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

15 MARK BAIRD and
16 RICHARD GALLARDO,
17 Plaintiffs,

18 v.

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

22 Defendants.

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

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

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

Date: October 21, 2022
Time: 10:00 a.m.
Courtroom: 3
Judge: Hon. Kimberly J. Mueller
Trial Date: None set
Action Filed: April 9, 2019

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

3 PLEASE TAKE NOTICE that on October 21, 2022 at 10:00 a.m., or as soon thereafter as
4 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 Robert
6 T. Matsui Federal Courthouse at 501 I Street, Sacramento, California 95814, Plaintiffs Mark Baird
7 and Richard Gallardo will and hereby do move under Rule 65(a) of the Federal Rules of Civil
8 Procedure for an order temporarily enjoining Defendant Attorney General Rob Bonta and his
9 agents, servants, employees, those working in active concert with him and those who have actual
10 notice of such order from the enforcement of Penal Codes §§ 26350 and 25850 against individuals
11 who carry a handgun open and exposed in public throughout the State of California.

12 Plaintiffs bring this motion because Penal Codes § 26350 and § 25850 violate the Second
13 and Fourteenth Amendments to the U.S. Constitution by subjecting ordinary citizens, like
14 Plaintiffs, to criminal penalties including arrest, prosecution, incarceration, and fines for the mere
15 exercise of the pre-existing individual right to possess and carry firearms for self-defense.

16 Penal Codes § 26350 and § 25850 have caused Plaintiffs irreparable harm and will continue
17 to cause irreparable harm to Plaintiffs and other similarly situated people if this motion is not
18 granted.

19 This motion is based on the within Notice of Motion and Third Motion for a Preliminary
20 Injunction, the accompanying Memorandum of Points and Authorities filed in support thereof, the
21 supporting declarations of Mark Baird and Richard Gallardo, all pleadings on file in this action,
22 and such other matters as may properly come before the Court.

23 In accordance with this Court's standing order, counsel for Plaintiffs and Defendant Bonta
24 conferred on July 22, 2022 with a view toward resolving the claims that are the subject of this
25 motion. Counsel agreed that these claims remain in dispute and that their meet-and-confer efforts
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1 have been exhausted.

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3 Dated: August 8, 2022

Respectfully submitted,

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THE BELLANTONI LAW FIRM, PLLC

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/s/ Amy L. Bellantoni

Amy L. Bellantoni, Esq.

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Counsel for Plaintiffs

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