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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.
27
28

CASE NO: 3:22-cv-01461-JO-WVG

**PLAINTIFFS' SUPPLEMENTAL
NOTICE OF RELATED CASES**

1 On September 28, 2022, and Pursuant to Local Rule 40.1(f), Plaintiffs filed a
2 Notice of Related Cases alongside their complaint. Dkt. No. 3. Plaintiffs noted the
3 following as potentially related cases, all assigned to the Honorable Roger T. Benitez:

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

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

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

10 In that filing, Plaintiffs also wrote that “It is our understanding that Judge Benitez
11 instructed the *Miller* plaintiffs to file a separate lawsuit challenging the same statute
12 challenged in this lawsuit, and indeed, the *Miller* Plaintiffs did file such a lawsuit. *See*
13 *Miller v. Bonta*, Case No. 3:22-cv-01446 (“*Miller II*”), filed in the Southern District of
14 California on September 26, 2022.” Dkt. No. 3.

15 Plaintiffs submit this supplemental notice because *Miller II* has now been
16 reassigned to Judge Benitez pursuant to the “Low-Number” rule. A copy of the order of
17 transfer is attached to this notice as **Exhibit A**.

18 Because of this reassignment, this matter “involves substantially the same facts and
19 the same questions of law” with the *Miller II* case now being heard by Judge Benitez.
20 U.S.D.C S.D.CAL. LOCAL R. 40.1(g)(3). Both *Miller II* and this matter are challenges to
21 California Code of Civil Procedure section 1021.11 on behalf of Plaintiffs who are
22 currently or desire to participate in legal challenges to California’s firearms laws but are
23 injured as a result of Section 1021.11’s fee-shifting provision that favors the government
24 in such challenges. And both *Miller II* and this matter matters raise constitutional
25 challenges to Section 1021.11’s fee-shifting provision, including violation of the
26 Supremacy Clause, violation of the right to petition for redress of grievances, and
27 violation of Equal Protection. The matters are undoubtedly related.
28

1 For all of these reasons as well as those discussed in Plaintiffs prior notice of
2 related cases, reassignment of this case to Judge Benitez would save judicial effort and
3 likely result in other judicial economies.

4 Respectfully Submitted,

5
6 Dated: October 3, 2022

MICHEL & ASSOCIATES, P.C.

7
8 *s/C.D. Michel*

9 C.D. Michel
10 Counsel for Plaintiffs South Bay Rod & Gun
11 Club, Inc. Gary Brennan, Cory Henry, Patrick
12 Lovette, Virginia Duncan, Randy Ricks, Gun
13 Owners of California, Second Amendment Law
14 Center, and California Rifle and Pistol
15 Association, Incorporated
16 e-mail: cmichel@michellawyers.com

17
18 Dated: October 3, 2022

LAW OFFICES OF DON KILMER

19
20 *s/ Don Kilmer*

21 Don Kilmer
22 Counsel for Plaintiff Citizens Committee for the
23 Right to Keep and Bear Arms
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CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *South Bay Rod & Gun Club, Inc. v. Bonta*

Case No.: 3:22-cv-01461-JO-WVG

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

I have caused service of the following documents, described as:

PLAINTIFFS' SUPPLEMENTAL NOTICE OF RELATED CASES

on the following parties by electronically filing the foregoing on October 3, 2022, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert Meyerhoff
Robert.Meyerhoff@doj.ca.gov
Elizabeth Watson
Elizabeth.Watson@doj.ca.gov
1300 I Street, Suite 125
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 3, 2022, at Long Beach, CA.

/s/Christina Castron
CHRISTINA CASTRON

EXHIBIT A



United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

James Miller; Ryan Peterson; Gunfighter Tactical, LLC;
John Phillips, PWGG, L.P.; San Diego County Gun Owners
Political Action Committee; California Gun Rights Foundation;
Second Amendment Foundation; Firearms Policy Coalition, Inc.;
John W. Dillon; Dillon Law Group, P.C.; George M. Lee

Plaintiff,

V.

Rob Bonta, Attorney General of California; Luis
Lopez, Director of the California Department of
Justice Bureau of Firearms

Defendant.

Case No. 3:22CV1446-RSH-DEB

REPORT OF CLERK AND ORDER OF TRANSFER PURSUANT TO "LOW-NUMBER" RULE

REPORT OF CLERK PURSUANT TO LOW NUMBER RULE

Re: "Low-Numbered Case No.: 3:19-cv-01537-BEN-JLB

Title: Miller et al v. Becerra et al

Nature of Case: 950 Constitutional - State Statute

The above "low-numbered" case and the present case appear:

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | (1) to arise from the same or substantially identical transactions, happenings or events; or |
| <input checked="" type="checkbox"/> | (2) involve the same or substantially the same parties or property; or |
| <input type="checkbox"/> | (3) involve the same patent or trademark or different patents or trademarks covering the same or substantially identical things; or |
| <input type="checkbox"/> | (4) call for determination of the same or substantially identical questions of law; or |
| <input type="checkbox"/> | (5) where a case is refiled within one year of having previously been terminated by the Court; or |
| <input checked="" type="checkbox"/> | (6) for other reasons would entail unnecessary duplication of labor if heard by different judges. |

New Case #: 3:22-cv-01446-BEN-JLB

This case was transferred pursuant to the Low-Number Rule. The related cases have been assigned to the same judge and magistrate judge but they are NOT CONSOLIDATED at this point; all pleadings must still be filed separately in each case.

John Morrill, Clerk of Court,

Dated: 9/27/22

By: s/A. Sudan

A. Sudan, Deputy

ORDER OF TRANSFER PURSUANT TO "LOW-NUMBER" RULE

I hereby consent to transfer of the above-entitled case to my calendar pursuant to Local Rule 40.1, Transfer of Civil Cases under "Low-Number" Rule.

Dated: 9/30/2022

Roger T. Benitez
United States District Judge

It appearing that the above-entitled case is properly transferable in accordance with the provisions of the Low-Number Rule, IT IS HEREBY ORDERED that this case is transferred to the calendar of Judge Roger T. Benitez and Magistrate Judge Jill L. Burkhardt for all further proceedings.

Dated: 9/29/22

Robert S. Huie
United States District Judge