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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 **MARK BAIRD and RICHARD**
 13 **GALLARDO,**
 14 Plaintiffs,
 15 v.
 16 **ROB BONTA, in his official capacity as**
 17 **Attorney General of the State of California,**
 18 **and DOES 1-10,**
 19 Defendants.

2:19-cv-00617-KJM-AC

**DEFENDANT’S NOTICE OF MOTION
 AND MOTION FOR SUMMARY
 JUDGMENT**

Date: September 22, 2023
 Time: 10:00 a.m.
 Courtroom: 3
 Judge: Hon. Kimberly J. Mueller
 Trial Date: None set.
 Action Filed: April 10, 2019

1 **TO THE COURT, PLAINTIFFS, AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that, on September 22, 2023, at 10:00 a.m., or as soon
3 thereafter as the matter may be heard, in Courtroom 3, of the 15th floor of the above-titled court,
4 located at 501 I Street, Sacramento, California, 95814, Defendant Rob Bonta, in his official
5 capacity as Attorney General of the State of California, shall move, and hereby does move, this
6 Court for summary judgment under Federal Rule of Civil Procedure 56(a). Defendant brings this
7 motion because California's restrictions on the open carry of firearms are constitutional under the
8 Second Amendment of the United States Constitution.

9 This motion is based on this Notice of Motion and Motion; the concurrently filed
10 Memorandum of Points and Authorities, Appendix of Relevant Historical Laws, Declaration of
11 Lara Haddad in Support of Defendant's Motion for Summary Judgment, Declaration and Expert
12 Report of Brennan Rivas, Declaration and Expert Report of Robert Spitzer, Supplemental
13 Declaration and Expert Report of Saul Cornell, Supplemental Declaration and Expert Report of
14 Kim Raney, including exhibits attached thereto, and Statement of Undisputed Facts; the pleadings
15 and papers on file in this action; and such further evidence, both oral and documentary, as may be
16 offered at the time of the hearing on the motion.

17
18 Dated: August 18, 2023

Respectfully submitted,

19 ROB BONTA
20 Attorney General of California
21 MARK R. BECKINGTON
Supervising Deputy Attorney General

22
23 *s/ Lara Haddad*
LARA HADDAD
24 Deputy Attorney General
25 *Attorneys for Defendant Rob Bonta in his*
official capacity as Attorney General of
26 *California*
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CERTIFICATE OF SERVICE

Case Name: Baird, Mark v. Rob Bonta No. 2:19-cv-00617-KJM-AC

I hereby certify that on August 18, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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 August 18, 2023, at Los Angeles, California.

Lara Haddad

Declarant

Lara Haddad

Signature