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*Attorneys for Defendants Rob Bonta, in his  
 8 official capacity as California Attorney  
 General, and Allison Mendoza, in her official  
 9 capacity as Acting Director of the  
 Department of Justice Bureau of Firearms*

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
 12 CIVIL DIVISION

15 **LANA RAE RENNA et al.,**

16 Plaintiffs,

17 v.

18 **ROB BONTA, in his official capacity  
 19 as Attorney General of California;  
 and ALLISON MENDOZA, in her  
 20 official capacity as Acting Director of  
 the Department of Justice Bureau of  
 21 Firearms,**

22 Defendants.

3:20-cv-02190-DMS-DEB

**DECLARATION OF GABRIELLE  
 BOUTIN IN SUPPORT OF  
 DEFENDANTS' APPLICATION  
 PURSUANT TO FED. R. CIV. P.  
 56(d)**

Date: February 10, 2023  
 Time: 1:30 p.m.  
 Dept: 13A (13th Floor)  
 Judge: The Honorable Dana M.  
 Sabraw  
 Trial Date: None set  
 Action Filed: 11/10/2020

1 I, Gabrielle D. Boutin, hereby declare as follows:

2 1. I am a Deputy Attorney General with the California Department of  
3 Justice and serve as counsel in this action for Defendants Attorney General Rob  
4 Bonta, in his official capacity, and Allison Mendoza, in her official capacity as  
5 Acting Director of the Department of Justice Bureau of Firearms. I make this  
6 declaration in support of Defendants' Application Pursuant to Fed. R. Civ. Proc.  
7 56(d), as submitted in their Opposition to Plaintiffs' Motion For Preliminary  
8 Injunction or, Alternatively, Motion for Summary Judgment. I have personal, first-  
9 hand knowledge of the matters set forth below and, if called as a witness, I could  
10 and would testify competently thereto.

11 2. Following the Supreme Court's issuance of its opinion in *New York State*  
12 *Rifle & Pistol Association, Inc., v. Bruen*, \_\_ U.S. \_\_, 142 S.Ct. 2111 (2022), the  
13 parties in this case stipulated to vacate the scheduling order in this case, and the  
14 Court vacated the scheduling order on July 22, 2022. ECF No. 46. Since that time,  
15 the parties have not discussed new case or discovery deadlines and the Court has  
16 not issued a new scheduling order. To date, neither party has taken discovery from  
17 the other related to the second prong in the *Bruen* analysis for Second Amendment  
18 claims: whether a firearm argument is "consistent with the Nation's historical  
19 tradition of firearm regulation." *Bruen*, 142 S.Ct. at 2130.

20 3. On August 22, 2022, Plaintiffs filed a Second Amended Complaint  
21 adding new claims. ECF No. 49. Plaintiffs subsequently filed a motion for  
22 preliminary injunction related to some of the new claims, but did not seek relief in  
23 that motion with respect to their present challenge to California's Unsafe Handgun  
24 Act. *See* ECF No. 53. After briefing and oral argument, Plaintiffs withdrew their  
25 motion on October 10, 2022. ECF No. 63.

26 4. Plaintiffs filed their Third Amended Complaint on October 31, 2022  
27 (ECF No. 67) and Defendants filed their Answer on November 14, 2022 (ECF No.  
28 68).

1           4. Without advance notice to Defendants, Plaintiffs filed their currently-  
2 pending Motion for Preliminary Injunction or, Alternatively, Summary Judgment  
3 on December 22, 2022. ECF No. 71. Because no discovery deadlines have been in  
4 place, Defendants have therefore been forced to quickly retain expert guidance and  
5 perform historical research in order to attempt to fully oppose the motion.

6           5. Defendants' position is that this Court can and should deny Plaintiffs'  
7 motion based on the existing record. However, if the Court believes that injunctive  
8 relief or summary judgment in favor of Plaintiffs may be appropriate, Defendants  
9 respectfully request three additional months to complete expert discovery on the  
10 issue of analogous historical firearm regulations, followed by further merits  
11 briefing. *See* Fed. R. Civ. Proc. 56(d).

12           6. As *Bruen* itself acknowledged, the historical inquiry can be complex and  
13 difficult. *Bruen*, 142 S.Ct. at 2134. The research and analysis required to answer  
14 the difficult historical questions posed by *Bruen* calls for a labor-intensive and  
15 time-consuming process. Despite working diligently since the filing of the  
16 preliminary injunction motion, there remain areas of inquiry that Defendants have  
17 not yet been able to explore fully, including a deeper canvass of historical state and  
18 municipal laws and additional primary-source research to further understand and  
19 contextualize the Nation's traditions of firearms regulation and related regulations.

20           7. Accordingly, if the Court does not believe, based on the existing record,  
21 that Plaintiff's motion should be fully denied, Plaintiffs request additional time to  
22 take discovery before the Court rules on the motion.

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1 I declare under penalty of perjury under the laws of the State of California that  
2 the foregoing is true and correct and that this declaration was executed on January  
3 27, 2023, in Davis, California.

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5 /s/ Gabrielle D. Boutin  
6 Gabrielle D. Boutin  
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