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13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 B&L PRODUCTIONS, INC., d/b/a
CROSSROADS OF THE WEST; et al.,

17 Plaintiffs,

18 v.

19 GAVIN NEWSOM, in his official
20 capacity as Governor of the State of
California and in his personal capacity; et
21 al.,

22 Defendants.

CASE NO: 21CV1718 AJB KSC

**DECLARATION OF ANNA M.
BARVIR IN SUPPORT OF JOINT
MOTION OF THE PARTIES TO
EXTEND BRIEFING SCHEDULE
FOR DEFENDANTS’ MOTIONS TO
DISMISS THE COMPLAINT**

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DECLARATION OF ANNA M. BARVIR

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

2. On or about November 17, 2021, Mr. Charles Sarosy, counsel of record for Defendants Governor Gavin Newsom, Attorney General Rob Bonta, Karen Ross, Secretary of California Department of Food & Agriculture, and the 22nd District Agricultural Association contacted me via email to discuss the status of service on all defendants in this matter and to request an extension for all defendants to file their responsive pleadings so that all defendants’ pleadings would be due on the same date.

3. Out of convenience to all parties and professional courtesy, I agreed to jointly move with Defendants for a 60-day extension, making Defendants’ responsive pleadings due on or before January 24, 2022.

4. On November 17, 2021, I filed *Briseno v. Bonta*, Case No. 2:21-cv-09018, in the United States District Court for the Central District of California.

5. The *Briseno* case names as defendants Attorney General Rob Bonta, as well as Luis Lopez, the Acting Chief of the California Department of Justice Bureau of Firearms, and the California Department of Justice.

6. All defendants in *Briseno*, like the State Defendants in this case (i.e., Defendants Newsom, Bonta, Ross, and the 22nd DAA), are represented by attorneys at the California Department of Justice.

7. Mr. Sarosy, counsel for the State Defendants in this matter, emailed me

1 on or about December 7, 2021, on behalf of his colleagues at the DOJ who would
2 soon be assigned to the *Briseno* matter. Because the State’s original deadline for
3 filing its responsive pleading fell on Christmas Eve, he wrote to ask whether the
4 *Briseno* plaintiffs would be amenable to a brief extension, giving the State until
5 January 24, 2022, to file its responsive pleading in that case.

6 8. On December 8, 2022, I wrote back to Mr. Sarosy to inform him that I
7 would not oppose such a request. But I did express concern that, if DOJ attorneys in
8 both this matter and the *Briseno* matter intended to file motions to dismiss, I would
9 be unable to effectively respond to either or both without an extended notice period
10 or briefing schedule in at least one of the cases. So I asked Mr. Sarosy “in the event
11 that [his] office intends to file motions to dismiss in both cases, I would kindly ask
12 your consideration in scheduling argument (and briefing) on those motions.”

13 9. On December 9, 2021, counsel for Defendants conveyed via email that
14 he understood my concerns about hearing dates if Defendants’ counsel decided to
15 file motions to dismiss in both this matter and the *Briseno* matter stating that “[i]n
16 the event that we file motions to dismiss in both cases, then we will not schedule the
17 hearings for them on the same dates and would try to coordinate with you as to the
18 hearing dates. We could discuss extended briefing schedules if needed as well.”

19 10. On or about December 13, 2021, I authorized the State to file a
20 stipulation for an extension to file the responsive pleading in *Briseno* based, in part,
21 on Mr. Sarosy’s assurance that his office would coordinate with me in both this
22 matter and the *Briseno* matter when filing any potential motion to dismiss. The
23 stipulation resulted in a January 24, 2022, deadline for the State to file its responsive
24 pleading in *Briseno*.

25 11. On January 13, 2022, opposing counsel in *Briseno* emailed me to
26 request a meeting to discuss the grounds for the motion to dismiss they anticipated
27 filing on January 24, 2022. And we met and conferred via telephone conference on
28 January 14, 2022. During that call, we also discussed the timing of briefing and

1 hearing of that motion in light of the potential that a motion to dismiss would also be
2 filed in this case.

3 12. On or about January 19, 2022, Mr. Sarosy emailed me to let me know
4 that Defendants in this matter intended to file a motion to dismiss on or before
5 January 24, 2022. As he had previously assured me that he would take my
6 availability into consideration when filing any such motion, Mr. Sarosy asked me
7 about my availability for hearing dates moving forward.

