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7 Governor Gavin Newsom

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 SOUTH BAY ROD & GUN CLUB, INC.;
11 GARY BRENNAN, an individual;
12 CORY HENRY, an individual;
13 PATRICK LOVETTE, an individual;
14 VIRGINIA DUNCAN, an individual;
15 RANDY RICKS, an individual;
16 CITIZENS COMMITTEE FOR THE
RIGHT TO KEEP AND BEAR ARMS;
GUN OWNERS OF CALIFORNIA;
SECOND AMENDMENT LAW CENTER
and CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,

17 Plaintiffs,

18 vs.

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

21 Defendants.

No.: 3:22-cv-1461-BEN-JLB

**DECLARATION OF THOMAS A.
WILLIS IN SUPPORT OF MOTION
FOR LEAVE TO INTERVENE AND
EX PARTE APPLICATION**

Hearing:

Date: January 5, 2023

Time:

Crtrm.: 5A (5th Floor)

Judge: The Honorable Roger T. Benitez

1 **DECLARATION OF THOMAS A. WILLIS**

2 I, Thomas A. Willis, declare under penalty of perjury that:

3 1. I am an attorney licensed to practice law in the State of California,
4 and I am counsel for Proposed Intervenor Gavin Newsom, in his official capacity as
5 Governor of the State of California, in this matter. I submit this Declaration in support
6 of the Proposed Intervenor’s Motion For Leave to Intervene and forthcoming *Ex Parte*
7 Application for Order Shortening Time. I have personal knowledge of the facts stated
8 herein and, if called to testify, I could competently testify as to the same.

9 2. On December 8, 2022, at approximately 4:25 p.m., I contacted all
10 parties’ counsel via email to alert them to the Governor’s proposed intervention in two
11 related cases: *Miller v. Bonta*, No. 3:22-cv-01446-BEN-MDD (“*Miller II*”), and *South*
12 *Bay Rod & Gun Club, Inc. v. Bonta*, No. 3:22-cv-01461-BEN-JLB.

13 3. The recipients of the email included Bradley A. Benbrook, David H.
14 Thompson, Joseph Masterman, Peter A. Patterson, and Stephen M. Duvernay for
15 Plaintiffs in the *Miller II* case; Carl D. Michel, Joshua R. Dale, Donald Edward Kilmer,
16 Jr., and Konstadinos T. Moros for Plaintiffs in the *South Bay Rod & Gun Club, Inc.*
17 case; and Elizabeth K. Watson and Ryan Richard Davis for Defendants in both matters
18 (together, “counsel”).

19 4. That email stated as follows:

20 Our firm represents Governor Gavin Newsom. Yesterday, the
21 Attorney General’s Office informed the Governor’s Office that
22 it did not intend to defend the validity of section 1021.11 in its
23 supplemental brief due tomorrow, December 9, 2022. As a
24 result, the Governor will seek leave to intervene as a matter of
25 right in both the *Miller II* and *South Bay Rod & Gun Club*
26 cases. We believe intervention is appropriate under Rule 24 of
27 the Federal Rules of Civil Procedure and the Supreme Court’s
28 recent decision in *Berger v. N.C. State Conf. of the NAACP*,
142 S.Ct. 2191 (2022). Governor Newsom plans to file a
motion to intervene this evening. In the motion, we will ask the
court to hear the motion at the same time as the preliminary
injunction hearing and trial on December 16; we will not be
seeking a continuance of that hearing. We will, however, seek

1 a short extension to allow the Governor to lodge a supplemental
2 brief with the court on Monday, December 12, instead of by
3 Friday, December 9. We also intend to file an application for
4 an order shortening time setting forth that proposal. If you
5 would like, we are glad to include with that application a
6 suggestion that plaintiffs' reply brief deadline be extended to
7 Wednesday, December 14, and to note our consent to that
8 extension.

9 If possible, please let us know today whether you intend to
10 oppose intervention.

11 5. As of 9:30 a.m. on December 9, 2022, counsel for the plaintiffs in
12 the two cases had not informed me as to whether they intended to oppose either the
13 motion for intervention or the *ex parte* application for an order shortening time. In his
14 supplemental brief filed on December 8, the Attorney General stated that he did not
15 oppose intervention by the Governor.

16 I declare under penalty of perjury under the laws of the State of California
17 that the foregoing is true and correct and that this declaration was executed on
18 December 9, 2022, at San Francisco, California.



THOMAS A. WILLIS

19 (00478769)