

1 ROB BONTA, State Bar No. 202668  
 Attorney General of California  
 2 R. MATTHEW WISE, State Bar No. 238485  
 Supervising Deputy Attorney General  
 3 RYAN DAVIS, State Bar No. 266330  
 Deputy Attorney General  
 4 1300 I Street, Suite 125  
 P.O. Box 944255  
 5 Sacramento, CA 94244-2550  
 Telephone: (916) 210-6050  
 6 Fax: (916) 324-8835  
 E-mail: Ryan.Davis@doj.ca.gov  
 7 *Attorneys for Defendant Attorney General Rob  
 Bonta*

8  
 9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 12

13  
 14 **MARK BAIRD and RICHARD  
 GALLARDO,**

15 Plaintiffs,

16 v.

17  
 18 **ROB BONTA, in his official capacity as  
 Attorney General of the State of California,  
 19 and DOES 1-10,**

20 Defendants.  
 21

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

**DEFENDANT ATTORNEY GENERAL  
 ROB BONTA'S ANSWER TO  
 PLAINTIFFS' SECOND AMENDED  
 COMPLAINT**

Courtroom: 3

Judge: Kimberly J. Mueller

Action Filed: April 10, 2019

22 Defendant Attorney General Rob Bonta hereby answers the Second Amended Complaint  
 23 filed by Plaintiffs Mark Baird and Richard Gallardo as follows:

24 1. Paragraph No. 1 consists of allegations that contain argument and legal contentions.  
 25 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
 26 each and every allegation.  
 27  
 28

1           2.     Paragraph No. 2 contains allegations that cite case law, which speaks for itself.  
2 Defendant denies any allegations that misstate the law. To the extent that a further response is  
3 required, Defendant denies each and every allegation.

4           3.     Paragraph No. 3 consists of allegations that contain argument and legal contentions.  
5 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
6 each and every allegation.

7           4.     Paragraph No. 4 contains allegations that cite case law, which speaks for itself.  
8 Defendant denies any allegations that misstate the law. To the extent that a further response is  
9 required, Defendant denies each and every allegation.

10          5.     Defendant lacks sufficient information or belief to respond to the historical  
11 allegations in Paragraph No. 4, and on that basis denies each and every allegation. Paragraph No.  
12 4 also contains allegations that cite case law, which speaks for itself. Defendant denies any  
13 allegations that misstate the law. To the extent that a further response is required, Defendant  
14 denies each and every allegation.

15          6.     Paragraph No. 6 contains allegations that cite case law, which speaks for itself.  
16 Defendant denies any allegations that misstate the law. To the extent that a further response is  
17 required, Defendant denies each and every allegation.

18          7.     Paragraph No. 7 contains allegations that cite case law, which speaks for itself.  
19 Defendant denies any allegations that misstate the law. To the extent that a further response is  
20 required, Defendant denies each and every allegation.

21          8.     Paragraph No. 8 consists of allegations that contain argument and legal contentions.  
22 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
23 each and every allegation.

24          9.     Paragraph No. 9 consists of allegations that contain argument and legal contentions.  
25 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
26 each and every allegation.

27  
28

1           10. Paragraph No. 10 consists of allegations that contain argument and legal contentions.  
2 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
3 each and every allegation.

4           11. Paragraph No. 11 contains allegations that cite statutory provisions, which speak for  
5 themselves. Defendant denies any allegations that misstate the law. To the extent that a further  
6 response is required, Defendant denies each and every allegation.

7           12. Paragraph No. 12 contains allegations that cite statutory provisions, which speak for  
8 themselves. Defendant denies any allegations that misstate the law. To the extent that a further  
9 response is required, Defendant denies each and every allegation.

10           13. Defendant lacks sufficient information or belief to respond to the allegations in  
11 Paragraph No. 13, and on that basis denies each and every allegation.

12           14. Defendant lacks sufficient information or belief to respond to the allegations in  
13 Paragraph No. 14, and on that basis denies each and every allegation.