8 13. On or about January 20, 2022, I emailed Defendants' counsel and
9 requested that he consider reserving an April hearing date, if possible, to
10 accommodate a briefing schedule in this matter and the *Briseno* matter, as well as
11 other pressing matters through March.

12 14. On January 24, 2022, at 4:07 pm, Mr. Sarosy emailed me to let me
13 know that the State Defendants had just filed their motion to dismiss, reserving a
14 date of April 7, 2022, for the hearing and again offering to consider moving the
15 court for an extended briefing schedule if one became necessary.

16 15. On January 24, 2022, at the almost the same time, I was electronically
17 served with the Court's Order Setting Briefing Schedule for Defendant's Motion to
18 Dismiss, ordering Plaintiffs to file their opposition to the State Defendants' motion
19 on or before February 7, 2022, and ordering the State Defendants to file their reply
20 on or before February 14, 2022.

21 16. On January 24, 2022, the *Briseno* defendants also filed their motion to
22 dismiss. That motion was noticed to be heard on February 28, 2022, which (pursuant
23 to the applicable rules) set a deadline for the *Briseno* plaintiffs to file their
24 opposition on February 7, 2022—the same day this Court ordered Plaintiffs to file
25 their opposition in this case.

26 17. I currently have a heavy schedule of coinciding filing dates due to these
27 cases and others falling in the same timeframe, including (among other things) an
28 opening brief in the matter of *Wallingford v. Bonta* due in the Ninth Circuit on or

1 before January 27, 2022, a reply brief in the matter of *Kirk v. City of Morgan Hill*
2 due in the California Court of Appeal on or before February 14, 2022, and a writ of
3 certiorari in the United States Supreme Court in the matter of *Duncan v. Bonta* to be
4 filed before February 28, 2022.

5 18. Having spoken with Mr. Donald Kilmer, counsel for Plaintiff Second
6 Amendment Foundation, it is my understanding that he has a similarly tight
7 schedule throughout February, with amicus briefs due in the Montana Supreme
8 Court matter of *Board of Regents of Higher Education of the State of Montana v.*
9 *State of Montana*, Case No. DA 21-0605, and in the *Duncan v. Bonta* matter as soon
10 as that is filed in the United States Supreme Court. He also has a one- or two-day
11 trial in mid-February. Because of these deadlines, Mr. Kilmer would be largely
12 unavailable to assist me in anything under the current briefing schedule.

13 19. The request for extension of dates is based upon the need to adequately
14 represent our clients in both this matter and in *Briseno*, and a good faith and
15 substantial need for reconsideration of the current briefing schedule.

16 20. On or about January 24, 2022, my office contacted Defendants' counsel
17 to discuss the possibility of filing a joint motion to extend time. Counsel for both the
18 State Defendants and the County Defendants agreed ask the Court to order that
19 Plaintiffs' deadline to file their opposition to the motions to dismiss be extended to
20 February 24, 2022, and that the Defendants' deadline to file their replies be extended
21 to March 17, 2022. This would be three weeks before the hearing date of April 7,
22 2022 and should meet the Court's standard for time to review briefing before the
23 hearing date.

24 I declare under penalty of perjury that the foregoing is true and correct.
25 Executed within the United States on January 27, 2022.

26
27 s/ Anna M. Barvir
28 Anna M. Barvir

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

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Case Name: *B & L Productions, Inc., et al. v. Newsom, et al.*
Case No.: 21CV1718 AJB KSC

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 JOINT MOTION
TO EXTEND BRIEFING SCHEDULE FOR DEFENDANTS’ MOTION TO
DISMISS THE COMPLAINT**

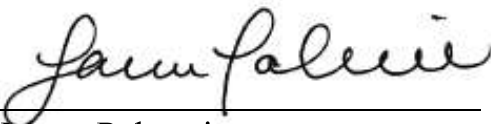
on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Charles J. Sarosy, Deputy Attorney General
charles.sarosy@doj.ca.gov
*Attorneys for Defendants Governor Gavin Newsom,
Attorney General Rob Bonta, Secretary Karen Ross, and
22nd District Agricultural Association*

Timothy M. White, Senior Deputy
timothy.white@sdcounty.ca.gov
*Attorneys for Defendants Summer Stephan, Attorney of
San Diego County and Lonnie Eldridge, County Counsel
of San Diego County*

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

Executed January 27, 2022.



Laura Palmerin