

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anna M. Barvir (SBN: 268728) MICHEL & ASSOCIATES, P.C. 180 E. Ocean Blvd, Suite 200 Long Beach, CA 90802 TELEPHONE NO.: (562) 216-4444 FAX NO. (Optional): (562) 216-4445 E-MAIL ADDRESS: abarvir@michellawyers.com ATTORNEY FOR (Name): Franklin Armory, Inc. and 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.	
<p style="text-align: center;">CASE MANAGEMENT STATEMENT</p> (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE <input type="checkbox"/> LIMITED CASE (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)	CASE NUMBER: 20STCP01747
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: March 2, 2022 Time: 8:30 AM Dept.: 32 Div.: Room: Address of court (if different from the address above):	
<input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Anna M. Barvir	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (answer one):
 - a. This statement is submitted by party (name): Plaintiffs Franklin Armory, Inc., & California Rifle & Pistol Assn., Incorporated
 - b. This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
 - a. The complaint was filed on (date): May 27, 2020
 - b. The cross-complaint, if any, was filed on (date):
3. **Service** (to be answered by plaintiffs and cross-complainants only)
 - a. All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not):
 - (2) have been served but have not appeared and have not been dismissed (specify names):
 - (3) have had a default entered against them (specify names):
 - c. The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
4. **Description of case**
 - a. Type of case in complaint cross-complaint (Describe, including causes of action):
 Remaining claims for (3) tortious interference w/ contractual relations, (4) tortious interference w/ prospective economic advantage, (5) negligent interference with prospective economic advantage, (6) violation of procedural due process, (7) violation of substantive due process, and (9) violation of public policy. Claims 1, 2, and 8 were dismissed on January 27, 2022.

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4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*
 The remaining claims seek declaratory and injunctive relief, as well as damages for DOJ's failure to timely correct known deficiencies of the DES necessary to process the transfer of legal firearms--including, but not limited to, firearms manufactured by FAI. FAI seeks damages according to proof for the loss of sales and goodwill resulting from DOJ's inaction. Plaintiffs also seek a declaration that DOJ's conduct violated the due process rights of Plaintiffs and their members and injunctive relief.
 (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**
 The party or parties request a jury trial a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**
 a. The trial has been set for *(date)*:
 b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:
 This case was filed more than 12 months ago, but the remaining claims have only been recently unstayed.
 c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**
 The party or parties estimate that the trial will take *(check one)*:
 a. days *(specify number)*: 12-14
 b. hours (short causes) *(specify)*:

8. **Trial representation** *(to be answered for each party)*
 The party or parties will be represented at trial by the attorney or party listed in the caption by the following:
 a. Attorney:
 b. Firm:
 c. Address:
 d. Telephone number: f. Fax number:
 e. E-mail address: g. Party represented:
 Additional representation is described in Attachment 8.

9. **Preference**
 This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**
 a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 of the California Rules of Court for information about the processes available through the court and community programs in this case.
 (1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
 (2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.
 b. **Referral to judicial arbitration or civil action mediation** (if available).
 (1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
 (2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
 (3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:
 CRC 3.811(b)(1) [cases that include a prayer for equitable relief]; CCP 1775.5 [amt in controversy > \$50k]

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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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11. Insurance

- a. Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

Bankruptcy Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
 - (1) Name of case: Briseno, et al., v. Bonta, et al.
 - (2) Name of court: United States District Court for the Central District of California
 - (3) Case number: 2:21-cv-09018-ODW (PDx)
 - (4) Status: Motion to Dismiss pending; state is requesting abstention or stay in light of this matter
- Additional cases are described in Attachment 13a.
- b. A motion to consolidate coordinate will be filed by (*name party*):

14. Bifurcation

The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
 Cross-motions for Summary Judgment to decide all issues, or Cross-Motions for Summary Adjudication.

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiffs	Written discovery	11/2022
Plaintiffs	Witness and PMK Depositions	03/2023
Plaintiffs	Expert Witness Deposition(s) (if state calls such witness)	04/2023

c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

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17. Economic litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):
 Plaintiffs are aware that, due to medical leave, Defendants' only remaining counsel in this matter just recently returned to the office and will thus seek a 60-90 day continuance of the CMC. Plaintiffs do not object to continuing the hearing, but would like the court and parties to discuss whether the parties may move forward with discovery during that time.

19. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
 The parties have not yet met and conferred. That is, in part, due to Defendants' counsel's only very recent return from medical leave. But it is also attributable to the fact that Plaintiffs never received service of the Notice of CMC. They were unaware of the order to meet, file a CMC Statement, or attend the hearing until February 22, 2022, when Plaintiffs' counsel fortuitously checked the docket to find the Court's order. Plaintiffs immediately notified Defendants.
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

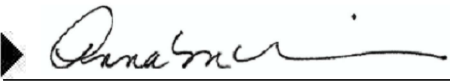
20. Total number of pages attached (if any): 2

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: February 23, 2022

Anna M. Barvir

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PARTY OR ATTORNEY)

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

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ATTACHMENT (Number): 8*(This Attachment may be used with any Judicial Council form.)*

Additional Representation at Trial for Plaintiffs

Jason A. Davis (SBN: 224250)
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Tel.: (562) 216-4444
Email: jdavis@michellawyers.com

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

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 February 23, 2022, I served the foregoing document(s) described as

8 **CASE MANAGEMENT STATEMENT**

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

13 Kenneth G. Lake
14 Deputy Attorney General
15 Email: Kenneth.Lake@doj.ca.gov
16 California Department of Justice
17 300 South Spring Street, Suite 1702
18 Los Angeles, CA 90013
19 *Attorney for Respondents-Defendants*

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

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

24 Executed on February 23, 2022, at Long Beach, California.

25 

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Laura Palmerin