

1 RAYMOND M. DIGUISEPPE
2 CA State Bar No. 228457
3 THE DIGUISEPPE LAW FIRM, P.C.
4 4320 Southport-Supply Road
5 Suite 300
6 Southport, NC 28461
7 P: 910-713-8804
8 E: law.rmd@gmail.com

JOHN W. DILLON
CA State Bar No. 296788
DILLON LAW GROUP, APC
2647 Gateway Rd.
Suite 105 #255
Carlsbad, CA 92009
P: 760.642.7150
E: jdillon@dillonlawgp.com

7 WILLIAM SACK*
8 PA STATE BAR NO. 325863
9 FIREARMS POLICY COALITION
10 5550 Painted Mirage Road
11 Suite 320
12 Las Vegas, NV 89149-4584
13 P: (916) 596-3492
14 E: wsack@fpclaw.org
15 * *App. Pro Hac Vice Forthcoming*
16 *Attorneys for Plaintiffs*

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 JAMES FAHR; DESIREE
17 BERGMAN; COLIN RUDOLPH;
18 SAN DIEGO COUNTY GUN
OWNERS PAC; and FIREARMS
POLICY COALITION, INC.,

19 Plaintiffs,

20 v.

21 CITY OF SAN DIEGO,
22 CALIFORNIA; and DAVID
NISLEIT, in his official capacity as
23 Chief of Police of San Diego City,
California,

24 Defendants.

Case No.: 21-cv-1676-BAS-
BGS _____

**PLAINTIFFS' MOTION TO
RENEW APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ALTERNATIVE
MOTION FOR PRELIMINARY
INJUNCTION UPON
COMPLETION OF SERVICE**

Judge: Hon. Cynthia Bashant _____

Date: TBD

Time: TBD

Courtroom: 4B

**PLAINTIFFS' MOTION TO RENEW APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND ALTERNATIVE MOTION FOR
PRELIMINARY INJUNCTION UPON COMPLETION OF SERVICE**

Plaintiffs James Fahr, Desiree Bergman, Colin Rudolph, San Diego County Gun Owners PAC, and Firearms Policy Coalition, Inc. ("Plaintiffs"), by and through their attorneys, hereby respectfully move to renew their Motion for a Temporary Restraining Order or, Alternatively, Preliminary Injunction ("Motion for a TRO"; ECF No. 2) and application for an order shortening the time for this Court to hear that Motion ("Motion to Shorten"; ECF No. 5) (collectively "Motions"). The renewed motion is brought on the grounds that Plaintiffs have now completed service of both Motions on all Defendants in accordance with this Court's Order, dated September 27, 2021, denying the Motions "without prejudice to their renewal with the appropriate showing that proper service has been made upon Defendants" (ECF No. 6, at p. 4). Proof of such service is attached hereto as part of the renewed Motions, Exhibits A-D, showing the service was completed on September 27, 2021, by 10:10 a.m. Further, Plaintiffs have personally served both Defendants with the instant motion to renew the Motions this morning ("Renewal Motion"), as evidenced by the proofs of service attached hereto as Exhibits E and F.

In addition to the reasons already outlined in support of the Motions, Plaintiffs emphasize that expedited proceedings on the requested relief are necessary to ensure sufficient time for this Court to fully consider and rule upon the request before the Ordinance at issue becomes effective on October 23, 2021. Should the Court find

1 Plaintiffs have a likelihood of success on their claims, the requested preliminary
 2 injunctive relief will be necessary to maintain the status quo and avert the irreparable
 3 harm that would occur pending adjudication of the merits, as Plaintiffs and all those
 4 similarly situated would otherwise be forced to dispossess themselves of the property
 5 targeted by the Ordinance (i.e., all “unfinished frames or receivers” and any other
 6 precursor firearm parts necessary to manufacture or assemble a firearm, as well as all
 7 non-serialized firearms), and to cease engaging in all conduct targeted by the
 8 Ordinance, which includes conduct necessary to engage in the constitutionally
 9 protected activity of self-manufacturing arms for self-defense, defense of others, and
 10 other lawful purposes (i.e., the possession, purchase, sale, receipt, or transportation of
 11 any precursor firearm parts necessary to manufacture or assemble a firearm).

