

1 ROB BONTA  
 Attorney General of California  
 2 MARK R. BECKINGTON  
 Supervising Deputy Attorney General  
 3 R. MATTHEW WISE, State Bar No. 238485  
 Deputy Attorney General  
 4 1300 I Street, Suite 125  
 P.O. Box 944255  
 5 Sacramento, CA 94244-2550  
 Telephone: (916) 210-6046  
 6 Fax: (916) 324-8835  
 E-mail: Matthew.Wise@doj.ca.gov  
 7 *Attorneys for Defendant Attorney General Rob Bonta*

8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11  
 12 **MARK BAIRD and RICHARD**  
**GALLARDO,**  
 13  
 14 Plaintiffs,  
 15  
 16 **ROB BONTA, in his official capacity as**  
**Attorney General of the State of California,**  
 17 **and DOES 1-10,**  
 18 Defendants.

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

**NOTICE OF MOTION AND MOTION  
 FOR SUMMARY JUDGMENT BY  
 DEFENDANT CALIFORNIA  
 ATTORNEY GENERAL ROB BONTA**

Date: December 17, 2021  
 Time: 10:00 a.m.  
 Dept: 3  
 Judge: Hon. Kimberly J. Mueller  
 Trial Date: None set  
 Action Filed: April 9, 2019

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 20 PLEASE TAKE NOTICE that, on December 17, 2021, at 10:00 a.m., or as soon thereafter  
 21 as the matter may be heard, before the Honorable Kimberly J. Mueller, U.S. District Judge, in  
 22 Courtroom 3, 15th Floor of the U.S. District Court for the Eastern District of California, located  
 23 at 501 I Street, Sacramento, California 95814, Defendant Rob Bonta, sued in his official capacity  
 24 as Attorney General of the State of California (Defendant), will move this Court for summary  
 25 judgment on the First Amended Complaint of Plaintiffs Mark Baird and Richard Gallardo, ECF  
 26 No. 34, under Federal Rule of Civil Procedure 56.

27 Defendant seeks summary judgment on the basis that there is no genuine issue of material  
 28 fact as to whether California Penal Code sections 26150, 26155, 26350, and 25850 violate the

1 Second Amendment to the U.S. Constitution. The Second Amendment has never been  
2 historically understood to recognize an individual right of every law-abiding citizen to carry a  
3 firearm openly in public under almost all circumstances. Even if the Second Amendment had  
4 been understood to recognize such a right, the State of California has, as a matter of law,  
5 sufficiently important governmental interests in maintaining laws regulating the open carry of  
6 firearms, and there is a reasonable fit between those laws and California's governmental interests.  
7 Plaintiffs thus cannot show that the laws they challenge violate the Second Amendment. Counsel  
8 for Defendant attempted to meet and confer with counsel for Plaintiffs before filing this motion,  
9 but the parties were unable to resolve the matters in dispute.

10 This motion is based on this notice, the accompanying memorandum of points and  
11 authorities, the request for judicial notice and attached exhibits, the declaration of R. Matthew  
12 Wise and attached exhibits, the Statement of Undisputed Facts, the papers and pleadings already  
13 on file in this action, and such matters as may be presented to the Court at the hearing.

14 Dated: November 19, 2021

Respectfully submitted,

15 ROB BONTA  
16 Attorney General of California  
17 MARK R. BECKINGTON  
Supervising Deputy Attorney General

18 */s./ R. Matthew Wise*

19 R. MATTHEW WISE  
20 Deputy Attorney General  
*Attorneys for Defendant Attorney General  
Rob Bonta*

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