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12 Attorneys for Plaintiffs

13 **UNITED STATES DISTRICT COURT**  
14 **EASTERN DISTRICT OF CALIFORNIA**

15 MARK BAIRD and  
16 RICHARD GALLARDO,  
17 Plaintiffs,

18 v.

19 XAVIER BECERRA, in his official  
20 capacity as Attorney General of the State of  
21 California, and DOES 1-10,

22 Defendants.

Case No. 2:19-CV-00617-KJM-AC

**PLAINTIFFS' NOTICE OF  
MOTION AND MOTION  
FOR PRELIMINARY INJUNCTION**

**[Fed. R. Civ. P. 65(a)]**

Date: September 6, 2019  
Time: 10:00 a.m.  
Courtroom: 3  
Judge: Hon. Kimberly J. Mueller  
Trial Date: None set  
Action Filed: April 9, 2019

1 TO DEFENDANT XAVIER BECERRA, in his official capacity as Attorney General for  
2 the State of California:

3 PLEASE TAKE NOTICE that on September 6, 2019 at 10:00 a.m., or as soon thereafter  
4 as this matter may be heard before the Honorable Kimberly J. Mueller in Courtroom 3 on the 15th  
5 Floor of the United States District Court for the Eastern District of California, located at the  
6 Robert T. Matsui Federal Courthouse at 501 I Street, Sacramento, California 95814, Plaintiffs  
7 Mark Baird and Richard Gallardo will and hereby do move under Rule 65(a) of the Federal Rules  
8 of Civil Procedure for an order temporarily enjoining Defendant Attorney General Xavier Becerra  
9 and his agents, servants, employees, and those working in active concert with him, from  
10 enforcing and/or giving effect to California Penal Codes §26150, §26155, §26350, and §25850 as  
11 they relate to the open carriage of a firearm in public, whether loaded or unloaded, by law-abiding  
12 residents of California, including Plaintiffs, during the pendency of this action.  
13  
14

15 Plaintiffs bring this motion because Penal Codes §26150 and §26155 violate the  
16 preexisting right to the open carriage of a firearm in public for self-defense, a core right protected  
17 by the scope of the Second Amendment; Penal Codes §26350 and §25850 subject Plaintiffs to  
18 criminal prosecution, incarceration, fines, and penalties for lawfully exercising their Second  
19 Amendment right to the open carriage of a firearm in public for self-defense. The aforementioned  
20 statutes have caused irreparable harm to Plaintiffs and will continue to cause irreparable harm if  
21 Plaintiffs' motion is not granted.  
22

23 This motion is based on this Notice of Motion and Motion for a Preliminary Injunction,  
24 the accompanying Memorandum of Points and Authorities filed in support, the supporting  
25 declarations of Amy L. Bellantoni, Mark Baird, Richard Gallardo, as well as any other exhibits  
26 attached thereto, all pleadings on file with in this action, and such other matters as may properly  
27 come before the Court.  
28

1 In accordance with this Court's standing order, counsel for Plaintiffs and the Attorney  
2 General met and conferred by phone on May 14, 2019 and May 23, 2019, and in communications  
3 thereafter in an attempt to resolve the claims that are the subject of this motion. After a thorough  
4 discussion, counsel agreed that these claims remain in dispute, and that meet-and-confer efforts  
5 have been exhausted.

6  
7 Dated: July 8, 2019

Respectfully submitted,

8  
9 THE BELLANTONI LAW FIRM, PLLC

10  
11 /s/ Amy L. Bellantoni, Esq.

Amy L. Bellantoni, Esq.

*Counsel for Plaintiffs*

*Pro Hac Vice*

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