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14 **UNITED STATES DISTRICT COURT**

15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 SOUTH BAY ROD & GUN CLUB,
INC.; GARY BRENNAN, an
17 individual; CORY HENRY, an
individual; PATRICK LOVETTE, an
18 individual; VIRGINIA DUNCAN, an
individual; RANDY RICKS, an
19 individual; CITIZENS COMMITTEE
FOR THE RIGHT TO KEEP AND
20 BEAR ARMS; GUN OWNERS OF
CALIFORNIA; SECOND
21 AMENDMENT LAW CENTER; and
CALIFORNIA RIFLE & PISTOL
22 ASSOCIATION, INCORPORATED,

23 Plaintiffs,

24 v.

25 ROBERT BONTA, in his official
capacity as Attorney General of the
State of California; and DOES 1-10,

26 Defendants.
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CASE NO: '22CV1461 JO WVG

**PLAINTIFFS' NOTICE OF
RELATED CASES**

1 Pursuant to Local Rule 40.1(f), Plaintiffs South Bay Rod & Gun Club, Inc., Gary
2 Brennan, Cory Henry, Patrick Lovette, Virginia Duncan, Randy Ricks, Citizens
3 Committee for the Right to Keep and Bear Arms, Gun Owners of California, Second
4 Amendment Law Center, and California Rifle & Pistol Association, Incorporated,
5 through their counsel, note the following as potentially related cases:

6 *Duncan v. Bonta*, Case No. 17-cv-1017-BEN-JLB, filed in the Southern District of
7 California on May 17, 2017,

8 *Rhode v. Bonta*, Case No. 3:18-cv-00802-BEN-JLB, filed in the Southern District
9 of California on April 26, 2018, and

10 *Miller v. Bonta*, Case No. 3:19-cv-01537-BEN-JLB, filed in the Southern District
11 of California on August 15, 2019.

12 These cases were all initially heard by the Honorable Roger T. Benitez. *Duncan*
13 and *Miller* are back before Judge Benitez again following remands.

14 The Ninth Circuit Court of Appeals is also currently considering remanding *Rhode*,
15 and given all other Second Amendment-related cases have so far been remanded to their
16 original district courts following *Bruen*, it is likely *Rhode* will be back before Judge
17 Benitez soon as well. Even if it isn't, the issues raised in this lawsuit will affect the
18 willingness of the *Rhode* case plaintiffs to continue to participate in that litigation.

19 Plaintiffs Brennan, Henry, Ricks, and CRPA in this matter are also Plaintiffs in the
20 *Rhode* matter, and Plaintiffs Duncan, Lovette, and CRPA in this matter are also Plaintiffs
21 in the *Duncan* matter.

22 Further, *Duncan* and *Rhode* are cases that were filed and are being litigated by
23 Plaintiffs' counsel in this matter.

24 While *Miller* does not share Plaintiffs with this matter, the Plaintiffs in *Miller* have
25 indicated via an August 25, 2022 letter to Judge Benitez that they may need to amend
26 their complaint to challenge the new California Code of Civil Procedure section 1021.11,
27 so *Miller* shares the 1021.11 issue with this case. It is our understanding that Judge
28 Benitez instructed the *Miller* plaintiffs to file a separate lawsuit challenging the same

1 statute challenged in this lawsuit, and indeed, the *Miller* Plaintiffs did file such a lawsuit,
2 which will likely also be related to the original *Miller* matter. *See Miller v. Bonta*, Case
3 No. 3:22-cv-01446, filed in the Southern District of California on September 26, 2022.

4 Plaintiffs in the *Duncan* and *Rhode* matters will have no choice but to seek to
5 amend their complaints to challenge California Code of Civil Procedure section 1021.11
6 if it is not enjoined statewide soon, meaning Judge Benitez will likely be deciding the
7 same central issues that this case presents in *Duncan* and *Rhode*.

8 Finally, *Duncan*, *Rhode*, *Miller*, and this matter all seek remedies against the same
9 defendant, California Attorney General Rob Bonta.

10 For all of these reasons, assignment of these cases to Judge Benitez¹ would save
11 judicial effort or result in other judicial economies, as they involve “some of the same
12 parties and are based on . . . similar claims,” U.S.D.C S.D.CAL. LOCAL R. 40.1(g)(1).

13 Respectfully Submitted,

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15 Dated: September 28, 2022

MICHEL & ASSOCIATES, P.C.

/s/ C.D. Michel

C.D. Michel

Counsel for Plaintiffs South Bay Rod & Gun
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¹ One Plaintiff, Citizens Committee for the Right to Keep and Bear Arms, is also a Plaintiff in *Renna v. Bonta*, a case currently pending before the Honorable Dana M. Sabraw in this district. However, because far more Plaintiffs have cases before Judge Benitez, he is likely the better fit to hear this case in terms of judicial economy. What’s more, the parties in *Renna* have recently stipulated that the State will not pursue any remedies under section 1021.11 following that litigation, so that issue is not shared with this litigation.

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Dated: September 28, 2022

LAW OFFICES OF DON KILMER

s/ Don Kilmer

Don Kilmer
Counsel for Plaintiff Citizens Committee for the
Right to Keep and Bear Arms