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8 Association, Incorporated, and South Bay Rod and Gun Club, Inc.

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13
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
capacity as Governor of the State of
21 California and in his personal capacity; et
al.,

22 Defendants.

CASE NO.: 21-cv-01718-AJB-KSC

**NOTICE OF INTENT NOT TO
FILE SECOND AMENDED
COMPLAINT**

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1 TO THE HONORABLE COURT, ALL PARTIES, AND ALL ATTORNEYS OF
2 RECORD:

3 PLEASE TAKE NOTICE that pursuant to this Court’s Amended Order
4 Granting Defendants’ Motion to Dismiss (with leave to amend), issued March 14,
5 2023 (ECF No. 51), Plaintiffs B & L Productions, Inc., Barry Bardack, Ronald J.
6 Diaz, Sr., John Dupree, Christopher Irick, Robert Solis, Lawrence Michael Walsh,
7 Captain Jon’s Lockers, LLC, L.A.X. Firing Range, Inc., California Rifle & Pistol
8 Association, Incorporated, South Bay Rod and Gun Club, Inc., and Second
9 Amendment Foundation hereby notify the Court and all parties that they do not
10 intend to file a Second Amended Complaint to amend their claims. Plaintiffs find it
11 impossible to comply with the Court’s conditions for leave to amend and at the same
12 time comply with Fed. R. Civ. Pro. 11.

13 Nothing about Plaintiffs’ decision to stand on their pleadings, however,
14 should be interpreted as acquiescence in the Court’s dismissal of any of their claims,
15 including the dismissal of Plaintiffs’ claims against Defendants. *See McCalden v.*
16 *Cal. Library Ass’n*, 919 F.2d 538, 547 (9th Cir. 1990) (“[A]ppellant is not required
17 to amend in order to preserve his right to appeal. When one is granted leave to
18 amend a pleading, she may elect to stand on her pleading and appeal if the other
19 requirements for a final, appealable judgment are satisfied.”).

20 Dated: March 24, 2023 /s/ Anna M. Barvir
21 Anna M. Barvir
22 MICHEL & ASSOCIATES, P.C.
23 Email: abarvir@michellawyers.com

24 Dated: March 24, 2023 /s/ Donald Kilmer
25 Donald Kilmer
26 LAW OFFICES OF DONALD KILMER, APC
27 Email: don@dklawoffice.com

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ATTESTATION OF E-FILED SIGNATURES

I, Anna M. Barvir, am the ECF User whose ID and password are being used to file this NOTICE OF INTENT NOT TO FILE SECOND AMENDED COMPLAINT. 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: March 24, 2023

/s/ Anna M. Barvir
Anna M. Barvir

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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.: 21-cv-01718-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:

NOTICE OF INTENT NOT TO FILE SECOND AMENDED COMPLAINT

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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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 March 24, 2023.



Laura Palmerin