

1 Anthony Schoenberg (State Bar No. 203714)  
tschoenberg@fbm.com  
2 Rebecca H. Stephens (State Bar No. 299234)  
rstephens@fbm.com  
3 Farella Braun + Martel LLP  
4 235 Montgomery Street, 17<sup>th</sup> Floor  
San Francisco, California 94104  
5 Telephone: (415) 954-4400  
Facsimile: (415) 954-4480  
6

7 Attorneys for Movant  
Law Center to Prevent Gun Violence  
8

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA  
11

12 WILLIAM WIESE, an individual;  
13 JEERMIAH MORRIS, an individual;  
14 LANCE COWLEY, an individual;  
15 SHERMAN MACASTON, an  
individual; ADAM RICHARDS, in his  
16 capacity as Trustee of the Magazine  
Ban Lawsuit Trust; CLIFFORD  
17 FLORES, individually and as trustee of  
the Flores Family Trust; L.Q. DANG,  
18 an individual; FRANK FEDEREAU, an  
individual; ALAN NORMANDY, an  
19 individual; TODD NIELSEN, an  
individual; THE CALGUNS  
20 FOUNDATION; FIREARMS POLICY  
COALITION; FIREARMS POLICY  
21 FOUNDATION; and SECOND  
22 AMENDMENT FOUNDATION,

23 Plaintiffs,

24 vs.

25 XAVIER BECERRA, in his official  
26 capacity as Attorney General of the  
State of California; and DOES 1-10,  
27

28 Defendants.

Case No. 2:17-903 WBS KJN

**[PROPOSED] ORDER GRANTING  
MOTION FOR LEAVE TO  
PARTICIPATE AS AMICUS  
CURIAE**

Hon. William B. Shubb

Date: June 29, 2017

Time: 9:00 a.m.

Location: Courtroom 5, 14<sup>th</sup> Floor

1 Presently before the Court is the Law Center to Prevent Gun Violence’s  
2 (“Law Center”) Motion for Leave to Participate as *Amicus Curiae* in this action. The  
3 Court finds this matter suitable for adjudication without a hearing and therefore does  
4 not require the appearance of counsel for the Law Center at the June 29, 2017  
5 hearing on Plaintiffs’ request for a preliminary injunction.

6 A “district court has broad discretion to appoint amici curiae.” *Hoptowit v.*  
7 *Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v.*  
8 *Conner*, 515 U.S. 472 (1995). The “classic role” of amici curiae is “assisting in a  
9 case of general public interest, supplementing the efforts of counsel, and drawing  
10 the court’s attention to law that escaped consideration.” *Miller-Wohl Co., Inc. v.*  
11 *Commissioner of Labor and Industry*, 694 F.2d 203, 204 (9th Cir. 1982). “District  
12 courts frequently welcome amicus briefs from nonparties concerning legal issues  
13 that have potential ramifications beyond the parties directly involved or if the  
14 amicus has ‘unique information or perspective that can help the court beyond the  
15 help that the lawyers for the parties are able to provide.’” *Safari Club Intern. v.*  
16 *Harris*, No. 2:14-cv-01856-GEB-AC, 2015 WL 1255491 at \*1 (E.D. Cal. Jan. 14,  
17 2015), citing *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F.Supp.2d  
18 1061, 1067 (N.D. Cal. 2005). “The touchstone is whether the amicus is ‘helpful,’  
19 and there is no requirement ‘that amici must be totally disinterested.’” *California v.*  
20 *U.S. Dept. of Labor*, No. 2:13-cv-02069-KJM-DAD, 2014 WL 12691095 at \*1  
21 (E.D. Cal. Jan. 14, 2014), citing *Hoptowit*, 682 F.2d at 1260.

22 The Court finds that the Law Center, a national, nonprofit organization  
23 dedicated to reducing gun violence, brings unique information and perspective to the  
24 issues implicated in this constitutional challenge to California’s large-capacity  
25 magazine (“LCM”) restrictions. Further, the Court finds that this case implicates  
26 matters of public interest, including public safety and the application of Second  
27 Amendment constitutional principles, which makes the Law Center’s participation  
28 as *amicus curiae* even more appropriate. *See California v. U.S. Dept. of Labor*, 2014

1 WL 12691095 at \*1 (leave to file amicus brief granted where case implicated  
2 constitutional issues and therefore had “potential ramifications beyond the parties  
3 directly involved”).

4 Based on the foregoing, the Court hereby GRANTS the Law Center’s Motion  
5 for Leave to Participate as *Amicus Curiae* and ORDERS as follows:

- 6 1. The Law Center is granted leave to participate as *amicus curiae* in this  
7 action.
- 8 2. The Law Center’s Brief of *Amicus Curiae* Law Center to Prevent Gun  
9 Violence in Support of Defendant’s Opposition to Plaintiffs’ Motion for a  
10 Preliminary Injunction, submitted concurrently with its Motion for Leave,  
11 will be considered part of the record in this action and will be taken under  
12 submission by the Court in connection with Plaintiffs’ request for a  
13 preliminary injunction.
- 14 3. The Law Center’s counsel is not required to appear at the June 29, 2017  
15 hearing on Plaintiffs’ request for a preliminary injunction.

16  
17 **IT IS SO ORDERED.**

18  
19  
20 Dated: \_\_\_\_\_, 2017

\_\_\_\_\_  
21 Hon. William B. Shubb  
22 United States District Court Judge  
23  
24  
25  
26  
27  
28