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7 Attorneys for Plaintiffs

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

11 THE UNITED STATES
12 SPORTSMEN’S ALLIANCE
FOUNDATION, an Ohio nonprofit
13 corporation; SAFARI CLUB
INTERNATIONAL, an Arizona
14 nonprofit corporation; and
CONGRESSIONAL SPORTSMEN’S
15 FOUNDATION, a Washington, D.C.
nonprofit corporation,

16 Plaintiffs,

17 v.

18 ROB BONTA, in his official capacity as
19 Attorney General of the State of
California; and DOES 1-25, inclusive,

20 Defendants.

Case No. 2:22-cv-01395- DAD-JDP

**Joint Rule 26(f) Case Management
Report**

21
22 Plaintiffs The United States Sportsmen’s Alliance Foundation, Safari Club
23 International, and Congressional Sportsmen’s Foundation (collectively,
24 “Plaintiffs”) and Defendant Rob Bonta in his official capacity as Attorney General
25 of the State of California (“Defendant;” together with Plaintiffs, the “Parties”) have
26 complied with Rule 26(f) of the Federal Rules of Civil Procedure and conducted a
27 discovery conference on October 27, 2022. The Parties hereby submit this Joint
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1 Case Management Report pursuant to Rule 26(f)(1) of the Federal Rules of Civil
2 Procedure.

3 **1. Attendance.**

4 Plaintiffs, through counsel Michael B. Reynolds, and Defendant, through
5 counsel Gabrielle Boutin, attended the Rule 26(f) meeting on October 27, 2022, and
6 assisted in developing this Joint Case Management Report.

7 **2. Service.**

8 All parties have been served and have appeared in this case. Defendants were
9 served with the Complaint on August 22, 2022. The Certificate of Service has been
10 filed with the Court. Defendant answered the Complaint on November 1, 2022.

11 **3. Nature of the Case.**

12 **A. Plaintiffs' Statement.**

13 On June 30, 2022, “to further restrict the marketing and advertising of
14 firearms to minors,” the California Legislature passed, and Governor Newsom
15 signed into law, AB 2571, which took effect immediately. 2022 Cal. Stats., Ch. 77,
16 §§ 1(b) & 3. AB 2571 added California Business & Professions Code section
17 22949.80 (“Section 22949.80”), then in August 2022, AB 160 was signed into law
18 amending Section 22949.80. As amended, Section 22949.80 makes it unlawful for
19 any “firearm industry member” to “advertise, market, or arrange for placement of
20 an advertising or marketing communication offering or promoting any firearm-
21 related product in a manner that is designed, intended, or reasonably appears to be
22 attractive to minors.” Cal. Bus. & Prof. Code § 22949.80(a)(1).

23 Through this action, Plaintiffs seek preliminary and permanent injunctive
24 relief enjoining enforcement of Section 22949.80. Plaintiffs contend that Section
25 22949.80 is unconstitutional because it: is unduly vague in violation of the Fifth
26 and Fourteenth Amendments; imposes content- and speaker-based restrictions on
27 lawful commercial speech in violation of the First Amendment; regulates
28 nonmisleading commercial speech concerning lawful activity but does not advance

1 any legitimate State interest; infringes Plaintiffs’ right to freely assemble and
2 associate; and discriminates against Second Amendment advocates without any
3 constitutionally permissible justification.

4 **B. Defendant’s Statement.**

5 This case involves Plaintiffs’ constitutional challenge to California Business
6 and Professions Code section 22949.80, which restricts the marketing and
7 advertising of firearm products to minors.

8 The State of California enacted Assembly Bill 2571, codified in section
9 22949.80, in response to the “proliferation of firearms to and among minors” that
10 “poses a threat to the health, safety, and security of all residents of, and visitors to,
11 this state.” Assem. Bill No. 2571 (2021–2022 Reg. Sess.), § 1(a). Section
12 22949.80 regulates *only* commercial speech—the advertising, marketing, or
13 arranging for placement of an advertising or marketing communication offering or
14 promoting any firearm-related product in a manner that is designed, intended, or
15 reasonably appears to be attractive to minors. § 22949.80(a)(1). The statute
16 expressly does not regulate communications that merely relate to firearm programs,
17 events, or competitions. § 22949.80(a)(3). It also does not restrict core political
18 speech about guns or conduct protected by the Second Amendment. For these and
19 other reasons, section 22949.80 is a valid and constitutional public safety measure
20 and Plaintiffs’ requests for preliminary and permanent injunctive relief and
21 declaratory relief should be denied.

22 **4. Jurisdiction.**

23 This Court has original jurisdiction under 28 U.S.C. § 1331 because
24 Plaintiffs’ claims for relief arise under the Constitution and laws of the United
25 States and, thus, present federal questions. This Court also has jurisdiction under
26 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983 because this action seeks to redress
27 the deprivation, under color of the laws, statutes, ordinances, regulations, customs,
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1 and usages of the State of California and political subdivisions thereof, of rights,
2 privileges, or immunities secured by the United States Constitution.

3 **5. Additions and Amendments.**

4 The Parties do not anticipate any additional amendments to the pleadings or
5 the addition of any other parties at this time.

6 **6. Forthcoming Motions.**

7 Plaintiffs have filed a Motion for Preliminary Injunction (“MPI Motion”) that
8 is set for hearing on December 13, 2022. The Parties anticipate subsequently filing
9 motions for summary judgment and/or judgment on the pleadings.

10 The Parties do not contemplate any other motions at this time. However,
11 discovery has not yet been commenced and could demonstrate the appropriateness
12 of other dispositive or partially dispositive motions. Therefore, the Parties reserve
13 the right to file dispositive or partially dispositive motions based upon information
14 learned in discovery and at the appropriate time.

15 **7. Discovery Plan (Fed. R. Civ. Proc. § 26(f)(3)).**

16 The Parties believe that the proceedings on the MPI Motion will help define
17 the scope and timeline for discovery and trial. They therefore ask the Court to set
18 its scheduling conference for a date after the MPI Motion has been resolved and the
19 time for filing any appeal has expired. The Parties would be willing to submit an
20 updated case management report prior to that conference.

21 At this time, the Parties do not foresee any particular issues related to
22 discovery and do not suggest any changes to the discovery limitations imposed by
23 the Federal Rules of Civil Procedure.

24 **8. Trial.**

25 The Parties anticipate that, if trial is necessary in this case, it will take 2-3
26 days.

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1 **9. Consent to Magistrate Judge.**

2 The Parties do not consent to the transfer of this case to a United States
3 Magistrate Judge pursuant to 28 U.S.C. § 636(c).

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5 DATED this 21st day of November, 2022.

6 SNELL & WILMER L.L.P.

7
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10 Colin R. Higgins
11 Cameron J. Schlagel
12 Attorneys for Plaintiffs

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15 ROB BONTA
16 Attorney General of California

17 By: /s/ Gabrielle D. Boutin
18 Gabrielle D. Boutin
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