12 Thus, Plaintiffs respectfully request that the Court set a shortened briefing and
 13 hearing schedule that would allow Plaintiffs’ application and renewed Motions to be
 14 heard and decided before October 23, 2021, with a briefing schedule consistent with
 15 the schedule they previously proposed, i.e., a hearing on or before October 8, 2021,
 16 Defendants’ opposition brief due by October 1, 2021, and Plaintiffs’ reply brief due
 17 by October 6, 2021, or otherwise as expeditiously as this Court’s schedule will allow.

18 September 28, 2021

The DiGuiseppe Law Firm, P.C.

/s/ Raymond M. DiGuiseppe

Raymond M. DiGuiseppe

4320 Southport-Supply Road, Suite 300

Southport, NC 28461

P: 910-713-8804

E: law.rmd@gmail.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Declaration of Service

Plaintiffs have served the above motion on each named Defendant through in-person service as evidenced by the attached proofs of service.

September 28, 2021

The DiGuiseppe Law Firm, P.C.

/s/ Raymond M. DiGuiseppe

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS OF EXHIBITS

Exhibit A (1 page)	Proof of Service of Complaint & Summons City Attorney
Exhibit B (1 page)	Proof of Service of Prior Motions on City Attorney
Exhibit C (1 page)	Proof of Service Complaint & Summons on David Nisleit
Exhibit D (1 page)	Proof of Service of Prior Motions of David Nisleit
Exhibit E (1 page)	Proof of Service of Renewal Motion on City Attorney
Exhibit F (1 page)	Proof of Service of Renewal Motion on David Nisleit

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Address):
 John W. Dillon | SBN: 296788
 DILLON LAW GROUP, APC
 2647 Gateway Road Suite 105 No 255 Carlsbad, CA 92009
 TELEPHONE NO.: (760) 642-7150 | FAX NO. (760) 642-7151 | E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): plaintiff.

UNITED STATES DISTRICT COURT OF CALIFORNIA - SOUTHERN DIVISION

STREET ADDRESS: 411 WEST 4TH STREET, ROOM1053
 CITY AND ZIP CODE: SANTA ANA, CA 92701
 BRANCH NAME: SOUTHERN DIVISION

PLAINTIFF/PETITIONER: JAMES FAHR, et al.
 DEFENDANT/RESPONDENT: CITY OF SAN DIEGO, et al.

CASE NUMBER:
 21-CV-1676-BAS+BGS

PROOF OF SERVICE

Hearing Date: Day Hearing Time: Dept:

Ref. No. or File No.:
 Fahr v City of San Diego, et al.

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

**SUMMONS IN A CIVIL ACTION; CIVIL COVER SHEET; COMPLAINT; DECLARATION OF DESIREE BERGMAN;
 DECLARATION OF JAMES FAHR; DECLARATION OF MICHAEL SCHWARTZ; DECLARATION OF COLIN
 RUDOLPH; PLAINTIFFS' NOTICE OF RELATED CASES; DECLARATION OF BRANDON COMBS; PLAINTIFF'S
 APPLICATION FOR TEMPORARY RESTRAINING ORDER; ALTERNATIVE MOTION FOR PRELIMINARY
 INJUNCTION; SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES;**

PARTY SERVED: **CITY OF SAN DIEGO, CALIFORNIA**

PERSON SERVED: **Marguerite Hightower - Dept. City Clerk 1**

DATE & TIME: **9/24/2021
 3:25 PM**

ADDRESS: **202 C St
 San Diego, CA 92101-4806**

PHYSICAL DESCRIPTION: **Age: 56 - 60 Weight: 181-200 Lbs Hair: Black
 Sex: Female Height: 5'1 - 5'6 Eyes: Brown
 Skin: African American Marks:**

MANNER OF SERVICE:

Personal Service - By personally delivering copies.

Fee for Service: **\$ 144.35**

County: **San Diego**

Registration No.: **3088**

Nationwide Legal, LLC Reg: 12-234648

110 West C. St, Suite 1211

San Diego, CA 92101

(619) 232-7500

Ref: Fahr v City of San Diego, et al.

