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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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 13 **MARK BAIRD and RICHARD**
GALLARDO,
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 Plaintiffs,
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 v.
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 17 **ROB BONTA, in his official capacity as**
Attorney General of the State of California,
 18 **and DOES 1-10,**
 19
 Defendants.

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

**STATEMENT OF UNDISPUTED FACTS
 IN SUPPORT OF DEFENDANT
 ATTORNEY GENERAL ROB BONTA'S
 MOTION FOR SUMMARY JUDGMENT**

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

1 Under Local Rule 260(a), Defendant Rob Bonta, in his official capacity as Attorney
 2 General of the State of California, submits the following statement of undisputed facts, together
 3 with references to supporting evidence, in support of the concurrently filed motion for summary
 4 judgment.

5 **Uncontroverted Facts**

Supporting Evidence

6	1.	When asked if “the Siskiyou sheriff [is] permitted by state law to issue licenses to carry [a] firearm openly,” Plaintiff Mark Baird testified at his deposition, “He is permitted by state law, yes.”	Declaration of R. Matthew Wise in Support of Motion for Summary Judgment (Wise Decl.), Ex. 6, Transcript of Deposition of Mark Baird (Baird Depo.), 9:14-17.
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8	2.	When asked if “the Siskiyou sheriff issue[s] open carry licenses,” Plaintiff Mark Baird testified at his deposition, “No, he does not.”	Wise Decl., Ex. 6, Baird Depo., 9:18-20.
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10	3.	Plaintiff Mark Baird testified that, in response to a Public Records Act request he made to the California Department of Justice seeking the number of open carry licenses issued in the State of California since 2012, he was advised “to contact local law enforcement agencies in counties with populations under 200,000 for this information,” but he “did not” do so.	Wise Decl., Ex. 6, Baird Depo., 10:17-11:20
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12	4.	Plaintiff Mark Baird testified that while “Penal Code 26150(b)(2) specifically gives sheriffs the authority [] to issue open carry permits in counties with less than 200,000 people,” Siskiyou County Sheriff Jon Lopey	Wise Decl., Ex. 6, Baird Depo., 28:21-31:4.
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	<p>“misread[]” the statute when he stated in a letter to Plaintiff Baird that “26150(b)(2) does not give a sheriff or other law enforcement administrator authority to issue [] such a permit.”</p>	
<p>5.</p>	<p>Plaintiff Richard Gallardo testified that while “there is a Penal Code section that allows the issuance of an open carry permit if the county has under 200,000 population,” and his understanding is that Shasta County has under 200,000 people, the Shasta County sheriff does not issue open carry licenses “[a]s far as [he] know[s].”</p>	<p>Wise Decl., Ex. 7 Transcript of Deposition of Richard Gallardo, 10:21-11:18</p>

Dated: November 19, 2021

Respectfully submitted,

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

/s/ R. Matthew Wise

R. MATTHEW WISE
 Deputy Attorney General
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