14           15. In answer to Paragraph No. 15, Defendant admits that he is the Attorney General of  
15 the State of California and that he is sued in his official capacity only. Paragraph No. 15 contains  
16 allegations that cite the California Constitution, which speaks for itself. Defendant denies any  
17 allegations that misstate the law. To the extent that a further response is required, Defendant  
18 denies each and every allegation.

19           16. Paragraph No. 16 consists of allegations that contain argument and legal contentions.  
20 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
21 each and every allegation.

22           17. Paragraph No. 17 consists of allegations that contain argument and legal contentions.  
23 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
24 each and every allegation.

25           18. Defendant lacks sufficient information or belief to respond to the allegations in  
26 Paragraph No. 18, and on that basis denies each and every allegation.

27           19. Defendant lacks sufficient information or belief to respond to the allegations in  
28 Paragraph No. 19, and on that basis denies each and every allegation.

1           20. Defendant lacks sufficient information or belief to respond to the allegations in  
2 Paragraph No. 20, and on that basis denies each and every allegation.

3           21. Defendant lacks sufficient information or belief to respond to the allegations in  
4 Paragraph No. 21, and on that basis denies each and every allegation.

5           22. Defendant lacks sufficient information or belief to respond to the allegations in  
6 Paragraph No. 22, and on that basis denies each and every allegation.

7           23. Paragraph 23 consists of allegations that contain argument and legal contentions. To  
8 the extent that a response to the allegations in this paragraph is required, Defendant denies each  
9 and every allegation.

10           24. In answer to Paragraph 24, Defendant admits that the California Department of  
11 Justice does not provide a separate application for a permit to carry a handgun in an exposed (i.e.,  
12 open) manner, but denies that the application it provides cannot be used in counties with  
13 populations of less than 200,000 persons to apply for a permit to carry a handgun in an exposed  
14 manner. Defendant lacks sufficient information or belief to respond to the remaining allegations  
15 in Paragraph No. 24, and on that basis denies each and every allegation.

16           25. In answer to Paragraph No. 25, Defendant admits that according to the 2020 census,  
17 Siskiyou County had a population of less than 200,000 people. Paragraph No. 25 includes  
18 allegations that contain argument and legal contentions. To the extent that a response to the  
19 allegations in this paragraph is required, Defendant denies each and every allegation.

20           26. Defendant denies the allegation in Paragraph No. 26.

21           27. Paragraph No. 27 includes allegations that contain argument and legal contentions.  
22 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
23 each and every allegation. Regarding the allegations as to what Mr. Baird has been informed,  
24 Defendant lacks sufficient information or belief to respond, and on that basis denies the  
25 allegations.

26           28. Paragraph No. 28 consists of allegations that contain argument and legal contentions.  
27 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
28 each and every allegation.

1           29. Defendant lacks sufficient information or belief to respond to the allegations in  
2 Paragraph No. 29, and on that basis denies each and every allegation.

3           30. Defendant lacks sufficient information or belief to respond to the allegations in  
4 Paragraph No. 30, and on that basis denies each and every allegation.

5           31. Defendant lacks sufficient information or belief to respond to the allegations in  
6 Paragraph No. 31, and on that basis denies each and every allegation.

7           32. Defendant lacks sufficient information or belief to respond to the allegations in  
8 Paragraph No. 32, and on that basis denies each and every allegation.

9           33. Defendant lacks sufficient information or belief to respond to the allegations in  
10 Paragraph No. 33, and on that basis denies each and every allegation.

11           34. Defendant lacks sufficient information or belief to respond to the allegations in  
12 Paragraph No. 34, and on that basis denies each and every allegation.

13           35. Paragraph 35 consists of allegations that contain argument and legal contentions. To  
14 the extent that a response to the allegations in this paragraph is required, Defendant denies each  
15 and every allegation.

16           36. In answer to Paragraph 36, Defendant admits that the California Department of  
17 Justice does not provide a separate application for a permit to carry a handgun in an exposed (i.e.,  
18 open) manner, but denies that the application it provides cannot be used in counties with  
19 populations of less than 200,000 persons to apply for a permit to carry a handgun in an exposed  
20 manner. Defendant lacks sufficient information or belief to respond to the remaining allegations  
21 in Paragraph No. 36, and on that basis denies each and every allegation.

