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13 IN THE UNITED STATES DISTRICT COURT

14 CENTRAL DISTRICT OF CALIFORNIA

15 JUNIOR SPORTS MAGAZINES
INCORPORATED, RAYMOND
16 BROWN; CALIFORNIA YOUTH
SHOOTING SPORTS ASSOCIATION,
17 INC.; REDLANDS CALIFORNIA
YOUTH CLAY SHOOTING SPORTS
18 INC.; CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED; THE
19 CRPA FOUNDATION; GUN OWNERS
OF CALIFORNIA, INC.; and SECOND
20 AMENDMENT FOUNDATION,

21 Plaintiffs,

22 v.

23 ROB BONTA, in his official capacity as
Attorney General of the State of California;
24 and DOES 1-10,

25 Defendants.

CASE NO: 2:22-cv-04663-CAS (JCx)

**DECLARATION OF ANNA M.
BARVIR IN SUPPORT OF
PLAINTIFFS' EX PARTE
APPLICATION FOR ORDER
SHORTENING TIME FOR
HEARING ON PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

DECLARATION OF ANNA M. BARVIR

1
2 1. I, Anna M. Barvir, am an attorney at the law firm Michel & Associates,
3 P.C., attorneys of record for Plaintiffs in this action. I am licensed to practice law
4 before the United States District Court for the Central District of California. I am
5 also admitted to practice before the Eastern, Northern, and Southern Districts of
6 California, as well as the courts of the state of California, the Supreme Court of the
7 United States, and the D.C., Fourth, Ninth, and Tenth Circuit Courts of Appeals. I
8 have personal knowledge of the facts set forth herein and, if called and sworn as a
9 witness, could and would testify competently thereto.

10 2. Plaintiffs filed the complaint in the above-entitled matter on July 8,
11 2022. Defendants were promptly served with copies of the complaint, civil cover
12 sheet, on or about July 11, 2022.

13 3. Deputy Attorney General Kevin J. Kelly entered an appearance as
14 counsel of record for Defendant Rob Bonta on or about July 12, 2022.

15 4. Mr. Kelly's contact information is as follows:

16 Kevin J. Kelly, Deputy Attorney General

17 California Department of Justice, Government Law Section

18 300 S. Spring St., Ste. 9012

19 Los Angeles, CA 90013

20 (213) 269-6615

21 kevin.kelly@doj.ca.gov

22 5. On July 18, 2022, I contacted Mr. Kelly via email to provide
23 Defendants with notice that Plaintiffs intended to file an ex parte application for an
24 order shortening time to hear their anticipated motion for preliminary injunction on
25 July 19, 2022, and the grounds for relief. I offered to make myself available to
26 discuss the grounds for Plaintiffs' ex parte application further over the phone. I also
27 notified Mr. Kelly that, if his client intended to oppose Plaintiffs' application, he
28 would have 48 hours from the filing and service of the application to file any

1 opposition papers.

2 6. Mr. Kelly responded via e-mail later that afternoon, informing me that
3 Defendants intended to oppose Plaintiffs' ex parte application, though he did not
4 provide further explanation.

5 7. This case presents claims under 42 U.S.C. § 1983 for violations of the
6 First Amendment and the Due Process and Equal Protection clauses of the
7 Fourteenth Amendment. Plaintiffs seek to preserve their rights to engage in free
8 speech, association, and assembly, as well as equal protection under the law, to
9 engage in truthful speech about lawful products, services, and activities associated
10 the shooting sports for young people—rights that, before the enactment and
11 enforcement of AB 2571 (codified as California Business & Professions Code §
12 22949.80) on June 30, 2022, they freely enjoyed.

13 8. AB 2571 was adopted by the California Legislature and promptly
14 signed into law by Governor Newsom on June 30, 2022. Because the Legislature
15 declared AB 2571 to be “urgency” legislation, it took effect immediately upon
16 signing on June 20, 2022. The newly adopted law makes it unlawful for any
17 “firearm industry member” to “advertise, market, or arrange for placement of an
18 advertising or marketing communication concerning any firearm-related product in a
19 manner that is designed, intended, or reasonably appears to be attractive to minors.”
20 Cal. Bus. & Prof. Code § 22949.80(a)(1).

21 9. AB 2571 authorizes civil suits with statutory penalties against Plaintiffs
22 by any city attorney, county counsel, district attorney, attorney general, and private
23 actors, if a “firearm industry member” engages in the unconstitutionally defined
24 speech directed at minors. If Plaintiffs do not refrain from engaging in
25 constitutionally protected speech and conduct restricted by AB 2571, they face
26 lawsuits from a multitude of adversaries in multiple venues across California.

27 10. Several of the Plaintiffs herein have already published advertising and
28 marketing communications for products, services and future events that subject them

1 to liability under AB 2571, and some Plaintiffs already have longstanding
 2 publications that are already impacted by AB 2571. For a catalogue of examples, see
 3 Plaintiffs' Complaint for Declaratory and Injunctive Relief (ECF No. 1).


4 11. If the California Legislature had not invoked its prerogative to declare
 5 AB 2571 to be "urgency" legislation, thus making it effective immediately, instead
 6 of January 1, 2023 (or later), as is the usual course, Plaintiffs could have filed this
 7 action and sought relief in accordance with standard court procedures and according
 8 to standard notice requirements under the Federal Rules of Civil Procedure and
 9 Local Rules.

10 12. But because AB 2571 took immediate effect, Plaintiffs and countless
 11 other "firearm industry members" were forced to immediately stop engaging in
 12 constitutionally protected speech and expressive conduct or continuously expose
 13 themselves to extraordinary civil liability under AB 2571. The harm they are
 14 currently suffering is actual and irreparable. They thus require and respectfully ask
 15 the Court to provide immediate relief from the standard procedures and notice
 16 requirements and hear their motion for preliminary injunction on shortened notice.

17 13. On behalf of Plaintiffs, I respectfully request that the Court set the
 18 following briefing and hearing schedule in this matter:

- 19 ■ Filing and service of moving papers on July 20, 2022;
- 20 ■ Filing and service of opposition papers on or before July 29, 2022;
- 21 ■ Filing and service of reply papers on or before August 3, 2022;
- 22 ■ Hearing on Plaintiffs' Motion for a Preliminary Injunction to be held
 23 on August 8, 2022, at 10:00 a.m.

24 I declare under penalty of perjury that the foregoing is true and correct.
 25 Executed within the United States on July 19, 2022.

26 
 27 _____

28 Anna M. Barvir
 Declarant

CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Junior Sports Magazines, Inc., et al. v. Bonta*
Case No.: 2:22-cv-04663-CAS (JCx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

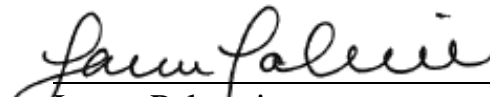
**DECLARATION OF ANNA M. BARVIR IN SUPPORT OF PLAINTIFFS'
EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR
HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Kevin J. Kelly, Deputy Attorney General
kevin.kelly@doj.ca.gov
300 South Spring Street, Suite 9012
Los Angeles, CA 90013
Attorney for Defendant

I declare under penalty of perjury that the foregoing is true and correct.

Executed July 20, 2022.



Laura Palmerin