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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 STATEMENT OF  
UNDISPUTED FACTS IN SUPPORT OF  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

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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

## DEFENDANT’S STATEMENT OF UNDISPUTED FACTS

Under Local Rule 260(a), Defendant Rob Bonta, in his official capacity as Attorney General of the State of California, submits the following statement of undisputed facts, together with references to supporting evidence, in support of the concurrently filed motion for summary judgment.

No.	Uncontroverted Fact	Supporting Evidence
1	On June 24, 2022, the California Attorney General issued Legal Alert No. OAG-2022-02, which stated that <i>Bruen</i> “makes clear that the ‘good cause’ requirements such as those in California Penal Code sections 26150(a)(2) and 26155(a)(2) are inconsistent with the Second and Fourteenth Amendments. Under the Supremacy Clause of the United States Constitution, state and local officials must comply with clearly established federal law.”	Declaration of Lara Haddad [Haddad Decl.], Ex. 1, pp. 1-2.
2	Plaintiff Mark Baird has a license, issued by the Siskiyou County Sheriff, to carry a concealed firearm.	Haddad Decl., Ex. 2 [Portion of Deposition of Mark Baird], p. 14.
3	Plaintiff Mark Baird is seeking “the unpermitted and unrestricted open carry of a loaded firearm in the state of California.”	Haddad Decl., Ex. 2 [Portion of Deposition of Mark Baird], p. 16.
4	Plaintiff Mark Baird lives in Siskiyou County.	Second Amended Complaint [SAC], ¶ 13.
5	Siskiyou County is a county with fewer than 200,000 people residing there.	SAC, ¶ 13.
6	Plaintiff Richard Gallardo has testified that he is authorized to carry a concealed firearm within California because of his status as a retired military police officer under the federal Law Enforcement Officers Safety Act.	Haddad Decl., Ex. 3 [Portion of Deposition of Richard Gallardo], pp. 15, 27.
7	Plaintiff Richard Gallardo has testified that he can carry his firearm concealed even though he previously had a license to carry a concealed firearm revoked in 2019 for unlawfully bringing a firearm on state property and displaying it to coworkers.	Haddad Decl., Ex. 3 [Portion of Deposition of Richard Gallardo], p. 17.
8	Plaintiff Richard Gallardo is seeking “the ability to open carry without government permission.”	Haddad Decl., Ex. 3 [Portion of Deposition of Richard Gallardo], p. 29.
9	Plaintiff Richard Gallardo lives in Shasta County.	SAC, ¶ 14.

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Shasta County is a county with fewer than  
200,000 people residing there.

SAC, ¶ 14.

Dated: August 18, 2023

Respectfully submitted,

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

s/ Lara Haddad  
LARA HADDAD  
Deputy Attorney General  
*Attorneys for Defendant Rob Bonta in his  
official capacity as Attorney General of  
California*

## 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 STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF DEFENDANT'S 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