22           37. In answer to Paragraph No. 36, Defendant admits that according to the 2020 census,  
23 Siskiyou County had a population of less than 200,000 people. Paragraph No. 36 includes  
24 allegations that contain argument and legal contentions. To the extent that a response to the  
25 allegations in this paragraph is required, Defendant denies each and every allegation.

26           38. Defendant denies the allegation in Paragraph No. 38.

27           39. Paragraph No. 39 includes allegations that contain argument and legal contentions.  
28 To the extent that a response to the allegations in this paragraph is required, Defendant denies

1 each and every allegation. Regarding the allegations as to what Mr. Gallardo has been informed,  
2 Defendant lacks sufficient information or belief to respond, and on that basis denies the  
3 allegations.

4 40. Paragraph No. 40 consists of allegations that contain argument and legal contentions.  
5 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
6 each and every allegation.

7 41. Paragraph No. 41 contains allegations that cite a constitutional provision, which  
8 speaks for itself. Defendant denies any allegations that misstate the law. To the extent that a  
9 further response is required, Defendant denies each and every allegation.

10 42. Paragraph No. 42 contains allegations that cite case law, which speaks for itself.  
11 Defendant denies any allegations that misstate the law. To the extent that a further response is  
12 required, Defendant denies each and every allegation.

13 43. Paragraph No. 43 contains allegations that cite case law, which speaks for itself.  
14 Defendant denies any allegations that misstate the law. To the extent that a further response is  
15 required, Defendant denies each and every allegation.

16 44. Paragraph No. 44 contains allegations that cite case law, which speaks for itself.  
17 Defendant denies any allegations that misstate the law. To the extent that a further response is  
18 required, Defendant denies each and every allegation.

19 45. Paragraph No. 45 contains allegations that cite case law, which speaks for itself.  
20 Defendant denies any allegations that misstate the law. To the extent that a further response is  
21 required, Defendant denies each and every allegation.

22 46. Paragraph No. 46 contains allegations that cite case law, which speaks for itself.  
23 Defendant denies any allegations that misstate the law. To the extent that a further response is  
24 required, Defendant denies each and every allegation.

25 47. Paragraph No. 47 contains allegations that cite case law, which speaks for itself.  
26 Defendant denies any allegations that misstate the law. To the extent that a further response is  
27 required, Defendant denies each and every allegation.  
28

1           48. Defendant lacks sufficient information or belief to respond to the allegations in  
2 Paragraph No. 48, and on that basis denies each and every allegation.

3           49. Paragraph No. 49 contains allegations that cite case law, which speaks for itself.  
4 Defendant denies any allegations that misstate the law. To the extent that a further response is  
5 required, Defendant denies each and every allegation.

6           50. Paragraph No. 50 contains allegations that cite case law, which speaks for itself.  
7 Defendant denies any allegations that misstate the law. To the extent that a further response is  
8 required, Defendant denies each and every allegation.

9           51. Paragraph No. 51 contains allegations that cite case law, which speaks for itself.  
10 Defendant denies any allegations that misstate the law. To the extent that a further response is  
11 required, Defendant denies each and every allegation.

12           52. Paragraph No. 52 contains allegations that cite case law, which speaks for itself.  
13 Defendant denies any allegations that misstate the law. To the extent that a further response is  
14 required, Defendant denies each and every allegation.

15           53. Paragraph No. 40 consists of allegations that contain argument and legal contentions.  
16 To the extent that a response to this paragraph is required, Defendant denies each and every  
17 allegation.

18           54. Paragraph No. 52 contains allegations that cite case law, which speaks for itself.  
19 Defendant denies any allegations that misstate the law. To the extent that a further response is  
20 required, Defendant denies each and every allegation.

21           55. Paragraph No. 55 consists of allegations that contain argument and legal contentions.  
22 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
23 each and every allegation.

24           56. Paragraph No. 56 contains allegations that cite California law, which speaks for itself.  
25 Defendant denies any allegations that misstate the law. To the extent that a further response is  
26 required, Defendant denies each and every allegation.