I declare under penalty of perjury under the laws of the
 The State of California that the foregoing information
 contained in the return of service and statement of
 service fees is true and correct and that this declaration
 was executed on **September 24, 2021.**

Signature: _____

Debra Sousa

Debra Sousa

PROOF OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Address):
 John W. Dillon | SBN: 296788
 DILLON LAW GROUP, APC
 2647 Gateway Road Suite 105 No 255 Carlsbad, CA 92009
 TELEPHONE NO.: (760) 642-7150 | FAX NO. (760) 642-7151 | E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): :

USDC/SOUTHERN DISTRICT OF CALIFORNIA

STREET ADDRESS: 221 W. BROADWAY
 CITY AND ZIP CODE: SAN DIEGO, CA 92101-8900
 BRANCH NAME: SOUTHERN DISTRICT OF CALIFORNIA

PLAINTIFF/PETITIONER: JAMES FAHR, ET AL.
 DEFENDANT/RESPONDENT: CITY OF SAN DIEGO, ET AL.

CASE NUMBER:
 21CV1676BASBGS

PROOF OF SERVICE

Hearing Date: Day Hearing Time: Dept:

Ref. No. or File No.:
 FAR V. CITY OF SAN DIEGO

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

PLAINTIFFS' EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER; ALTERNATIVE MOTION FOR PRELIMINARY INJUNCTION; DECLARATION OF JOHN W. DILLON IN SUPPORT OF PLAINTIFFS' EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER; ALTERNATIVE MOTION FOR PRELIMINARY INJUNCTION; DECLARATION OF JOHN W. DILLON

PARTY SERVED: CITY OF SAN DIEGO, CALIFORNIA C/O SAN DIEGO CITY ATTORNEY

PERSON SERVED: Colleen Williams - Authorized to accept

DATE & TIME: 9/27/2021
 10:10 AM

ADDRESS: OFFICE OF THE CLERK
 202 C ST.
 SAN DIEGO, CA 92101

PHYSICAL DESCRIPTION: Age: 35-40 Weight: 200 Hair: Black
 Sex: Female Height: 5'6" Eyes: Brown
 Skin: Hispanic Marks:

MANNER OF SERVICE:
 Personal Service - By personally delivering copies.

Fee for Service: \$ 97.35

County:

Registration No.:

Nationwide Legal, LLC Reg: 12-234648
110 West C. St, Suite 1211
San Diego, CA 92101
(619) 232-7500
Ref: FAR V. CITY OF SAN DIEGO

I declare under penalty of perjury under the laws of the
 The State of California that the foregoing information
 contained in the return of service and statement of
 service fees is true and correct and that this declaration
 was executed on **September 27, 2021.**

Signature: _____
Omar Lopez

PROOF OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT C

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): John W. Dillon SBN: 296788 DILLON LAW GROUP, APC 2647 Gateway Road Suite 105 No 255 Carlsbad, CA 92009 TELEPHONE NO.: (760) 642-7150 FAX NO. (760) 642-7151 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): plaintiff.					FOR COURT USE ONLY
UNITED STATES DISTRICT COURT OF CALIFORNIA - SOUTHERN DIVISION STREET ADDRESS: 411 WEST 4TH STREET, ROOM1053 CITY AND ZIP CODE: SANTA ANA, CA 92701 BRANCH NAME: SOUTHERN DIVISION					
PLAINTIFF/PETITIONER: JAMES FAHR, et al. DEFENDANT/RESPONDENT: CITY OF SAN DIEGO, et al.					CASE NUMBER: 21-CV-1676-BAS+BGS
PROOF OF SERVICE		Hearing Date:	Day	Hearing Time:	Dept:
					Ref. No. or File No.: Fahr v City of San Diego, et al.

