

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 7. Mediation Questionnaire

Instructions for this form: <https://www.ca9.uscourts.gov/forms/form7instructions.pdf>

9th Cir. Case Number(s)

Case Name

Counsel submitting this form

Represented party/parties

Briefly describe the dispute that gave rise to this lawsuit.

Although both Plaintiffs have the ability to lawfully carry firearms in public, they are required by law to keep their firearms concealed. Neither Plaintiff has a license to carry a firearm open and exposed in public.

Plaintiffs challenge the constitutionality of Penal Code sections 25850 and 26350, which impose criminal liability on those who carry handguns openly in public. Plaintiffs challenge these statutes on their face. Plaintiffs contend that the Second Amendment, as interpreted by the Supreme Court in *New York Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022), does not allow the State of California to impose public-carry licensing requirements of any kind.

Plaintiffs seek declaratory and injunctive relief.

Briefly describe the result below and the main issues on appeal.

Plaintiffs moved for a preliminary injunction enjoining the enforcement of California Penal Code sections 25850 and 26350. Such an injunction would allow Plaintiffs and other individuals to carry firearms in public, open and exposed, without a license. On December 8, 2022, the district court denied Plaintiffs' motion after concluding that Plaintiffs did not show that the balance of equities tips in their favor or that a preliminary injunction is in the public interest.

The district court also noted that the operative complaint could be interpreted as including an as-applied challenge to California's public-carry licensing scheme based on Plaintiffs' failure to obtain open-carry licenses in their respective counties. In its December 8, 2022 order, the district court dismissed any such claim for lack of subject-matter jurisdiction because California does not give its Attorney General authority to issue public-carry licenses.

Describe any proceedings remaining below or any related proceedings in other tribunals.

Discovery is ongoing. The following case schedule is in effect: fact discovery due to be completed by 5/12/23, expert disclosures by 6/9/23, rebuttal experts exchanged by 7/14/23, and all expert discovery completed by 8/4/23. Dispositive motions are to be heard by 9/22/23.

Signature Ryan Davis

Digitally signed by Ryan Davis
Date: 2023.01.09 14:37:29 -08'00'

Date 1/9/2023

(use "s/[typed name]" to sign electronically-filed documents)

CERTIFICATE OF SERVICE

Case Name: **Baird, Mark v. Rob Bonta**
[Appeal]

No. **2:19-cv-00617-KJM-AC**

I hereby certify that on January 9, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

Form 7. Mediation Questionnaire

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On January 9, 2023, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Amy L. Bellantoni
The Bellantoni Law Firm, PLLC
2 Overhill Road
Suite 400
Scarsdale, NY 10583

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 9, 2023, at Sacramento, California.

Ksenia Lavrushchak

Declarant

/s/ Ksenia Lavrushchak

Signature