

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 168581 NAME: Benjamin Barnouw, Deputy Attorney General FIRM NAME: California Attorney General's Office STREET ADDRESS: 300 South Spring Street, Suite 1702 CITY: Los Angeles STATE: CA ZIP CODE: 90013 TELEPHONE NO.: (213) 269-6506 FAX NO.: E-MAIL ADDRESS: ben.barnouw@doj.ca.gov ATTORNEY FOR (Name): California Department of Justice and Attorney General Xavier Becerra	FOR COURT USE ONLY	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: Franklin Armory, Inc. and California Rifle & Pistol Association DEFENDANT/RESPONDENT: Department of Justice and Attorney General Xavier Becerra		
<b>DECLARATION OF DEMURRING OR MOVING PARTY IN SUPPORT OF AUTOMATIC EXTENSION</b>		CASE NUMBER: 20STCP01747

1. (Name of party): California Department of Justice and Attorney General Xavier Becerra was served with

a complaint     an amended complaint     a cross-complaint

an answer     other (specify):

in the above-titled action.

2. For a demurrer or motion to strike, a responsive pleading is due on (date): June 26, 2020

#### DECLARATION

I intend to file a demurrer, motion to strike, or motion for judgment on the pleadings in this action. Before I can do so, I am required to meet and confer with the party who filed the pleading that I am responding to at least five days before the date when the responsive pleading is due (if I am filing a demurrer or motion to strike) and at least five days before the last day a motion for judgment on the pleadings may be filed (if I am filing a motion for judgment on the pleadings). We have not been able to meet and confer. I have not previously requested an automatic extension of time. Therefore, on timely filing and serving a declaration that meets the requirements of Code of Civil Procedure sections 430.41, 435.5, or 439, I am entitled to an automatic 30-day extension of time within which to file a responsive pleading or motion for judgment on the pleadings.

I made a good faith attempt to meet and confer with the party who filed the pleading at least five days before the date the responsive pleading was due (if I am filing a demurrer or motion to strike) and at least five days before the last day a motion for judgment on the pleadings may be filed (if I am filing a motion for judgment on the pleadings). I was unable to meet with that party because (the reasons why the parties could not meet and confer are stated):

below     on form MC-031, Attached Declaration

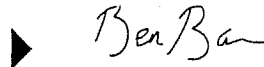
The responsive pleading of my clients, the California Department of Justice and Attorney General Xavier Becerra, is due June 26, 2020. I was not able to schedule a time at least five days before June 26 to confer with plaintiffs' counsel regarding the grounds for my clients to demur to the Complaint and file a motion to strike because I did not complete my initial research on the grounds for a demurrer and motion to strike until June 23, 2020. On that day, I sent a letter by e-mail to plaintiffs' attorney, Jason Davis, to schedule a time to confer with him by telephone regarding the grounds for a demurrer and motion to strike. Mr. Davis has not yet responded to my letter.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: June 25, 2020

Benjamin Barnouw, Deputy Attorney General

(NAME OF PARTY OR ATTORNEY FOR PARTY)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Franklin Armory, Inc. v. California Department of Justice**

Case No.: **20STCP01747**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On June 25, 2020, I served the attached **Declaration of Demurring or Moving Party In Support Of Automatic Extension** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Los Angeles, California, addressed as follows:

C.D. MICHEL  
Jason A. Davis  
MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Blvd, Suite 200  
Long Beach, CA 90802

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 25, 2020, at Los Angeles, California.

Jasmine Zarate

Declarant

/s/ Jasmine Zarate

Signature

STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
300 SOUTH SPRING STREET  
LOS ANGELES, CA 90013



LOS ANGELES  
CA 900  
25 JUN '20  
PMS L



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0000366830 JUN 25 2020

C.D. MICHEL  
Jason A. Davis  
MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Blvd, Suite 200  
Long Beach, CA 90802

90802-476050

