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 8 official capacity as Attorney General of the  
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10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 12  
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14 **MARK BAIRD and RICHARD**  
 15 **GALLARDO,**  
 16 Plaintiffs,  
 17 v.  
 18 **ROB BONTA, in his official capacity**  
 19 **as Attorney General of the State of**  
 20 **California, AND DOES 1-10,**  
 21 Defendant.

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

**NOTION OF UNOPPOSED  
 MOTION AND MOTION FOR  
 ADMINISTRATIVE RELIEF  
 REQUESTING TO EXTEND TIME  
 TO RESPOND TO PLAINTIFFS'  
 THIRD MOTION FOR  
 PRELIMINARY INJUNCTION;  
 MEMORANDUM OF POINTS AND  
 AUTHORITIES**

Judge: Hon. Kimberly J. Mueller  
 Dept.: 3  
 Action Filed: April 10, 2019

1           **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**  
2 **RECORD:**

3           PLEASE TAKE NOTICE that, pursuant to Rule 6(b) of the Federal Rules of  
4 Civil Procedure and Local Rules 230 and 233, Defendant Rob Bonta, in his official  
5 capacity as the Attorney General of the State of California, hereby moves for  
6 administrative relief, and more specifically, for an extension of time by which to  
7 file his opposition to Plaintiffs' Third Motion for a Preliminary Injunction (ECF  
8 No. 65). This motion is based on this notice, the attached memorandum of points  
9 and authorities, and the attached declaration of counsel. Plaintiffs do not oppose  
10 this motion. Decl. of Ryan R. Davis, ¶ 3.

11  
12 Dated: August 12, 2022

Respectfully submitted,

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14           ROB BONTA  
15           Attorney General of California  
16           R. MATTHEW WISE  
17           Supervising Deputy Attorney General  
18           RYAN R. DAVIS  
19           Deputy Attorney General

20           /s/ Ryan R. Davis  
21           Deputy Attorney General  
22           Attorneys for Defendant Rob Bonta,  
23           in his official capacity as Attorney  
24           General of the State of California

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Earlier this week, Plaintiffs filed their third motion for a preliminary  
3 injunction, which is to be heard in late October. As detailed below, Defendant Rob  
4 Bonta brings this unopposed motion to extend the time to file his opposition so that  
5 briefing on the motion can account for Plaintiffs’ forthcoming Second Amended  
6 Complaint and the likely enactment of state legislation addressing certain issues in  
7 dispute in this case.

8 On April 10, 2019, Plaintiffs Mark Baird and Richard Gallardo filed a  
9 complaint for declaratory and injunctive relief alleging that California’s statutory  
10 firearms licensing scheme—and their inability to obtain open carry licenses in  
11 particular—violates Plaintiffs’ constitutional rights under the Second, Fourth, and  
12 Fourteenth Amendments. ECF No. 1. Shortly thereafter, Plaintiffs brought their  
13 first motion for a preliminary injunction, which this Court denied. ECF No. 33 at  
14 10. The Court also largely granted Defendant’s motion to dismiss Plaintiffs’ Fourth  
15 and Fourteenth Amendment claims. *Id.* at 18. Following the Court’s order,  
16 Plaintiffs filed the First Amended Complaint alleging only Second Amendment  
17 claims. ECF No. 34. Defendant timely answered. ECF No. 38. On April 13,  
18 2021, Plaintiffs filed their second motion for a preliminary injunction. ECF No. 40.  
19 On November 19, 2021, Defendant filed a motion for summary judgment. ECF  
20 No. 56. Both motions remain pending.

21 On December 2, 2021, the Court stayed this matter pending a decision from  
22 the United States Supreme Court, which was since issued in *New York Rifle &*  
23 *Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (June 23, 2022) (*Bruen*). In  
24 striking down New York’s requirement that “proper cause” be demonstrated to  
25 obtain a concealed-carry license, the Court made it clear that California’s similar  
26 “good cause” requirement is also unconstitutional. *Id.* at 2124. The day after  
27 *Bruen* was decided, on June 24, 2022, Defendant publicly issued a legal alert  
28 acknowledging the Supreme Court’s decision and instructing local officials to “no

1 longer require proof of good cause for the issuance of a public-carry license. *See*  
2 Office of the Attorney General, *Legal Alert: U.S. Supreme Court Decision in New*  
3 *York State Rifle & Pistol Association v. Bruen, No. 20-843* (June 24, 2022),  
4 available at <https://oag.ca.gov/system/files/media/legal-alert-oag-2022-02.pdf>. The  
5 Supreme Court’s decision also prompted fast action by the California Legislature,  
6 which is currently considering a bill that would amend California’s public-carry  
7 licensing scheme in accordance with *Bruen*. See S.B. 918, 2021-2022 Reg. Sess.  
8 (Cal. 2022), available at [https://leginfo.legislature.ca.gov/faces/](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB918)  
9 [billTextClient.xhtml?bill\\_id=202120220SB918](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB918).

10 On July 7, 2022, the Court lifted the stay in this matter and scheduled a status  
11 conference. ECF No. 59. In the parties’ joint status report filed in advance of the  
12 status conference, Plaintiffs stated their intention “to amend their pleadings  
13 consistent with the *Bruen* decision and its foundational references.” ECF No. 63 at  
14 4. Defendant proposed that Plaintiffs be given 60 days by which to file their  
15 Second Amended Complaint to allow them to consider S.B. 918’s bearing on the  
16 case in the event the bill is enacted. *Id.* Consistent with Defendant’s proposal, the  
17 Court ordered Plaintiffs to file a Second Amended Complaint within 60 days of the  
18 status conference held on July 28, 2022 (by September 26, 2022) and ordered the  
19 parties to file a further joint status report by October 7, 2022. ECF No. 64.

20 On August 8, 2022, Plaintiffs filed their Third Motion for Preliminary  
21 Injunction, with a hearing date scheduled on October 21, 2022. ECF No. 65.  
22 Under Local Rule 230, Defendant has 14 days, or until August 22, 2022, to  
23 respond. There is good cause to extend that time until September 30, 2022, for two  
24 reasons. First, Plaintiffs filed the Third Motion for Preliminary Injunction in  
25 advance of filing their Second Amended Complaint, which is due by September 26,  
26 2022. Extending the time to respond will allow Defendant to consider Plaintiffs’  
27 amended allegations in briefing Plaintiffs’ likelihood of success on the merits in  
28 this matter (and will allow Plaintiff to reply accordingly). Second, extending the

1 time to respond will allow Defendant to consider S.B. 918, which if enacted, will  
2 make relevant changes to California’s public-carry licensing scheme. For example,  
3 the First Amended Complaint (the operative complaint as of now) challenges the  
4 references to “moral character” and “good cause” in California Penal Code sections  
5 26150 and 26155. ECF No. 34 at 32. Both would be eliminated by S.B. 918. The  
6 contemplated extension of time would provide sufficient time for Plaintiffs to reply  
7 before the hearing scheduled on October 21, 2022.

8 Plaintiffs do not oppose Defendant’s request. Decl. of Ryan R. Davis, ¶ 3.

9  
10 Dated: August 12, 2022

Respectfully submitted,

11 ROB BONTA  
12 Attorney General of California  
13 R. MATTHEW WISE  
14 Supervising Deputy Attorney General  
15 RYAN R. DAVIS  
16 Deputy Attorney General

17 */s/ Ryan R. Davis*  
18 Deputy Attorney General  
19 *Attorneys for Defendant Rob Bonta,*  
20 *in his official capacity as Attorney*  
21 *General of the State of California*