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Attorneys for Plaintiffs

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**UNITED STATES DISTRICT COURT**

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**SOUTHERN DISTRICT OF CALIFORNIA**

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Lana Rae Renna; Danielle Jaymes; Laura  
Schwartz; Michael Schwartz; Robert  
15 Macomber; Clint Freeman; John Klier;  
Justin Smith; John Phillips; Cheryl  
16 Prince; Darin Prince; Ryan Peterson;  
PWGG, L.P.; North County Shooting  
17 Center, Inc.; Gunfighter Tactical, LLC;  
Firearms Policy Coalition, Inc.; San  
18 Diego County Gun Owners PAC;  
Citizens Committee for the Right to  
19 Keep and Bear Arms; and Second  
Amendment Foundation,

Case No.: 20-cv-2190-DMS-DEB

20

Plaintiffs,

**PLAINTIFFS' NOTICE OF  
MOTION AND MOTION FOR  
PRELIMINARY INJUNCTION OR  
ALTERNATIVELY, MOTION FOR  
SUMMARY JUDGMENT**

21

v.

Date: February 10, 2023  
Time: 1:30 p.m.  
Courtroom 13A (13th Floor)  
Hon. Dana M. Sabraw

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Robert Bonta, Attorney General of  
23 California; and Allison Mendoza,  
Director of the California Department of  
24 Justice Bureau of Firearms,

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Defendants.

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1 To all parties and their attorneys of record:

2 Please take notice that on February 10, 2023, at 1:30 p.m. or as soon thereafter  
3 as the matter may be heard, before the Honorable Dana M. Sabraw, Courtroom 13A  
4 (13th Floor), United States District Court, Southern District of California, James M.  
5 Carter and Judith N. Keep United States Courthouse, 333 West Broadway, San Diego,  
6 California, Plaintiffs Lana Rae Renna, et al. will and hereby do move the Court for a  
7 preliminary injunction or, alternatively, for summary judgment.

8 Plaintiffs respectfully request a preliminary injunction enjoining the  
9 enforcement of the State of California’s prohibition on the retail sale of handguns that  
10 are not listed on the Roster of Certified Handguns Certified for Sale, as set forth in the  
11 Unsafe Handgun Act (“UHA”) and detailed in California Penal Code §§ 32000,  
12 31910, 32015(a). Injunctive relief is appropriate because the UHA’s prohibition on  
13 the sale of off-Roster handguns that are in common use throughout the United States  
14 violates the right to keep and bear arms secured by the Second Amendment.

15 Plaintiffs further request that this Court consolidate the preliminary injunction  
16 hearing with the trial on the merits under Fed. R. Civ. P. 65(a)(2) and issue a  
17 permanent injunction order that declares unconstitutional and restrains Defendants  
18 from enforcing the UHA’s prohibition on the sale of off-Roster handguns.

19 Alternatively, Plaintiffs request that the Court treat this motion as a motion for  
20 summary judgment. Summary judgment in Plaintiffs’ favor is appropriate because  
21 there is no genuine issue as to any material fact because the UHA’s prohibition on the  
22 sale of off-Roster handguns that are in common use throughout the United States  
23 violates the right to keep and bear arms secured by the Second Amendment.

24 This motion shall be based on this notice of motion and motion; the  
25 memorandum of points and authorities in support; the statement of undisputed facts  
26 that accompanies this motion; the declarations and evidence filed concurrently  
27 herewith; the matters on file with this Court (including the evidence submitted by  
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1 Plaintiffs in opposition to Defendant’s motion to dismiss, ECF Nos. 13-1 through 13-  
2 25); and upon any further matters the Court deems appropriate.

3 Dated: December 22, 2022

4 The DiGuiseppe Law Firm, P.C. Benbrook Law Group, PC

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6 By s/ Raymond M. DiGuiseppe By s/ Bradley A. Benbrook  
7 Raymond M. DiGuiseppe Bradley A. Benbrook  
8 Attorneys for Plaintiffs Attorneys for Plaintiffs

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