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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 B&L PRODUCTIONS, INC., d/b/a
17 CROSSROADS OF THE WEST, et al.,

18 Plaintiffs,

19 v.

20 GAVIN NEWSOM, in his official
21 capacity as Governor of the State of
California and in his personal capacity, et
al.,

22 Defendants.

CASE NO: 21CV1718 AJB KSC

**PLAINTIFFS’ NOTICE OF
SECOND ORDER FOR
SUPPLEMENTAL BRIEFING IN
SIMILAR CASE**

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1 This Court currently has under submission Defendants’ Motion to Dismiss the
2 First Amended Complaint and has issued an order that the matter is suitable for
3 determination without oral argument. ECF No. 47. The operative complaint at issue
4 in Defendants’ motion includes a claim that Defendants’ conduct violates the
5 Second Amendment. ECF No. 36.

6 A case with virtually identical facts is currently pending in the United States
7 District Court for the Central District of California. Like this case, the lawsuit in the
8 Central District challenges a state-law ban on gun shows at the Orange County Fair
9 & Event Center. First Amended Complaint, *B&L Prods. v. Newsom*, No. 22-cv-1518
10 (C.D. Cal. Nov. 14, 2022) (ECF No. 19). It also challenges the statewide ban on gun
11 shows on all state-owned property. *Id.*

12 Currently pending, in that case, is the Plaintiffs’ Motion for Preliminary
13 Injunction. At the request of the defendants, the Honorable John W. Holcomb
14 ordered the parties to submit simultaneous supplemental briefing on the plaintiffs’
15 Second Amendment claim. Order for Supplemental Briefing Re: Plaintiffs’ Motion
16 for Preliminary Injunction, *B&L Prods.*, No. 22-cv-1518 (C.D. Cal. Jan. 6, 2023)
17 (ECF No. 25). A copy of that Order was filed in this case on January 17, 2023.

18 Pursuant to court order, the parties filed simultaneous briefs in the Orange
19 County matter on January 27, 2023. State Defendants’ Supplemental Brief in
20 Opposition to Motion for Preliminary Injunction, *B&L Prods.*, No. 22-cv-1518
21 (C.D. Cal. Jan. 27, 2023) (ECF No. 26); Plaintiffs’ Court-Ordered Supplemental
22 Brief in Support of Plaintiffs’ Motion for Preliminary Injunction, *B&L Prods.*, No.
23 22-cv-1518 (C.D. Cal. Jan. 27, 2023) (ECF No. 27).

24 On February 1, 2023, Judge Holcomb issued a second order for additional
25 supplemental briefing—this time requiring the state defendants to file an initial
26 brief, then for plaintiffs to file a response, and finally for defendants to file a reply.
27 Order for Additional Supplemental Briefing Re: Plaintiffs’ Motion for Preliminary
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1 Injunction, *B&L Prods.*, No. 22-cv-1518 (C.D. Cal. Jan. 6, 2023) (ECF No. 28). A
2 true and correct copy of the Central District’s order is attached as Exhibit 1.

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Dated: February 24, 2023

MICHEL & ASSOCIATES, P.C.

/s/ Anna M. Barvir
Anna M. Barvir
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*Counsel for Plaintiffs B&L Productions, Inc.,
Barry Bardack, Ronald J. Diaz, Sr., John
Dupree, Christopher Irick, Robert Solis,
Lawrence Michael Walsh, Captain Jon’s
Lockers, LLC, L.A.X. Firing Range, Inc.,
California Rifle & Pistol Association,
Incorporated, and South Bay Rod and Gun
Club, Inc.*

Dated: February 24, 2023

LAW OFFICES OF DONALD KILMER,
APC

/s/ Donald Kilmer
Donald Kilmer
Email: don@dklawoffice.com
*Counsel for Plaintiff Second Amendment
Foundation*

ATTESTATION OF E-FILED SIGNATURES

I, Anna M. Barvir, am the ECF User whose ID and password are being used
to file this PLAINTIFFS’ NOTICE OF SECOND ORDER FOR SUPPLEMENTAL
BRIEFING IN SIMILAR CASE. In compliance with Southern District of California
Electronic Case Filing Administrative Policies and Procedures Section 2(f)(4), I
attest that all signatories have concurred in this filing.

