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9 Second Amendment Law Center, and California Rifle and Pistol Association,  
Incorporated

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

15 **UNITED STATES DISTRICT COURT**  
16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 SOUTH BAY ROD & GUN CLUB,  
INC.; GARY BRENNAN, an  
18 individual; CORY HENRY, an  
individual; PATRICK LOVETTE, an  
19 individual; VIRGINIA DUNCAN, an  
individual; RANDY RICKS, an  
20 individual; CITIZENS COMMITTEE  
FOR THE RIGHT TO KEEP AND  
21 BEAR ARMS; GUN OWNERS OF  
CALIFORNIA; SECOND  
22 AMENDMENT LAW CENTER; and  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED,  
23

24 Plaintiffs,

25 v.

26 ROB BONTA, in his official capacity  
as Attorney General of the State of  
27 California; and DOES 1-10,  
28

Defendants.

**CASE NO: 22-cv-01461-BEN-JLB**

**PLAINTIFFS’ EX PARTE  
APPLICATION FOR ORDER  
SHORTENING TIME FOR HEARING  
ON PLAINTIFFS’ MOTION FOR  
PRELIMINARY INJUNCTION**

1 TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Plaintiffs South Bay Rod & Gun Club, Inc., Gary Brennan, Cory Henry,  
3 Patrick Lovette, Virginia Duncan, Randy Ricks, Citizens Committee for the Right to  
4 Keep and Bear Arms, Gun Owners of California, Second Amendment Law Center,  
5 and California Rifle & Pistol Association, Incorporated hereby apply to this Court *ex*  
6 *parte* for an order to shorten time to hear Plaintiffs’ Motion for Preliminary  
7 Injunction. Plaintiffs ask this Court to advance the hearing on their motion for  
8 preliminary injunction—filed on October 17, 2022, and currently scheduled to be  
9 heard on November 21, 2022—to November 14, 2022. Plaintiffs will also seek an  
10 order that any opposition be due on or before November 2, 2022, and any reply be  
11 due on or before November 7, 2022

12 On October 21, 2022, Konstadinos T. Moros, counsel of record for Plaintiffs,  
13 contacted Elizabeth Watson, counsel of record for Defendant Rob Bonta, via email  
14 to provide notice that Plaintiffs intended to file an *ex parte* application for an order  
15 shortening time to hear their anticipated motion for preliminary injunction on  
16 Monday, October 24, 2022. *Id.* Ms. Watson informed Plaintiffs that her client would  
17 oppose this request for an order shortening time. *Id.* ¶ 4.

18 Plaintiffs bring this application for good cause on the grounds that they  
19 require a near-immediate order on their motion for preliminary injunction, halting  
20 the enforcement of California Code of Civil Procedure section 1021.11 which,  
21 although it ostensibly takes effect January 1, 2023, because it reaches back three  
22 years in time to award attorney’s fees to the State on firearms law challenges, harms  
23 Plaintiffs right now. Section 1021.11 violates the Supremacy Clause and Plaintiffs’  
24 rights under the First and Fourteenth Amendments, and functions as a Bill of  
25 Attainder. Moros Decl. ¶ 6. The harm to Plaintiffs (and other firearms rights litigants  
26 throughout the state) is ongoing and compounds every day the law remains in effect.  
27 *Id.* ¶¶ 10-12. Plaintiffs have multiple ongoing lawsuits challenging firearms laws  
28 that are affected by Section 1021.11, and based on the retrospective application of

1 Section 1021.11, they are harmed on a daily basis as to whether to, e.g., dismiss  
2 such lawsuits or continue such lawsuits, and, under either scenario, incur monetary  
3 liability to the state.

4 Further, there are numerous unconstitutional or otherwise legally infirm laws  
5 that were recently passed by the California Legislature and signed by the Governor  
6 which Plaintiffs would like to challenge, but cannot while Section 1021.11 remains  
7 in effect due the devastating financial impact Section 1021.11 will impose on them.  
8 Finally, this Court is already hearing a motion for preliminary injunction on  
9 November 14 on a related matter also challenging Section 1021.11, and it would  
10 serve judicial economy for these matters to be heard together given several similar  
11 claims are made.

12 This application is based on the memorandum of points and authorities and  
13 the declaration of Konstadinos T. Moros concurrently filed with this application, as  
14 well as all the records currently on file and any oral argument the Court may  
15 authorize.

16 Dated: October 24, 2022

**MICHEL & ASSOCIATES, P.C.**

*/s/ Konstadinos T. Moros*

C.D. Michel

Joshua Robert Dale

Konstadinos T. Moros

Counsel for Plaintiffs South Bay Rod & Gun

Club, Inc. Gary Brennan, Cory Henry,

Patrick Lovette, Virginia Duncan, Randy

Ricks, Gun Owners of California, Second

Amendment Law Center, and California

Rifle and Pistol Association, Incorporated

e-mail: [cmichel@michellawyers.com](mailto:cmichel@michellawyers.com)

24 Dated: October 24, 2022

**LAW OFFICES OF DON KILMER**

*/s/ Don Kilmer*

Don Kilmer

Counsel for Plaintiff Citizens Committee for

the Right to Keep and Bear Arms

**CERTIFICATE OF SERVICE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

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Case Name: *South Bay Rod & Gun Club, Inc. v. Bonta*  
Case No.: 22-cv-01461-BEN-JLB

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’ EX PARTE APPLICATION FOR ORDER SHORTENING  
TIME FOR HEARING ON PLAINTIFFS’ MOTION FOR PRELIMINARY  
INJUNCTION**

on the following parties by electronically filing the foregoing on October 24, 2022, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert Meyerhoff  
[Robert.Meyerhoff@doj.ca.gov](mailto:Robert.Meyerhoff@doj.ca.gov)  
Elizabeth Watson  
[Elizabeth.Watson@doj.ca.gov](mailto: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 24, 2022, at Long Beach, CA.

Additionally, the following party was served as follows:

Bradley A. Benbrook  
701 University Avenue, Suite 106  
Sacramento, CA 958825  
Email: [brad@benbrooklawgroup.com](mailto:brad@benbrooklawgroup.com)

By Electronic Mail As follows: I served a true and correct copy by electronic transmission. Said transmission was reported and completed without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/Christina Castron  
CHRISTINA CASTRON