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Exempt from filing fees pursuant to
Government Code section 6103

8 *Attorneys for Defendants and Respondents State of*
California, acting by and through the California
9 *Department of Justice and Attorney General Xavier*
Becerra

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

16 **FRANKLIN ARMORY, INC. AND**
CALIFORNIA RIFLE & PISTOL
17 **ASSOCIATION, INCORPORATED,**

18 Petitioners-Plaintiffs,

19 v.

20 **CALIFORNIA DEPARTMENT OF**
21 **JUSTICE, XAVIER BECERRA, IN HIS**
22 **OFFICIAL CAPACITY AS ATTORNEY GENERAL**
FOR THE STATE OF CALIFORNIA, AND DOES
23 **1-10,**

24 Respondents-Defendants.

Case No. 20STCP01747

NOTICE OF DEMURRER AND
DEMURRER TO THE FIRST, SECOND
AND EIGHTH CAUSES OF ACTION TO
THE SECOND AMENDED COMPLAINT
AND PETITION; MEMORANDUM OF
POINTS AND AUTHORITIES AND
DECLARATION OF KENNETH G.
LAKE IN SUPPORT THEREOF

Date: June 3, 2021
Time: 9:30 a.m.
Dept: 85

Honorable James C. Chalfant

26 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

27 **PLEASE TAKE NOTICE** that on June 3, 2021, at 9:30 a.m., in Department 85 of the
28 above-entitled Court, located at 111 North Hill Street, Los Angeles, California, 90012, defendants

1 and respondents State of California, acting by and through the California Department of Justice
2 and Former Attorney General Xavier Becerra will move the Court for an Order sustaining their
3 Demurrer to the First, Second and Eighth causes of action to the Second Amended Complaint and
4 Petition.

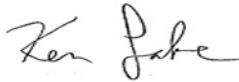
5 Said demurrer will be made, pursuant to Code of Civil Procedure section 430.10,
6 subdivision (e), on the ground that the First, Second and Eighth causes of action fail to state facts
7 sufficient to constitute a cause of action.

8 This Demurrer is based on this Notice, the Memorandum of Points and Authorities and the
9 Meet and Confer Declaration of Kenneth G. Lake submitted herewith; on the pleadings and
10 records on file herein, and on such other matters as may be presented at the hearing.

11 Dated: March 23, 2021

Respectfully Submitted,

12 MATTHEW RODRIQUEZ
13 ACTING ATTORNEY GENERAL
14 BENJAMIN BARNOUW
Supervising Deputy Attorney General



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16 KENNETH G. LAKE
Deputy Attorney General
17 *Attorneys for Defendants and Respondents*
18 *State of California, acting by and through*
the California Department of Justice and
19 *Former Attorney General Xavier Becerra*

20 * * * * *

21 **DEMURRER TO THE SECOND AMENDED COMPLAINT AND PETITION**

22 Defendants and Respondents State of California, acting by and through the California
23 Department of Justice and Former Attorney General Xavier Becerra hereby demur to the Second
24 Amended Complaint and Petition on the following grounds:

25 **Demurrer to First Cause of Action**

- 26 1. The First cause of action fails to state facts sufficient to constitute a cause of action.
27 (Code Civ. Proc., §430.10, subd. (e).)
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1 **Demurrer to Second Cause of Action**

2 2. The Second cause of action fails to state facts sufficient to constitute a cause of action.
3 (Code Civ. Proc., §§430.10, subd. (e))

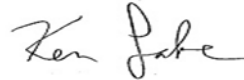
4 **Demurrer to Eighth Cause of Action**

5 3. The Eighth cause of action fails to state facts sufficient to constitute a cause of action.
6 (Code Civ. Proc., §§430.10, subd. (e).)

7 Dated: March 23, 2021

Respectfully Submitted,

MATTHEW RODRIQUEZ
ACTING ATTORNEY GENERAL
BENJAMIN BARNOUW
Supervising Deputy Attorney General



KENNETH G. LAKE
Deputy Attorney General
*Attorneys for Defendants and Respondents
State of California, acting by and through
the California Department of Justice and
Former Attorney General Xavier Becerra*

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12 **DECLARATION OF KENNETH G. LAKE**

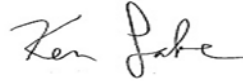
13 I, Kenneth G. Lake, declare:

14 1. I am an attorney at law duly authorized to practice in the State of California. I am a
15 Deputy Attorney General assigned to handle this matter on behalf of Defendants and
16 Respondents.

17 2. On March 15, 2021, Supervising Deputy Attorney General Benjamin Barnouw and I met
18 and conferred by telephone with counsel for plaintiffs and petitioners Franklin Armory, Inc. and
19 the California Rifle and Pistol Association, regarding the intention of the California Department
20 of Justice and Former Attorney General Xavier Becerra to file a Demurrer to the First, Second
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1 and Eighth causes of action in the Second Amended Complaint and Petition. The parties did not
2 reach an agreement resolving the objections raised in the Demurrer.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Executed on March 23, 2021.

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7 KENNETH G. LAKE
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DECLARATION OF SERVICE BY ELECTRONIC MAIL

RE: *Franklin Armory, Inc., v. California Department of Justice.*
Case No. 20STCP01747

I declare: I am employed in the City of Los Angeles, County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 300 South Spring Street, Room 1700, Los Angeles, California 90013. On March 23, 2021 I served the documents named below on the parties in this action as follows:

NOTICE OF DEMURRER AND DEMURRER TO THE FIRST, SECOND AND EIGHTH CAUSES OF ACTION TO THE SECOND AMENDED COMPLAINT AND PETITION; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF KENNETH G. LAKE IN SUPPORT THEREOF

Anna M. Barvir
Jason A. Davis
MICHEL & ASSOCIATES, P.C.
abarvir@michellawyers.com
Jason@calgunlawyers.com
lpalmerin@michellawyers.com
Attorneys for Plaintiffs-Petitioners

(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Los Angeles, California. I am readily familiar with the practice of the Office of the Attorney General for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

(BY OVERNIGHT DELIVERY) I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery with the GOLDEN STATE OVERNIGHT courier service.

(BY FACSIMILE) I caused to be transmitted the documents(s) described herein via fax number.

(BY ELECTRONIC MAIL) I caused to be transmitted the documents(s) described herein via electronic mail to the email address(es) listed on the attached service list.

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

(FEDERAL) I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on March 23, 2021, at Los Angeles, California.

Sandra Dominguez
Declarant

/s/ Sandra Dominguez
Signature