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9 General Rob Bonta in his official capacity only*

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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES
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15 **FRANKLIN ARMORY, INC., ET AL.,**
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Plaintiffs-Petitioners,
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v.
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19 **CALIFORNIA DEPARTMENT OF**
JUSTICE ET AL.,
20
Respondents-Defendants.
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Case No. 20STCP01747

**EX PARTE APPLICATION FOR AN
ORDER PERMITTING THE FILING OF
A MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
DEFENDANTS' MOTION FOR
JUDGMENT ON THE PLEADINGS
THAT EXCEEDS 15 PAGES;
DECLARATION OF KENNETH G.
LAKE IN SUPPORT THEREOF**

**Date: August 11, 2023
Time: 8:30 a.m.
Dept.: 32**

Honorable Daniel S. Murphy

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26 Defendants hereby apply ex parte for an order, pursuant to California Rules of Court, rule
27 3.1113, subdivision (e), permitting the filing of a memorandum of points and authorities in
28 support of defendants' motion for judgment on the pleadings that exceeds 15 pages, not to exceed

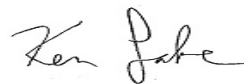
1 28 pages. On August 9, 2023, defense counsel provided notice of this ex parte application.
2 Plaintiffs are agreeable to the requested order if they are allowed the option to file a longer
3 opposition brief. (Decl. of Lake, ¶ 3.)

4 Good cause exists for this application. Rule 3.1113, subdivision (e) states: “A party may
5 apply to the court ex parte but with written notice of the application to the other parties, at least
6 24 hours before the memorandum is due, for permission to file a longer memorandum. The
7 application must state reasons why the argument cannot be made within the stated limit.”

8 First, the ex parte application will be heard more than 24 hours before the memorandum of
9 points and authorities is due to be filed on 8/14/23. Second, a brief of up to 28 pages is necessary
10 as there are six remaining causes of action and the second amended complaint is comprised of
11 204 paragraphs. The points and authorities will also cover the prior procedural history for this
12 case when it was assigned to Judge Chalfant. While the parties were able to clarify issues and
13 claims still pending before the court during the meet and confer process, a longer brief is still
14 needed to cover the remaining issues. (At this juncture, plaintiffs’ counsel is still contemplating
15 whether to voluntarily dismiss the ninth cause of action which would reduce the brief by a few
16 pages.) (Decl. of Lake, ¶ 2.)

17 Dated: August 10, 2023

18 Respectfully submitted,
19 ROB BONTA
20 Attorney General of California
21 DONNA M. DEAN
22 Supervising Deputy Attorney General



23 KENNETH G. LAKE
24 Deputy Attorney General
25 *Attorneys for State of California, acting by*
26 *and through the California Department of*
27 *Justice, Former Attorney General Xavier*
28 *Becerra in his personal capacity only and*
Attorney General Rob Bonta in his official
capacity only

1 **DECLARATION OF KENNETH G. LAKE IN SUPPORT OF EX PARTE APPLICATION**

2 I, Kenneth G. Lake, declare:

3 1. I am an attorney at law duly authorized to practice in the State of California. I am a
4 Deputy Attorney General assigned to handle this matter on behalf of defendants.

5 2. Good cause exists for this application. The hearing on this application is set to occur
6 more than 24 hours before the memorandum of points and authorities are due to be filed on
7 8/14/23. A page length of up to 28 pages is necessary as there are six remaining causes of action
8 and the second amended complaint is comprised of 204 paragraphs. The points and authorities
9 will also cover the prior procedural history for this case when it was assigned to Judge Chalfant.
10 Over the course of meet and confer communications, the parties were able to clarify issues and
11 claims still pending before the court. Nevertheless, a longer brief is still needed to cover the
12 remaining issues. At this juncture, plaintiffs' counsel is still contemplating whether to voluntarily
13 dismiss the ninth cause of action which would reduce the brief by a few pages.

14 3. On August 9, 2023, I provided notice of this ex parte application and the grounds
15 therefore by email to plaintiffs' counsel. Plaintiffs' counsel responded that they are agreeable to
16 the requested order if they are allowed the option to file a longer opposition brief.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed on August 10, 2023.

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Kenneth G. Lake

1 **DECLARATION OF SERVICE BY ELECTRONIC MAIL**

2 RE: *Franklin Armory, Inc., v. California Department of Justice.*
3 Case No. 20STCP01747

4 I declare: I am employed in the City of Los Angeles, County of Los Angeles, State
5 of California. I am over the age of 18 years and not a party to the within action. My business
6 address is 300 South Spring Street, Room 1700, Los Angeles, California 90013. On August 10,
7 2023, I served the documents named below on the parties in this action as follows:

8 **EX PARTE APPLICATION FOR AN ORDER PERMITTING THE FILING OF A**
9 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
10 **DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS THAT**
11 **EXCEEDS 15 PAGES; DECLARATION OF KENNETH G. LAKE IN SUPPORT**
12 **THEREOF**

13 C.D. Michel
14 Anna M. Barvir
15 Jason A. Davis
16 MICHEL & ASSOCIATES, P.C.
17 180 E. Ocean Blvd., Suite 200
18 Long Beach, CA 90802
19 Email: abarvir@michellawyers.com
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21 Jason@calgunlawyers.com
22 *Attorneys for Plaintiffs-Petitioners*

23 (BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in
24 the United States mail at Los Angeles, California. I am readily familiar with the practice of
25 the Office of the Attorney General for collection and processing of correspondence for
26 mailing, said practice being that in the ordinary course of business, mail is deposited in the
27 United States Postal Service the same day as it is placed for collection.

28 (BY OVERNIGHT DELIVERY) I placed a true copy thereof enclosed in a sealed envelope,
in the internal mail system of the Office of the Attorney General, for overnight delivery with
the GOLDEN STATE OVERNIGHT courier service.

(BY FACSIMILE) I caused to be transmitted the documents(s) described herein via fax
number.

(BY ELECTRONIC MAIL) I caused to be transmitted the documents(s) described herein
via electronic mail to the email address(es) listed above.

(STATE) I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

(FEDERAL) I declare under penalty of perjury under the laws of the State of California and
the United States of America that the above is true and correct.

Executed on August 10, 2023, at Los Angeles, California.

Sandra Dominguez
Declarant

/s/ Sandra Dominguez
Signature