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**Exempt from filing fees pursuant
to Gov. Code, § 6103**

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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.,**
16
17 Plaintiffs-Petitioners,
18
19 v.
20 **CALIFORNIA DEPARTMENT OF
JUSTICE ET AL.,**
21
22 Respondents-Defendants.
23
24

Case No. 20STCP01747

**NOTICE OF MOTION AND MOTION
BY DEFENDANTS FOR JUDGMENT ON
THE PLEADINGS; MEMORANDUM OF
POINTS AND AUTHORITIES,
REQUEST FOR JUDICIAL NOTICE
AND DECLARATION OF KENNETH G.
LAKE IN SUPPORT THEREOF**

**Date: September 6, 2023
Time: 8:30 a.m.
Dept.: 32**

**Honorable Daniel S. Murphy
RES ID: 742759559028**

25 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

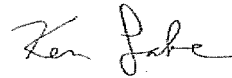
26 **PLEASE TAKE NOTICE** that on September 6, 2023, at 8:30 a.m. or as soon thereafter as
27 counsel may be heard in Department 32 of the above-entitled court, located at 111 North Hill
28 Street, Los Angeles, California, defendants will move for judgment on the pleadings and request

1 dismissal of this action. Said motion will be made, pursuant to Code of Civil Procedure section
2 438, on the ground that the second amended complaint fails to state a cause of action.

3 This motion is based on this notice, the memorandum of points and authorities, the request
4 for judicial notice and declaration of Kenneth G. Lake, submitted herewith; on the pleadings and
5 records on file herein, and on such other matters as may be presented at the hearing.

6 Dated: August 14, 2023

Respectfully submitted,
7 ROB BONTA
Attorney General of California
8 DONNA M. DEAN
Supervising Deputy Attorney General

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KENNETH G. LAKE
12 Deputy Attorney General
13 *Attorneys for State of California, acting by*
14 *and through the California Department of*
15 *Justice, Former Attorney General Xavier*
16 *Becerra in his personal capacity only and*
17 *Attorney General Rob Bonta in his official*
18 *capacity only*

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20 **DECLARATION OF KENNETH G. LAKE IN SUPPORT OF**
21 **MOTION FOR JUDGMENT ON THE PLEADINGS**

22 I, Kenneth G. Lake, declare:

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

25 2. On May 19, 2023, and over the course of subsequent email communications, I met and
26 conferred with plaintiffs' counsel regarding this motion wherein I advised of the bases for the
27 motion and requested that plaintiffs voluntarily dismiss the action. The parties did not reach an
28 agreement resolving the claims and objections raised by the motion for judgment on the
pleadings.

DECLARATION OF SERVICE BY MESSENGER

Case Name: **Franklin Armory, Inc. v. California Department of Justice**

No.: **20STCP01747**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230.

On August 14, 2023, I caused the attached **NOTICE OF MOTION AND MOTION BY DEFENDANTS FOR JUDGMENT ON THE PLEADINGS; MEMORANDUM OF POINTS AND AUTHORITIES, REQUEST FOR JUDICIAL NOTICE AND DECLARATION OF KENNETH G. LAKE IN SUPPORT THEREOF** to be personally served by **ACE ATTORNEY SERVICE** by placing a true copy thereof for delivery to the following person(s) at the address(es) as follows:

C.D. Michel
Anna M. Barvir
Jason A. Davis
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802
Attorneys for Plaintiffs-Petitioners

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 14, 2023, at Los Angeles, California.

Erica Kelly

Declarant

/s/ Erica Kelly

Signature