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 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;**
 20 **and ALLISON MENDOZA, in her**
 21 **official capacity as Acting Director of**
the Department of Justice Bureau of
Firearms,

22 Defendants.

3:20-cv-02190-DMS-DEB

**DEFENDANTS' OBJECTIONS TO
 PLAINTIFFS' EVIDENCE**

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 Defendants hereby submit the following objections to evidence submitted by
2 Plaintiffs in connection with their Motion for Preliminary Injunction or,
3 Alternatively, Motion for Summary Judgment, ECF. No. 71.

4 **Objections to Declaration of Joseph Ostini**

5 1. Defendants generally object to the entirety of the “Analysis” portion of
6 the declaration (pp. 4 through 9) on the following grounds:

- 7 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
8 • The evidence is inadmissible hearsay. Fed. R. Evid. 802.
9 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
10 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

11
12 2. Defendants object to the statement on page 4: “most Americans that
13 purchase handguns outside of California do not purchase California-roster
14 handguns because they are viewed as outdated.”

15 Defendants object on the following grounds:

- 16 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
17 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
18 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

19
20 3. Defendants object to the statement on page 4: “very few new models of
21 semiautomatic handguns are available for purchase to California residents.”

22 Defendants object on the following grounds:

- 23 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
24 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
25 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

1 4. Defendants object to the statement on page 4: “these sales and exceptions
2 make up an exceedingly small percentage of the total handguns sold within
3 California.”

4 Defendants object on the following grounds:

- 5 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- 6 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
7 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

8
9 5. Defendants object to the statement on page 5: “modern semiautomatic
10 handguns are not on the roster.”

11 Defendants object on the following grounds:

- 12 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- 13 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
14 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

15
16 6. Defendants object to the statement on page 5: “the overwhelming
17 majority of handguns for sale in the United States are not on the roster. As a result,
18 off-roster handguns are the norm outside of California.”

19 Defendants object on the following grounds:

- 20 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- 21 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
22 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

23
24 7. Defendants object to the statement on page 5: “Therefore, these modern
25 off-roster handguns are in common use throughout the United States”

26 Defendants object on the following grounds:

- 27 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.

28

1 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
2 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

3
4 8. Defendants object to the statement on page 5: “The number of firearms
5 on the California roster is dropping steadily.”

6 Defendants object on the following grounds:

- 7 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
8 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
9 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

10
11 9. Defendants object to the statement on pages 5-6: “For many
12 manufacturers, compliance is not worth the effort or profitable enough to warrant
13 the time and resources necessary to meet these requirements annually.”

14 Defendants object on the following grounds:

- 15 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
16 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
17 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

18
19 10. Defendants object to the statement on pages 7: “the total number of guns
20 on the roster could shrink to an exceedingly small number, possibly even to zero, in
21 the coming years.”

22 Defendants object on the following grounds:

- 23 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
24 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
25 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

26
27 11. Defendants object to the statement on pages 7: “Many small
28 manufacturers of firearms which my survey did not address have not gone through

1 the effort to maintain their firearms on the roster because of the expenses and effort
2 involved.”

3 Defendants object on the following grounds:

- 4 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- 5 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
6 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

7

8 **Objections to Declaration of John Phillips**

9 12. Defendants object to lines 11 through 14 on page 3: “The Glock G43 is
10 one of the top-selling firearms designed for concealed carry that is in common use
11 throughout the country.”

12 Defendants object on the following grounds:

- 13 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- 14 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
15 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

16

17 13. Defendants object to lines 26 through 27 on page 3: “I am further aware
18 that the Sig Sauer 320 is the most popular carry gun in the nation”

19 Defendants object on the following grounds:

- 20 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- 21 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
22 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

23

24 14. Defendants object to lines 18 through 21 on page 4: “a Sig 365, Sig
25 320 M17, Glock 17 Gen 5 MOS, FN 509, and/or FNX-9 . . . are handguns in
26 common use for self-defense and lawful purposes and widely sold and possessed
27 outside of California.”

28

1 Defendants object on the following grounds:

- 2 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- 3 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
- 4 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

5

6 **Objections to Declaration of Lana Rae Renna**

7 15. Defendant objects to lines 11 through 14 on page 1: “a Smith &
8 Wesson M&P® 380 SHIELD™ EZ . . . is a handgun in common use for self-
9 defense and other lawful purposes and widely sold and possessed outside of
10 California.”

11 Defendants object on the following grounds:

- 12 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- 13 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
- 14 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

15

16 16. Defendants object to lines 16 through 19 on page 1: “The Smith &
17 Wesson M&P® 380 SHIELD™ EZ is specifically designed for those with limited
18 hand strength. I would be able to use this gun more safely and accurately than the
19 guns currently available to purchase on Defendants’ Roster.”

20 Defendants object on the following grounds:

- 21 • The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- 22 • Plaintiffs have failed to introduce evidence “sufficient to support a finding that
- 23 the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

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Objections to Declaration of Michael Schwartz

17. Defendants object to lines 4 through 6 on page 2: “a Glock 19 Gen5 and/or Springfield Armory Hellcat . . . are both handguns in common use for self-defense and other lawful purposes and widely sold and possessed outside of California.”

Defendants object on the following grounds:

- The evidence constitutes improper lay opinion. Fed. R. Evid. 701.
- Plaintiffs have failed to introduce evidence “sufficient to support a finding that the witness has personal knowledge of the matter.” Fed. R. Evid. 602.

Dated: January 27, 2023

Respectfully submitted,
ROB BONTA
Attorney General of California
ANTHONY R. HAKL
Supervising Deputy Attorney General

/s/ Gabrielle D. Boutin
GABRIELLE D. BOUTIN
Deputy Attorney General
Attorneys for Defendants Rob Bonta, in his official capacity as California Attorney General, and Allison Mendoza, in her official capacity as Acting Director of the Department of Justice Bureau of Firearms