27  
28

1           57. Paragraph No. 57 contains allegations that cite statutory provisions, which speak for  
2 themselves. Defendant denies any allegations that misstate the law. To the extent that a further  
3 response is required, Defendant denies each and every allegation.

4           58. Paragraph No. 58 contains allegations that cite statutory provisions, which speak for  
5 themselves. Defendant denies any allegations that misstate the law. To the extent that a further  
6 response is required, Defendant denies each and every allegation.

7           59. Paragraph No. 59 contains allegations that cite statutory provisions, which speak for  
8 themselves. Defendant denies any allegations that misstate the law. To the extent that a further  
9 response is required, Defendant denies each and every allegation.

10          60. Paragraph No. 60 contains allegations that cite statutory provisions, which speak for  
11 themselves. Defendant denies any allegations that misstate the law. To the extent that a further  
12 response is required, Defendant denies each and every allegation.

13          61. Paragraph No. 61 contains allegations that cite case law, which speaks for itself.  
14 Defendant denies any allegations that misstate the law. To the extent that a further response is  
15 required, Defendant denies each and every allegation.

16          62. Paragraph No. 62 contains allegations that cite case law, which speaks for itself.  
17 Defendant denies any allegations that misstate the law. To the extent that a further response is  
18 required, Defendant denies each and every allegation.

19          63. Defendant lacks sufficient information or belief to respond to the allegations in  
20 Paragraph No. 63, and on that basis denies each and every allegation.

21          64. Paragraph No. 64 contains allegations that cite case law, which speaks for itself.  
22 Defendant denies any allegations that misstate the law. To the extent that a further response is  
23 required, Defendant denies each and every allegation.

24          65. Paragraph No. 65 contains allegations that cite case law, which speaks for itself.  
25 Defendant denies any allegations that misstate the law. To the extent that a further response is  
26 required, Defendant denies each and every allegation.

27  
28



1           66. Paragraph No. 66 contains allegations that cite case law, which speaks for itself.  
2 Defendant denies any allegations that misstate the law. To the extent that a further response is  
3 required, Defendant denies each and every allegation.

4           67. Paragraph No. 67 consists of allegations that contain argument and legal contentions.  
5 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
6 each and every allegation.

7           68. Paragraph No. 68 consists of allegations that contain argument and legal contentions.  
8 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
9 each and every allegation.

10          69. Paragraph No. 69 contains allegations that cite case law, which speaks for itself.  
11 Defendant denies any allegations that misstate the law. To the extent that a further response is  
12 required, Defendant denies each and every allegation.

13          70. Paragraph No. 70 consists of allegations that contain argument and legal contentions.  
14 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
15 each and every allegation.

16          71. Paragraph No. 71 consists of allegations that contain argument and legal contentions.  
17 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
18 each and every allegation.

19          72. Paragraph No. 72 contains allegations that cite case law, which speaks for itself.  
20 Defendant denies any allegations that misstate the law. To the extent that a further response is  
21 required, Defendant denies each and every allegation.

22          73. Paragraph No. 73 contains allegations that cite case law, which speaks for itself.  
23 Defendant denies any allegations that misstate the law. To the extent that a further response is  
24 required, Defendant denies each and every allegation.

25          74. Paragraph No. 74 consists of allegations that contain argument and legal contentions.  
26 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
27 each and every allegation.  
28

1           75. Paragraph No. 75 consists of allegations that contain argument and legal contentions.  
2 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
3 each and every allegation.

4           76. Paragraph No. 76 consists of allegations that contain argument and legal contentions.  
5 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
6 each and every allegation.

7           77. Paragraph No. 77 consists of allegations that contain argument and legal contentions.  
8 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
9 each and every allegation.

10          78. Paragraph No. 78 consists of allegations that contain argument and legal contentions.  
11 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
12 each and every allegation.

13          79. Defendant lacks sufficient information or belief to respond to the allegations in  
14 Paragraph No. 79, and on that basis denies each and every allegation.

15          80. Defendant lacks sufficient information or belief to respond to the allegations in  
16 Paragraph No. 80, and on that basis denies each and every allegation.

17          81. Defendant lacks sufficient information or belief to respond to the allegations in  
18 Paragraph No. 81, and on that basis denies each and every allegation.

