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14   **UNITED STATES DISTRICT COURT**

15   **SOUTHERN DISTRICT OF CALIFORNIA**

16 JAMES FAHR; DESIREE   **Case No.:**
   BERGMAN; COLIN RUDOLPH;   **21CV1676BASBGS_____**
17 SAN DIEGO COUNTY GUN
   OWNERS PAC; and FIREARMS
18 POLICY COALITION, INC.,   **PLAINTIFFS' EX PARTE
                                      APPLICATION FOR ORDER
19   Plaintiffs,   SHORTENING TIME TO HEAR
         v.   PLAINTIFFS' APPLICATION FOR
20   TEMPORARY RESTRAINING
                                      ORDER; ALTERNATIVE MOTION
21 CITY OF SAN DIEGO,   FOR PRELIMINARY INJUNCTION**
   CALIFORNIA; and DAVID
22 NISLEIT, in his official capacity as   **Judge: Hon. Cynthia Bashant**
   Chief of Police of San Diego City,   **Date: TBD**
23 California,   **Time: TBD**
                                         Courtroom: 4B
24   Defendants.

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PLAINTIFFS' EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR PLAINITFFS' APPLICATION FOR
T.R.O. AND ALTERNATIVE MOTION FOR PRELIM. INJ., ET AL. (CASE NO. 21-CV-1676-BAS-BGS)

TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on September 24, 2021, or as soon thereafter as this matter may be heard, counsel for Plaintiffs James Fahr, Desiree Bergman, Colin Rudolph, San Diego County Gun Owners PAC, and Firearms Policy Coalition, Inc. (collectively, "Plaintiffs"), will apply to this Court for an order to shorten time on Plaintiffs' Application For Temporary Restraining Order; and Alternative Motion for Preliminary Injunction. Specifically, Plaintiffs will ask the Court to hold a hearing on their temporary restraining order/alternative preliminary injunction motion within approximately 14 days of this notice, with a briefing schedule that would allow Defendants to file an opposition brief 7 days from today and Plaintiffs to file a reply brief 5 days thereafter, subject to the Court's schedule and availability.

The subject of the motion is the City of San Diego's enacted Ordinance No. O-2022-7, which prohibits, *inter alia*, the possession, purchase, sale, receipt, and transportation of non-serialized, unfinished frames and receivers as well as non-serialized firearms. Plaintiffs claim the City of San Diego Ordinance No. O-2022-7 violates the right to keep and bear arms protected by the Second Amendment and constitutes an unlawful government taking under the Takings and the Due Process clauses of the U.S. Constitution.

At approximately 7:24 p.m., on September 23, 2021, Plaintiffs filed their complaint naming Defendants City of San Diego and David Nisleit in his official capacity as Chief of Police of San Diego City. Dillon Decl. ¶ 2. At approximately 11:00 a.m., on September 24, 2021, Plaintiffs filed their Application For Temporary Restraining Order; and Alternative Motion for Preliminary Injunction along with accompanying declarations. Dillon Decl. ¶ 3. Plaintiffs initiated service of all filed pleadings at approximately 2:30 p.m., on September 24, 2021, through Nationwide Legal. Plaintiffs' counsel received confirmation that service was completed on

Defendant City of San Diego at 4:20 p.m. Dillon Decl. ¶ 4. While service was attempted on Defendant David Nisleit, service could not be completed as the San Diego Police Headquarters' offices were closed. Dillon Decl. ¶ 5. At this time, Plaintiffs are unaware of Defendants' assigned counsel, and thus, have not been able to meet and confer with Defendants' counsel. Dillon Decl. ¶ 6.

Plaintiffs intend to complete service of all filed pleadings on all Defendants by Monday, September 27, 2021, and can provide the Court proof of service to supplement this application. Further, Plaintiffs will continue to attempt to meet and confer with Defendants' counsel to agree upon a mutually acceptable briefing schedule and subject to the Court's approval. Dillon Decl. ¶ 7.

Plaintiffs bring this application on good cause grounds because Plaintiffs require an order on their application for temporary restraining order/alternative motion for preliminary injunction before October 23, 2021 — the date when the San Diego City Ordinance in question becomes effective and enforceable against Plaintiffs requiring Plaintiffs (and potentially thousands of law-abiding San Diego residents) to dispossess themselves of their personal property or face criminal prosecution. Dillon Decl. ¶ 9-12. If Plaintiffs cannot have their motion heard and granted before October 23, 2021, they will suffer irreparable harm. Dillon Decl. ¶ 9-12.

This application is based on the declaration of John W. Dillon filed simultaneously herewith, all pleadings currently on file, and any oral argument that this Court may authorize.

September 24, 2021

THE DIGUISEPPE LAW FIRM, P.C.   DILLON LAW GROUP, APC

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PLAINTIFFS' EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR PLAINITFFS' APPLICATION FOR
T.R.O. AND ALTERNATIVE MOTION FOR PRELIM. INJ., ET AL. (CASE NO. 21-CV-1676-BAS-BGS)