

1 UNITED STATES OF AMERICA  
 2 UNITED STATES DISTRICT COURT  
 3 CENTRAL DISTRICT OF CALIFORNIA  
 4 WESTERN DIVISION

5 - - -  
 6 HONORABLE CHRISTINA A. SNYDER  
 7 UNITED STATES DISTRICT JUDGE PRESIDING  
 8 - - -

9 JUNIOR SPORTS MAGAZINE, INC., )  
 10 ET AL., )  
 11 )  
 12 PLAINTIFF, )  
 13 )  
 14 VS. ) CASE NO.  
 15 ) CV 22-4663-CAS  
 16 )  
 17 ROB BONTA, ET AL., )  
 18 )  
 19 DEFENDANT. )  
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13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

14 MONDAY, SEPTEMBER 12, 2022

15 LOS ANGELES, CALIFORNIA

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1 LOS ANGELES, CALIFORNIA; MONDAY, SEPT. 12, 2022; 11:08 A.M.

2 - - -

3 THE CLERK: Item No. 5.

4 Case No. CV 22-4663.

5 Junior Sports Magazine versus Rob Bonta.

6 Counsel, please state your appearances.

7 MS. BARVIR: Good morning. Anna Barvir for  
8 plaintiffs Junior Sports Magazines, Ray Brown, The California  
9 Youth Sports Association, Redlands California Clay Shooting  
10 Sports, Inc., CPRA, CPRA Foundation and Gun Owners of  
11 California.

12 My co-counsel is Don Kilmer and he is representing  
13 plaintiff Second Amendment Foundation.

14 THE COURT: All right. Good morning.

15 MR. KELLY: Good morning, Your Honor. Kevin Kelly  
16 Deputy Attorney General for defendant Attorney General Rob  
17 Bonta.

18 THE COURT: All right. Good morning.

19 So as I understand the status, and I appreciate the  
20 defendant's status conference statement, we have legislation  
21 that has been passed by both the state assembly and the state  
22 senate, but it is yet to be signed by the Governor. I am not  
23 a betting person, but I think the likelihood of his not  
24 signing it is between slim and none, maybe less than that.

25 So I think we ought to proceed accordingly, uh,

1 because I know that the plaintiffs are anxious to have the  
2 matter adjudicated. And, uh, it's not as if I have been  
3 sitting. I could have issued an order previously, but I  
4 really think that the order will have -- will make more sense  
5 if, uh, it considers what the state legislature has done.

6 So I guess we need a supplemental briefing schedule  
7 and a new hearing, um, but if anyone disagrees, let me know.

8 MS. BARVIR: Your Honor, I thank you for your, um,  
9 advice here. Of course plaintiffs are very anxious to have  
10 this motion for preliminary injunction that's pending ruled  
11 on. You know, we have our plaintiff, especially our named  
12 plaintiff, is sitting and waiting on Your Honor's ruling in  
13 this matter to let its final, um, its September/October issue  
14 of its magazine go to print.

15 So we would like, um, your consideration and if  
16 it's possible, ruling. I understand that Your Honor has  
17 indicated that. You know, it recognizes that the Court could  
18 have ruled especially we think on the commercial speech  
19 aspects even regardless of what happens with the amended  
20 bill, um, but we understand the need for the Court's interest  
21 in supplemental briefing. We just would ask that anything  
22 like that would be as quick as we could possibly make it.

23 THE COURT: I couldn't agree more.

24 MS. BARVIR: Thank you.

25 THE COURT: But look, here's the problem. The only

1 reason I want to have supplemental briefing. From what  
2 little I've seen, the plaintiffs have raised the fact that  
3 this new legislation is essentially an admission against  
4 interest. And they further contend that even with the new  
5 legislation -- sorry. Even if this legislation were enacted,  
6 you would still object and say that the statute is overly  
7 broad and that it interferes with both commercial and  
8 noncommercial speech rights.

9 But I think it would be helpful for me in light of  
10 the new provisions to understand the contentions of the  
11 parties regarding those provisions because at minimum, um, it  
12 seems to me that even if this were never signed by the  
13 Governor, as I say I expect it will be, someone is going to  
14 argue the amended statute sets forth the outer limits for  
15 enforcement of this provision and you can't go back to the  
16 earlier statute, uh, in determining what to do.

17 And I think any order I write ought to take into  
18 account the, you know, changes that have been made so that I  
19 can fairly consider their effect and that's one of the things  
20 I would want to do in any order, uh, because of the peculiar  
21 procedural posture in this case. I think we have to have a  
22 final order whatever it says, uh, which addresses the changes  
23 that have been made by legislature whether they become law or  
24 not.

25 MS. BARVIR: I think that's fair, Your Honor.

1           THE COURT: So that is the question. I think we  
2 need a supplemental brief obviously from the plaintiffs and  
3 from the defendants, and I will work as quickly as possible.  
4 Just so you know my scheduling difficulties, I think I am  
5 here October 17th. I'll be quite honest, after the 17th, my  
6 schedule becomes quite difficult because I've made some  
7 travel plans.

8           The very last day that I could really address this  
9 matter based on my current schedule would either be the 17th  
10 or the 31st. But I'm supposed to leave the country after the  
11 31st and obviously, if I had to make changes to any tentative  
12 order, I could do it while in transit, but given the desire  
13 of the parties to have a speedy decision, if there's any way  
14 we can have a hearing on the 17th, it seems to me that would  
15 be the prudent thing to do.