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

SUMMONS IN A CIVIL ACTION; CIVIL COVER SHEET; COMPLAINT; DECLARATION OF DESIREE BERGMAN;
DECLARATION OF JAMES FAHR; DECLARATION OF MICHAEL SCHWARTZ; DECLARATION OF COLIN
RUDOLPH; PLAINTIFFS' NOTICE OF RELATED CASES; DECLARATION OF BRANDON COMBS; PLAINTIFF'S
APPLICATION FOR TEMPORARY RESTRAINING ORDER; ALTERNATIVE MOTION FOR PRELIMINARY
INJUNCTION; SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES;

PARTY SERVED: David Nisleit in his official capacity as Chief of Police of San Diego City, California

PERSON SERVED: Claudia C. (refused to give last name) - Authorized to accept

DATE & TIME: 9/27/2021
10:00 AM

ADDRESS: 1401 Broadway
San Diego, CA 92101-5710

PHYSICAL DESCRIPTION: Age: 40's Weight: 170 Hair: Black
Sex: Female Height: 5'5" Eyes: Brown
Skin: Hispanic Marks:

MANNER OF SERVICE:
Personal Service - By personally delivering copies.

Fee for Service: \$ 72.00
County: San Diego
Registration No.: 1754
Nationwide Legal, LLC Reg: 12-234648
110 West C. St, Suite 1211
San Diego, CA 92101
(619) 232-7500
Ref: Fahr v City of San Diego, et al.

I declare under penalty of perjury under the laws of the
The State of California that the foregoing information
contained in the return of service and statement of
service fees is true and correct and that this declaration
was executed on September 27, 2021.

Signature: 
Anthony Jackson

PROOF OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT D

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): John W. Dillon SBN: 296788 DILLON LAW GROUP, APC 2647 Gateway Road Suite 105 No 255 Carlsbad, CA 92009 TELEPHONE NO.: (760) 642-7150 FAX NO. (760) 642-7151 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): :					FOR COURT USE ONLY
USDC/SOUTHERN DISTRICT OF CALIFORNIA STREET ADDRESS: 221 W. BROADWAY CITY AND ZIP CODE: SAN DIEGO, CA 92101-8900 BRANCH NAME: SOUTHERN DISTRICT OF CALIFORNIA					
PLAINTIFF/PETITIONER: JAMES FAHR, ET AL. DEFENDANT/RESPONDENT: CITY OF SAN DIEGO, ET AL.					CASE NUMBER: 21CV1676BASBGS
PROOF OF SERVICE		Hearing Date:	Day	Hearing Time:	Dept:
					Ref. No. or File No.: FAR V. CITY OF SAN DIEGO

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

PLAINTIFFS' EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER; ALTERNATIVE MOTION FOR PRELIMINARY INJUNCTION; DECLARATION OF JOHN W. DILLON IN SUPPORT OF PLAINTIFFS' EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER; ALTERNATIVE MOTION FOR PRELIMINARY INJUNCTION; DECLARATION OF JOHN W. DILLON

PARTY SERVED: DAVID NISLEIT, SAN DIEGO CHIEF OF POLICE

PERSON SERVED: Claudia C. (refused to give last name) - Authorized to accept

DATE & TIME: 9/27/2021
10:00 AM

ADDRESS: SAN DIEGO POLICE HEADQUARTERS
1401 BROADWAY
SAN DIEGO, CA 92101

PHYSICAL DESCRIPTION: Age: 40's Weight: 170 Hair: Black
Sex: Female Height: 5'5" Eyes: Brown
Skin: Hispanic Marks:

MANNER OF SERVICE:
Personal Service - By personally delivering copies.

Fee for Service: \$ 97.35
County: San Diego
Registration No.: 1754
Nationwide Legal, LLC Reg: 12-234648
110 West C. St, Suite 1211
San Diego, CA 92101
(619) 232-7500
Ref: FAR V. CITY OF SAN DIEGO

I declare under penalty of perjury under the laws of the
The State of California that the foregoing information
contained in the return of service and statement of
service fees is true and correct and that this declaration
was executed on September 27, 2021.

