

CIV-141

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 268728 NAME: Anna M. Barvir FIRM NAME: Michel & Associates, P.C. STREET ADDRESS: 180 E. Ocean Blvd., Ste 200 CITY: Long Beach STATE: CA ZIP CODE: 90802 TELEPHONE NO.: (562) 216-4444 FAX NO.: (562) 216-4445 E-MAIL ADDRESS: abarvir@michellawyers.com ATTORNEY FOR (Name): Franklin Armory, Inc.; California Rifle & Pistol Association, Inc.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles 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., et al. DEFENDANT/RESPONDENT: California Department of Justice, et al.	
DECLARATION OF DEMURRING OR MOVING PARTY IN SUPPORT OF AUTOMATIC EXTENSION	CASE NUMBER: 20STCP01747

1. (Name of party): Franklin Armory, Inc. and California Rifle & Pistol Association, Inc. 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): July 8, 2021

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


My co-counsel, Jason Davis, was on vacation from June 22 through June 29, 2021, when Respondents filed and served the Answer to the First, Second, and Eighth Causes of Action to the Second Amended Complaint and Petition. And I was out of the office in Texas from June 28 through July 5, 2021. We were thus unable to review and analyze the Answer and discuss the potential need to file a demurrer or motion to strike until Friday, July 2, 2021--the last weekday that the parties could have met and conferred under the applicable rules.

Because of Mr. Davis and my overlapping vacations and the Fourth of July holiday, as well as the very short time allowed to demur on or move to strike an answer (i.e., just ten days), I was not able to meet and confer with Respondents' counsel at least five days before the deadlines set by CCP sections 430.41 and 435.5. Nonetheless, I reached out to Kenneth Lake, counsel for Respondents, via e-mail as soon as I returned from Texas to inform him of Petitioners' potential demurrer and/or motion to strike, in case counsel was available to discuss the matter. As of the filing of this request, Mr. Lake has not yet responded.

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

Date: July 6, 2021

Anna M. Barvir



(NAME OF PARTY OR ATTORNEY FOR PARTY)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I
5 am over the age eighteen (18) years and am not a party to the within action. My business address is 180
6 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On July 6, 2021, I served the foregoing document(s) described as

8 **DECLARATION OF DEMURRING OR MOVING PARTY IN SUPPORT OF AUTOMATIC
9 EXTENSION**

10 on the interested parties in this action by placing
11 [] the original
12 [X] a true and correct copy
13 thereof by the following means, addressed as follows:

14 Benjamin Barnouw
15 Deputy Attorney General
16 Email: Ben.Barnouw@doj.ca.gov
17 Kenneth G. Lake
18 Deputy Attorney General
19 Email: Kenneth.Lake@doj.ca.gov
20 Alexis Diamond
21 Deputy Attorney General
22 Email: Alexis.Diamond@doj.ca.gov
23 California Department of Justice
24 300 South Spring Street, Suite 1702
25 Los Angeles, CA 90013

26 *Attorney for Respondents-Defendants*

27 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic
28 transmission through One Legal. Said transmission was reported and completed without error.

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

Executed on July 6, 2021, at Long Beach, California.



Laura Palmerin