

1 C. D. Michel – SBN 144258
cmichel@michellawyers.com
2 Joshua Robert Dale – SBN 209942
jdale@michellawyers.com
3 Konstadinos T. Moros – SBN 306610
kmoros@michellawyers.com
4 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
5 Long Beach, CA 90802
Telephone: (562) 216-4444
6 Facsimile: (562) 216-4445
www.michellawyers.com

7 Attorneys for Plaintiffs South Bay Rod & Gun Club, Inc. Gary Brennan, Cory Henry,
8 Patrick Lovette, Virginia Duncan, Randy Ricks, Gun Owners of California, Second
Amendment Law Center, and California Rifle and Pistol Association, Incorporated

9 Donald Kilmer-SBN 179986
10 Law Offices of Donald Kilmer, APC
14085 Silver Ridge Road
11 Caldwell, Idaho 83607
Telephone: (408) 264-8489
12 Email: Don@DKLawOffice.com

13 Attorneys for Plaintiff Citizens Committee for the Right to Keep and Bear Arms

14 **UNITED STATES DISTRICT COURT**

15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 SOUTH BAY ROD & GUN CLUB,
17 INC.; GARY BRENNAN, an
individual; CORY HENRY, an
18 individual; PATRICK LOVETTE, an
individual; VIRGINIA DUNCAN, an
19 individual; RANDY RICKS, an
individual; CITIZENS COMMITTEE
20 FOR THE RIGHT TO KEEP AND
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.

CASE NO: 3:22-cv-01461-RBM-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:¹

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,

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

12 *Miller v. Bonta*, Case No. 3:22-cv-01446-BEN-JLB, filed in the Southern District
13 of California on September 26, 2022. (“*Miller II*”).

14 These cases were all initially heard by the Honorable Roger T. Benitez, or are
15 currently assigned to him. *Duncan* and *Miller* are back before Judge Benitez again
16 following remands, and *Miller II* has recently been assigned to him as well.

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

22 Plaintiffs Brennan, Henry, Ricks, and CRPA in this matter are also Plaintiffs in the
23 *Rhode* matter, and Plaintiffs Duncan, Lovette, and CRPA in this matter are also Plaintiffs
24 in the *Duncan* matter.

25
26
27 ¹ Plaintiffs previously filed a Notice of Related Cases as well as a Supplemental Notice of
28 Related Cases with the Honorable Judge Ohta when this case was assigned to her.
Plaintiffs have merged the content of the two notices into a single notice and file it anew,
given the reassignment.

1 Further, *Duncan* and *Rhode* are cases that were filed and are being litigated by
2 Plaintiffs’ counsel in this matter.

3 While *Miller* does not share Plaintiffs with this matter, the same Plaintiffs in *Miller*
4 also filed *Miller II*. *Miller II* and this matter are challenges to California Code of Civil
5 Procedure section 1021.11 on behalf of Plaintiffs who are currently or desire to
6 participate in legal challenges to California’s firearms laws but are injured as a result of
7 Section 1021.11’s fee-shifting provision that favors the government in such challenges.
8 And both *Miller II* and this matter matters raise constitutional challenges to Section
9 1021.11’s fee-shifting provision, including violation of the Supremacy Clause, violation
10 of the right to petition for redress of grievances, and violation of Equal Protection.

11 Moreover, the *Miller II* plaintiffs have now filed a motion for preliminary
12 injunction, which is scheduled to be heard by Judge Benitez on November 14, 2022.
13 Likewise, Plaintiffs in this matter have just filed their own motion for preliminary
14 injunction, set for hearing on November 21, 2022, which raises several identical issues
15 and very similar arguments as those raised by the *Miller II* Plaintiffs. There is no doubt
16 that this matter this matter “the same questions of law” with the *Miller II* case now being
17 heard by Judge Benitez. U.S.D.C S.D.CAL. LOCAL R. 40.1(g)(3).

18 In addition, Plaintiffs in the *Duncan* and *Rhode* matters will have no choice but to
19 seek to amend their complaints to challenge California Code of Civil Procedure section
20 1021.11 if it is not enjoined statewide soon, meaning Judge Benitez will likely be
21 deciding the same central issues that this case presents in *Duncan* and *Rhode*.

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

1 For all of these reasons, assignment of these cases to Judge Benitez² would save
2 judicial effort or result in other judicial economies, as they involve “some of the same
3 parties and are based on . . . similar claims,” U.S.D.C S.D.CAL. LOCAL R. 40.1(g)(1).

4 Respectfully Submitted,

5
6 Dated: October 17, 2022

MICHEL & ASSOCIATES, P.C.

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

16
17 Dated: October 17, 2022

LAW OFFICES OF DON KILMER

18 s/ Don Kilmer
19 Don Kilmer
20 Counsel for Plaintiff Citizens Committee for the
21 Right to Keep and Bear Arms

22
23
24 ² One Plaintiff, Citizens Committee for the Right to Keep and Bear Arms, is also a
25 Plaintiff in *Renna v. Bonta*, a case currently pending before the Honorable Dana M.
26 Sabraw in this district. However, because far more Plaintiffs have cases before Judge
27 Benitez, he is likely the better fit to hear this case in terms of judicial economy. What’s
28 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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-RBM-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' NOTICE OF RELATED CASES

on the following parties by electronically filing the foregoing on October 17, 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 17, 2022, at Long Beach, CA.

/s/Christina Castron

CHRISTINA CASTRON