Signature: 
Anthony Jackson

PROOF OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT E

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) John W. Dillon SBN: 296788 DILLON LAW GROUP, APC 2647 Gateway Road Suite 105 No 255 Carlsbad, CA 92009 TELEPHONE NO.: (760) 642-7150 FAX NO. (760) 642-7151 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff.					FOR COURT USE ONLY	
USDC/SOUTHERN DISTRICT OF CALIFORNIA STREET ADDRESS: 221 W. BROADWAY CITY AND ZIP CODE: SAN DIEGO, CA 92101-8900 BRANCH NAME: SOUTHERN DISTRICT OF CALIFORNIA						
PLAINTIFF/PETITIONER: JAMES FAHR, ET AL. DEFENDANT/RESPONDENT: CITY OF SAN DIEGO, ET AL.					CASE NUMBER: 21-cv-1676-BAS-BGS	
PROOF OF SERVICE		Hearing Date:	Day	Hearing Time:	Dept:	Ref. No. or File No.: FAR V. CITY OF SAN DIEGO

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

PLAINTIFFS' MOTION TO RENEW APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ALTERNATIVE MOTION FOR PRELIMINARY INJUNCTION UPON COMPLETION OF SERVICE;

PARTY SERVED: CITY OF SAN DIEGO, CALIFORNIA c/o City Clerk

PERSON SERVED: Colleen Williams - Authorized to accept

DATE & TIME: 9/28/2021
 11:20 AM

ADDRESS: 202 C St
 San Diego, CA 92101-4806

PHYSICAL DESCRIPTION: Age: 36 - 40 Weight: 181-200 Lbs Hair: Brown
 Sex: Female Height: 5'1 - 5'6 Eyes: Brown
 Skin: African American Marks:

MANNER OF SERVICE:

Personal Service - By personally delivering copies.

Fee for Service: \$ 97.35

County:

Registration No.:

Nationwide Legal, LLC Reg: 12-234648

110 West C. St, Suite 1211

San Diego, CA 92101

(619) 232-7500

Ref: FAR V. CITY OF SAN DIEGO

I declare under penalty of perjury under the laws of the
 The State of California that the foregoing information
 contained in the return of service and statement of
 service fees is true and correct and that this declaration
 was executed on **September 28, 2021.**

Signature: _____

Omar Lopez

PROOF OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT F

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) John W. Dillon SBN: 296788 DILLON LAW GROUP, APC 2647 Gateway Road Suite 105 No 255 Carlsbad, CA 92009 TELEPHONE NO.: (760) 642-7150 FAX NO. (760) 642-7151 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff					FOR COURT USE ONLY	
USDC/SOUTHERN DISTRICT OF CALIFORNIA STREET ADDRESS: 221 W. BROADWAY CITY AND ZIP CODE: SAN DIEGO, CA 92101-8900 BRANCH NAME: SOUTHERN DISTRICT OF CALIFORNIA						
PLAINTIFF/PETITIONER: JAMES FAHR, ET AL. DEFENDANT/RESPONDENT: CITY OF SAN DIEGO, ET AL.					CASE NUMBER: 21-cv-1676-BAS-BGS	
PROOF OF SERVICE		Hearing Date:	Day	Hearing Time:	Dept:	Ref. No. or File No.: FAR V. CITY OF SAN DIEGO

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

PLAINTIFFS' MOTION TO RENEW APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ALTERNATIVE MOTION FOR PRELIMINARY INJUNCTION UPON COMPLETION OF SERVICE;

PARTY SERVED: **DAVID NISLEIT, in his official capacity as Chief of Police of San Diego City, California**

PERSON SERVED: **Claudia Shadoan - Authorized to accept**

DATE & TIME: **9/28/2021
10:40 AM**

ADDRESS: **SAN DIEGO POLICE HEADQUARTERS
1401 Broadway
San Diego, CA 92101-5710**

PHYSICAL DESCRIPTION: **Age: 41 - 45 Weight: 161-180 Lbs Hair: Brown
Sex: Female Height: 5'1 - 5'6 Eyes: Brown
Skin: Latino Marks: Glasses**

MANNER OF SERVICE:
Personal Service - By personally delivering copies.

Fee for Service: **\$ 97.35**

County:

Registration No.:

Nationwide Legal, LLC Reg: 12-234648

110 West C. St, Suite 1211

San Diego, CA 92101

(619) 232-7500

Ref: FAR V. CITY OF SAN DIEGO

I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **September 28, 2021.**

Signature:

Omar Lopez

PROOF OF SERVICE