16           MS. BARVIR: Thank you, Your Honor.

17           October 31st I'm actually out of the country at  
18 that time so I wouldn't be available and 10-17 would be the  
19 absolute latest. Plaintiffs would actually be, um,  
20 interested in even faster if something like that is do-able.  
21 I understand the 10th is a holiday. If there's anything  
22 available before that, we would like Your Honor's  
23 consideration.

24           THE COURT: We could do October 3rd. Um, what that  
25 means is you would have to get a brief in probably within a

1 week to ten days and that puts a fair amount of pressure on  
2 the State. I think the 17th is the better day, um, and I  
3 understand why you guys think this is important that people  
4 are waiting at the printing presses deciding what to do and  
5 so on and I appreciate that.

6 But on the other hand, I think everyone ought to  
7 have a fair chance to brief this thing and I ought to have a  
8 fair chance to consider your arguments because they're very  
9 important to the plaintiff and they're very important to the  
10 defendant.

11 So what I'm really wondering would be -- I'd like  
12 to be in a position if we're gonna have a hearing on the  
13 17th, I would like to have the week of the 10th even though  
14 we aren't in court on the 10th to have all the briefs before  
15 me. So I'm thinking maybe if the State's brief came in on  
16 October 7th, then the plaintiff's briefs maybe could come in  
17 what, the week of the 26th unless you wanted to send them in  
18 earlier?

19 THE CLERK: Judge, just the week prior it would be  
20 on September 30th.

21 THE COURT: You mean for the briefing.

22 THE CLERK: Yes, for the briefing, for plaintiff's  
23 brief.

24 THE COURT: Okay. Although we could have it come  
25 in earlier in that week; correct? If you can get it in, uh,

1 let me ask you, Ms. Barvir, can you get the brief in let's  
2 say maybe the 28th?

3 MS. BARVIR: I can do that, Your Honor, earlier if  
4 necessary to give us an earlier hearing or perhaps submit on  
5 the briefs. Obviously, we want to be heard as soon as we can  
6 so we will work as hard as we can to get Your Honor briefing  
7 as soon as we can.

8 THE COURT: Let's say that you have to get it to me  
9 by September 28th. If you want to get it to me earlier,  
10 fine. And then, Mr. Kelly, I guess we're saying we'd like to  
11 have your brief no later than the 7th of October.

12 MR. KELLY: That's fine with us, Your Honor.

13 THE COURT: You know, I really do not intend to  
14 just consider this and take it under submission and decide it  
15 on the papers because I would like to have a sensible  
16 tentative order for you to argue about rather than just  
17 surprise you with something. So from my point of view, I'd  
18 rather do it in my traditional way with a hearing date, a  
19 tentative order and a chance for everyone to come in.

20 We will try to get that tentative order to you  
21 earlier rather than later, although it's in part gonna depend  
22 just on the arguments you guys make.

23 Okay. Does that solve the problem for now until we  
24 get to the next round?

25 MR. KELLY: I think so, Your Honor. I don't have

1 anything further.

2 THE COURT: Ms. Barvir?

3 MS. BARVIR: Oh, I'm sorry. I don't have anything  
4 to add.

5 THE COURT: Unartfully, I asked each of you whether  
6 you had any further comments.

7 MS. BARVIR: Thank you. I have no further  
8 comments. I think plaintiffs are on the record and  
9 Your Honor understands how imperative it is that we get a  
10 ruling soon.

11 THE COURT: I do.

12 MS. BARVIR: Thank you.

13 THE COURT: Yes, Mr. Kilmer?

14 MR. KILMER: When we conduct this hearing, will it  
15 be by zoom or live in the courtroom?

16 THE COURT: One never knows. Um, most probably by  
17 zoom, but we'll figure it out as we get closer. I'm gonna be  
18 in trial the next couple of weeks. If I am in trial, it may  
19 well be I'll be in the courtroom.

20 MR. KILMER: I would have to make travel plans,  
21 Your Honor because I'm located in another state.

22 THE COURT: Right, I know you are.

23 Well, is it an imposition to do it by zoom?

24 MR. KILMER: No, I would prefer.

25 THE COURT: Okay. Anyone else object to zoom?

1 MR. KELLY: No, Your Honor.

2 MS. BARVIR: No, Your Honor.

3 THE COURT: Let's all agree it will be by zoom.

4 MR. KILMER: Thank you, Your Honor.

5 MS. BARVIR: Thank you, Your Honor.

6 THE COURT: Thank you, everybody.

7 (Proceedings were concluded 11:21 a.m.)

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COUNTY OF LOS ANGELES               )  
                                                                ) SS.  
STATE OF CALIFORNIA                 )

I, LAURA ELIAS, OFFICIAL REPORTER, IN AND FOR THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, DO HEREBY CERTIFY THAT I REPORTED, STENOGRAPHICALLY, THE FOREGOING PROCEEDINGS AT THE TIME AND PLACE HEREINBEFORE SET FORTH; THAT THE SAME WAS THEREAFTER REDUCED TO TYPEWRITTEN FORM BY MEANS OF COMPUTER-AIDED TRANSCRIPTION; AND I DO FURTHER CERTIFY THAT THIS IS A TRUE AND CORRECT TRANSCRIPTION OF MY STENOGRAPHIC NOTES.

DATE: NOVEMBER 1, 2022

/s/ LAURA MILLER ELIAS

LAURA MILLER ELIAS, CSR 10019  
FEDERAL OFFICIAL COURT REPORTER