lindley*, 898 F.3d 969 (9th Cir. 2018), *cert. denied*, \_\_ S. Ct. \_\_, 2020 WL 3146680  
10 (June 15, 2020), while the other cases concern a challenge to California’s restrictions  
11 on large-capacity ammunition magazines (*Duncan*), assault weapons (*Miller*), and  
12 billy clubs (*Fouts*). Judicial resolution of the instant action will involve consideration  
13 of different legislative records and different legislative facts than those examined in  
14 *Duncan*, *Miller*, and *Fouts*, respectively. As such, this action does not involve the  
15 same or similar claims, the same property, transaction or event, or substantially the  
16 same facts and legal questions as were presented in the other three actions.  
17 Accordingly, the instant action fails to satisfy any of the requirements for relatedness  
18 enumerated in Local Civil Rule 40.1(g), and the interests of judicial economy would  
19 not be served by deeming the instant action to be related to any of the prior actions.

20 For these reasons, Defendants respectfully object to the Notice of Related Cases  
21 filed in this action.

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Dated: November 12, 2020

Respectfully Submitted,

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MARK R. BECKINGTON  
Supervising Deputy Attorney General

s/ John D. Echeverria

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Becerra, in his official capacity as  
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California Department of Justice  
Bureau of Firearms*

## CERTIFICATE OF SERVICE

Case Name: **Lana Rae Renna et al. v. Xavier Becerra et al.**

Case No. **20-cv-2190-DMS-DEB**

I hereby certify that on November 12, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **DEFENDANTS' SPECIAL APPEARANCE AND OBJECTION TO NOTICE OF RELATED CASES**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 12, 2020, at San Francisco, California.

Robert Hallsey

Declarant

/s/ Robert Hallsey

Signature