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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
12 CIVIL DIVISION
13

14 **KIM RHODE et al.,**
15
16 Plaintiffs,
17
18 **v.**
19 **ROB BONTA, in his official capacity**
as Attorney General of the State of
California, et al.,
20 Defendant.
21

Case No. 3:18-cv-00802-BEN-JLB

**DEFENDANT’S RESPONSE TO
THE COURT’S ORDER ENTERED
ON JULY 18, 2023**

Courtroom: 5A
Judge: Hon. Roger T. Benitez
Action Filed: May 17, 2017

22 Defendant Rob Bonta, in his official capacity as Attorney General of the State
23 of California (“Defendant”), hereby files this response to the Court’s Order, entered
24 on July 18, 2023. Dkt. 90. The Court’s Order required Defendant to, within 30
25 days of the hearing held on July 17, 2023, (1) “name and file an expert report(s) or
26 declaration(s) regarding the American history and tradition of background checks”;
27 (2) “file an updated declaration regarding ammunition purchaser background check
28 acceptance/rejection rates and processing times, as performed previously”; and

(3) “report to the extent ascertainable, on persons described in previous declarations as persons who underwent background checks and were identified as prohibited persons and indicate whether such persons were prosecuted and whether firearms were located and seized from such persons.” Dkt. 90.

In accordance with the Court’s Order, attached hereto are the following:¹

- The Declaration of Robert Spitzer, a political scientist who explains the regulatory history of background checks and related restrictions on the acquisition, carry, and possession of firearms.
- The Declaration of Michael Vorenberg, a historian who explains the history of background checks related to loyalty oaths during the Reconstruction era.
- The Declaration of Jennifer M. McCutchen, a historian who explains the history of firearms and gunpowder restrictions applicable to certain groups during the colonial and founding eras, with particular focus on Native peoples.
- The Fifth Supplemental Declaration of Mayra G. Morales, Assistant Director for the California Department of Justice, Bureau of Firearms, which updates data provided in previous declarations concerning ammunition eligibility checks.
- The Declaration of Sidney Jones, Special Agent in Charge for the California Department of Justice, Bureau of Firearms, which provides information on prohibited persons identified through previous ammunition eligibility checks.

¹ The attached material submitted in response to the Court’s July 17, 2023 order supplements material previously submitted by Defendant in defense of the challenged Ammunition Laws. *See, e.g.*, Dkt. 79, 81, 82.

1 Dated: August 16, 2023

Respectfully submitted,

2 ROB BONTA
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6 *s/ John D. Echeverria*

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