

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 85

20STCP01747

**FRANKLIN ARMORY, INC., et al. vs CALIFORNIA
DEPARTMENT OF JUSTICE, et al.**

October 26, 2021

1:30 PM

Judge: Honorable James C. Chalfant
Judicial Assistant: J. De Luna
Courtroom Assistant: C. Del Rio

CSR: C. Cameron, CSR # 10315
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Petitioner(s): Jason Andrew Davis by: Konstadinos T. Moros (Telephonic)

For Defendant(s): Kenneth Gregory Lake (Video)

NATURE OF PROCEEDINGS: Hearing on Demurrer with Motion to Strike (CCP 430.10)

The court's tentative ruling is published to all parties via posting on the court's website.

The matter is called for hearing.

After argument of counsel, the court rules in accordance with its tentative ruling which is filed and adopted as the final ruling of the court and incorporated herein by reference.

Summary of the court's ruling:

Petitioners Franklin Armory, Inc. ("FAI") and California Rifle & Pistol Association, Incorporated ("Association") demur and move to strike portions of the Answer filed by Respondents California Department of Justice ("DOJ") and Robert A. Bonta, in his capacity as Attorney General.

The court has read and considered the moving papers, opposition, and reply, and renders the following decision.

The demurrer for failure to verify the Answer is overruled. The demurrer to the affirmative defenses is sustained. The motion to strike is moot as to all but the 43rd affirmative defense, to which it is granted. The State has 15 days leave to amend its Answer's affirmative defenses.

The court hereby substitutes Robert A. Bonta for Xavier Becerra as the individual respondent, in his capacity as Attorney General.

Parties are ordered to meet and confer to discuss the mootness issue.

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Respondent indicates it may file a motion to dismiss.

The trial setting conference scheduled for 11/30/2021 is to remain as previously set.

Notice is waived.