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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**
13

14 Lana Rae Renna, et al,
15 Plaintiffs,

16 v.

17 Robert Bonta, Attorney General of
California, et al,
18

19 Defendants.
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Case No.: 20-cv-2190-DMS-DEB

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

Complaint filed: November 10, 2020
First Amended Complaint filed:
Jan. 4, 2021
Second Amended Complaint filed:
Aug. 22, 2022

Date: October 7, 2022
Time: 1:30 p.m.
Department: 13A
Hon.: Dana M. Sabraw

1 **To the court, all parties, and their attorneys of record:**

2 Notice is hereby given that on October 7, 2022, at 1:30 p.m. Department 13A
3 of the above-captioned Court, located at 333 West Broadway, San Diego, California
4 92101, Plaintiffs will move for a temporary restraining order and a preliminary
5 injunction under Rule 65(a) of the Federal Rules of Civil Procedure. Specifically,
6 Plaintiffs will seek an order enjoining Defendants Attorney General Rob Bonta and
7 his agents, servants, employees, and those working in active concert with him, as well
8 as Director Luis Lopez of the California Department of Justice Bureau of Firearms
9 and his agents, servants, employees, and those working in active concert with him,
10 from enforcing or giving effect to Civil Procedure Code § 1021.11 and Penal Code §
11 29185, as amended by AB 1621, during the pendency of this action.

12 Plaintiffs bring this motion because those provisions of California law violate
13 a bevy of constitutional rights. Starting with Civil Procedure Code § 1021.11, that new
14 provision imposes onerous attorney’s fee liability on any plaintiffs and their attorneys
15 who challenge any California gun law and—for whatever reason do not prevail on
16 each and every claim they bring. It violates the First Amendment right to petition, is
17 unconstitutionally viewpoint discriminatory, is preempted by federal law, and violates
18 the Due Process and Equal Protection Clauses of the Fourteenth Amendment.

19 Turning to Penal Code § 29185, as amended by AB 1621, that new law bans
20 the acquisition, use, and mere possession of Computerized Numerical Code (CNC)
21 milling machines commonly used in the process of self-manufacturing or assembling
22 constitutionally protected arms for lawful purposes. It violates the history and tradition
23 of the Second Amendment as interpreted by the Supreme Court in *New York State*
24 *Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).

25 Importantly, this ban under § 29185 and its effect of forcing Plaintiff Ruebe and
26 all similarly situated members of Institutional Plaintiffs to surrender their CNC milling
27 machines or face criminal prosecution becomes effective **September 28, 2022**, thus
28 requiring resolution of this motion as expeditiously as possible.

1 The motion is based on this notice of motion and motion, the memorandum of
 2 points and authorities filed concurrently with this motion, the Second Amended
 3 Complaint, any other pleadings or records already on file, and any other documents
 4 the Court deems appropriate at or before the time of the hearing. For the reasons
 5 provided in those documents, the motion should be granted and an injunction entered.

6 Dated: September 8, 2022

The DiGuiseppe Law Firm, P.C.

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 8 By /s/ Raymond M. DiGuiseppe
 9 Raymond M. DiGuiseppe
 Attorneys for Plaintiffs

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