19          82. Paragraph No. 82 consists of allegations that contain argument and legal contentions.  
20 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
21 each and every allegation.

22          83. Paragraph No. 83 consists of allegations that contain argument and legal contentions.  
23 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
24 each and every allegation.

25          84. Paragraph No. 84 consists of allegations that contain argument and legal contentions.  
26 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
27 each and every allegation.  
28

1 85. Paragraph No. 85 consists of allegations that contain argument and legal contentions.  
2 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
3 each and every allegation.

4 86. Paragraph No. 86 consists of allegations that contain argument and legal contentions.  
5 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
6 each and every allegation.

7 87. Paragraph No. 87 consists of allegations that contain argument and legal contentions.  
8 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
9 each and every allegation.

10 88. Defendant incorporates by reference the answers in Paragraphs 1 through 87 above.

11 89. Paragraph No. 89 consists of allegations that contain argument and legal contentions.  
12 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
13 each and every allegation.

14 90. Defendant incorporates by reference the answers in Paragraphs 1 through 89 above.

15 91. Paragraph No. 91 consists of allegations that contain argument and legal contentions.  
16 To the extent that a response to the allegations in this paragraph is required, Defendant denies  
17 each and every allegation.

18 **AFFIRMATIVE DEFENSES**

19 In addition, without admitting any allegations contained in the Second Amended  
20 Complaint, Defendant asserts the following defenses based on information and belief:

21 **FIRST AFFIRMATIVE DEFENSE**

22 The Second Amended Complaint, and the claims for relief alleged therein, fails to state  
23 facts sufficient to constitute a cause of action.

24 **SECOND AFFIRMATIVE DEFENSE**

25 Plaintiffs' claims in this action are barred in that they do not have standing to bring them.

26 **THIRD AFFIRMATIVE DEFENSE**

27 The Second Amended Complaint, and each cause of action therein, is improper because  
28 Plaintiffs have an adequate remedy at law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FOURTH AFFIRMATIVE DEFENSE**

The Second Amended Complaint, and each cause of action therein, is barred by the equitable doctrines of estoppel, laches, unclean hands, and/or waiver.

**FIFTH AFFIRMATIVE DEFENSE**

To the extent Defendant has undertaken any conduct with respect to the subjects and events underlying the Second Amended Complaint, such conduct was, at all times material thereto, undertaken in good faith and in reasonable reliance on existing law.

**SIXTH AFFIRMATIVE DEFENSE**

Defendant has not knowingly or intentionally waived any applicable affirmative defense. Defendant reserves the right to assert and rely upon additional affirmative defenses as may become available or apparent during discovery proceedings or as may be raised or asserted by others in this case, and to amend the Answer and/or affirmative defenses accordingly. Defendant further reserves the right to amend the Answer to delete affirmative defenses that they determine are not applicable after subsequent discovery.

WHEREFORE, Defendant prays that:

1. This Court deny Plaintiffs’ Second Amended Complaint in its entirety and dismiss this case with prejudice.
2. Plaintiffs take nothing by the Second Amended Complaint.
3. Defendant be awarded his costs incurred in defending this action.
4. The Court grant such other and further relief in favor of Defendant and adverse to Plaintiffs that the Court deems just and proper.

1 Dated: October 31, 2022

Respectfully submitted,

2

ROB BONTA  
Attorney General of California

3

R. MATTHEW WISE  
Supervising Deputy Attorney General

4

*/s/ Ryan R. Davis*

5

RYAN R. DAVIS  
Deputy Attorney General  
*Attorneys for Defendant Attorney General  
Rob Bonta*

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**CERTIFICATE OF SERVICE**

Case Name: **Baird, Mark v. Rob Bonta** No. **2:19-cv-00617-KJM-AC**

I hereby certify that on October 31, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANT ATTORNEY GENERAL ROB BONTA'S ANSWER TO PLAINTIFFS'  
SECOND AMENDED COMPLAINT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 31, 2022, at Sacramento, California.

Ritta Mashriqi

Declarant

/s/Ritta Mashriqi

Signature