Dated: February 24, 2023

/s/ Anna M. Barvir
Anna M. Barvir

EXHIBIT 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No. 8:22-cv-01518-JWH-JDE Date February 1, 2023

Title *B & L Productions, Inc. et al v. Gavin Newsom, et al.*

Present: The Honorable JOHN W. HOLCOMB, UNITED STATES DISTRICT JUDGE

Clarissa Lara
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

Proceedings: ORDER FOR ADDITIONAL SUPPLEMENTAL BRIEFING REGARDING PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION [ECF No. 21] (IN CHAMBERS)

Presently before this Court is the motion of Plaintiffs B&L Productions, Inc.; Gerald Clark; Eric Johnson; Chad Littrell; Jan Steven Merson; California Rifle & Pistol Association, Incorporated; Asian Pacific American Gun Owners Association; Second Amendment Law Center, Inc.; and Second Amendment Foundation for a preliminary injunction against Defendants Gavin Newsom, Rob Bonta, Karen Ross, Todd Spitzer, and 32nd District Agricultural Association.¹

The Court previously directed the parties to file supplemental briefs concerning Plaintiffs’ Second Amendment claim and to inform the Court whether SB 264 and SB 915 were “consistent with this Nation’s historical tradition of firearm regulation.” *See New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111, 2126 (2022). The Court is underwhelmed by the parties’ submissions. Plaintiffs object to the Court’s order for simultaneous briefing on the issue; Plaintiffs contend that they should have been allowed to respond to Defendants’

¹ *See* Pls.’ Mot. for Prelim. Injunction (the “Motion”) [ECF No. 21].

arguments concerning SB 264 and SB 915’s consistency with historical traditions of firearm regulation.² Plaintiffs also request leave to file a supplemental reply to respond to the Defendants’ newly filed materials, should the Court not be inclined to grant Plaintiffs’ motion for a preliminary injunction.³

Conversely, Defendants unpersuasively devote over a third of their brief arguing that SB 264 and SB 915 did not regulate any protected conduct under the Second Amendment.⁴ The Court did not seek supplemental briefing to permit Defendants to mount a rearguard defense of the Ninth Circuit’s pre-*Bruen* legal authorities.⁵ Instead, the Court intended to provide Defendants with an opportunity to “justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *See Bruen*, 142 S. Ct. at 2130. Furthermore, as directed by the *Bruen* Court, “[i]n our adversarial system of adjudication, we follow the principle of party presentation.’ Courts are thus entitled to decide a case based on the historical record compiled by the parties.” *Id.* at 2130 n.6 (citation omitted).

Defendants request additional time to supplement the record if the Court is not satisfied by prior briefing—which it is not—and they maintain that additional briefing is “required to answer the difficult historical questions posed by *Bruen*.”⁶ The Court is particularly interested in “a deeper canvass of historical state and municipal laws and additional primary-source research to further understand and contextualize the Nation’s traditions of firearms regulation.”⁷ Accordingly, the Court **DIRECTS** the parties to file additional supplemental briefing on those topics.

For the foregoing reasons, the Court hereby **ORDERS** as follows:

² Pls.’ Court-Ordered Suppl. Brief in Supp. of Pls.’ Mot. for Prelim. Inj. [ECF No. 27] 2:1-13.

³ *Id.* at 15:9-11.

⁴ State Defs.’ Suppl. Brief in Opp’n to Mot. for Prelim. Inj. (“Defendants’ Brief”) [ECF No. 26] 1:1-7:10.

⁵ *See Teixeira v. Cty. of Alameda*, 873 F.3d 670 (9th Cir. 2017).

⁶ Defendants’ Brief 15 n.5.

⁷ *Id.*

1. Defendants are **DIRECTED** to file a supplemental brief, not to exceed 25 pages, no later than February 24, 2023, providing an analysis of the issues discussed above.
2. Plaintiffs are **DIRECTED** to file a supplemental brief, not to exceed 25 pages, no later than March 10, 2023, responding to Defendants' supplemental brief regarding the issues discussed above.
3. Defendants are **DIRECTED** to file a reply brief, not to exceed 10 pages, no later than March 24, 2023, replying to Plaintiffs' supplemental brief regarding the issues discussed above.
4. The hearing on the Motion is **CONTINUED** to Thursday, April 6, 2023, at 10:00 a.m. in Courtroom 9D of the Ronald Reagan Federal Building and U.S. Courthouse, 411 W. 4th Street, Santa Ana, California.

IT IS SO ORDERED.

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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *B & L Productions, Inc., et al. v. Newsom, et al.*
Case No.: 21CV1718 AJB KSC

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**PLAINTIFFS’ NOTICE OF SECOND ORDER FOR
SUPPLEMENTAL BRIEFING IN SIMILAR CASE**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Charles J. Sarosy, Deputy Attorney General
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22nd District Agricultural Association*

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San Diego, CA 92101-2469
*Attorneys for Defendants Summer Stephan, Attorney of
San Diego County and Lonnie Eldridge, County Counsel
of San Diego County*

I declare under penalty of perjury that the foregoing is true and correct.

Executed February 24, 2023.



Laura Palmerin