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15 **UNITED STATES DISTRICT COURT**

16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 SOUTH BAY ROD & GUN CLUB,
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
21 CALIFORNIA; SECOND
AMENDMENT LAW CENTER; and
22 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 25, 2022

MICHEL & ASSOCIATES, P.C.

/s/ C.D. Michel

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

24 Dated: October 25, 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 25, 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 25, 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

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.


CHRISTINA CASTRON