

Exhibit 1

Re: [EXTERNAL] PICA litigation and amended complaint.

Wells, Christopher <Christopher.Wells@ilag.gov>

Mon 11/13/2023 3:43 PM

To: Sean Brady <sbrady@michellawyers.com>; Konstadinos T. Moros <kmoros@michellawyers.com>; C.D. Michel <cmichel@michellawyers.com>

Cc: Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>

Sean,

We saw that you filed your new preliminary injunction motion earlier this afternoon. As you know, when we agreed to a briefing schedule, that schedule was predicated on your filing your preliminary injunction motion by Friday, November 3. As your email below acknowledges, you decided not to file on November 3 based on the Seventh Circuit issuing its opinion that afternoon and indicated you would file on Monday, November 6. We did not anticipate that you would take until today, November 13, to file.

Given your 10-day filing delay, would you agree to us having up to and including December 8 to file our response? In other words, can we have another week? Please let me know today if at all possible. We hope to file a motion for extension of time early tomorrow and would like to present it as an agreed motion.

Thanks,
Chris

From: Sean Brady <sbrady@michellawyers.com>
Sent: Friday, November 3, 2023 8:11 PM
To: Wells, Christopher <Christopher.Wells@ilag.gov>; Konstadinos T. Moros <kmoros@michellawyers.com>; C.D. Michel <cmichel@michellawyers.com>
Cc: Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>
Subject: RE: [EXTERNAL] PICA litigation and amended complaint.

Chris,

As I am sure you can understand, the Seventh Circuit’s unexpected release of its opinion on the first preliminary injunction in this matter just hours ago will require our review to determine to what extent it impacts the preliminary injunction we intended to file today. We will review that opinion over the weekend and hope to have our motion on file by Monday. We will let you know if that changes. The main points of our motion will not change. Indeed, the Due Process claims shouldn’t change at all. And the Second Amendment argument will remain essentially the same, just addressing the Seventh Circuit’s analysis to avoid any confusion on Plaintiffs’ view on the effect of that opinion.

Please let us know if you have any questions or concerns.

Regards,

Sean Brady Of Counsel	Direct: (562) 216-4464 Main: (562) 216-4444 Fax: (562) 216-4445
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	Email: sbrady@michellawyers.com
	Web: www.michellawyers.com
	180 E. Ocean Blvd.
	Suite 200 Long Beach, CA 90802

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From: Wells, Christopher <Christopher.Wells@ilag.gov>
Sent: Wednesday, November 1, 2023 10:04 AM
To: Konstadinos T. Moros <kmoros@michellawyers.com>; Sean Brady <sbrady@michellawyers.com>; C.D. Michel <cmichel@michellawyers.com>
Cc: Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>
Subject: Re: [EXTERNAL] PICA litigation and amended complaint.

Kostas,

I have been able to review your draft and confer with my colleagues. We agree to the terms we've been discussing. Specifically, later today, we will file the document I circulated to you yesterday (subject to a final proof-read) indicating that the State Defendants do not oppose the motion for leave to amend, subject to your consent to us having 90 days to answer or otherwise plead, and up to and including December 1 to file an opposition to your forthcoming preliminary injunction motion.

I'd appreciate an email from you or your colleagues confirming our agreement as soon as you can provide it so we can get our non-opposition filed promptly.

We appreciate the constructive dialogue and collegiality in getting to this point, bumps in the road notwithstanding.

Thanks,
Chris

From: Wells, Christopher <Christopher.Wells@ilag.gov>
Sent: Tuesday, October 31, 2023 12:02 PM
To: Konstadinos T. Moros <kmoros@michellawyers.com>; Sean Brady <sbrady@michellawyers.com>; C.D. Michel <cmichel@michellawyers.com>
Cc: Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>
Subject: Re: [EXTERNAL] PICA litigation and amended complaint.

Kostas,

Thank you for sharing this draft. I have not yet had a chance to fully review it, so I don't have a final position from us yet.

But in the interest of moving things along, attached is a draft response from the State Defendants I prepared prior to getting your draft motion that reflects what I understand to be our tentative agreement. Note that I've included a paragraph accounting for the possibility that other plaintiffs in these actions may rush to file something, and in that circumstance, we'd have to assess whether modifications to the schedule are needed.

Please let me know if you have any objection to the representations in here regarding our tentative agreement. I will likewise write back with our final position once I've had a chance to make it through your draft and confer with my colleagues. I'm leaving early today for my kid's school Halloween party and trick-or-treating, so you likely won't hear from me until tomorrow morning.

Thanks,
Chris


From: Konstadinos T. Moros <kmoros@michellawyers.com>
Sent: Tuesday, October 31, 2023 9:33 AM
To: Wells, Christopher <Christopher.Wells@ilag.gov>; Sean Brady <sbrady@michellawyers.com>; C.D. Michel <cmichel@michellawyers.com>
Cc: Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>
Subject: RE: [EXTERNAL] PICA litigation and amended complaint.

Good Morning Chris,

As agreed, attached please find a draft of our preliminary injunction motion.

Please note that this is a draft and subject to editing, but it is substantially complete and will not be drastically edited from its current form. Please let us know if you have any questions. Otherwise, please confirm what the State intends to file with the Court. Thanks.

Kind regards,

<p>Konstadinos T. Moros Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4475 Main: (562) 216-4444 Fax: (562) 216-4445 Email: kmoros@michellawyers.com Web: www.michellawyers.com 180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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From: Wells, Christopher <Christopher.Wells@ilag.gov>
Sent: Monday, October 30, 2023 2:37 PM
To: Sean Brady <sbrady@michellawyers.com>; C.D. Michel <cmichel@michellawyers.com>
Cc: Konstadinos T. Moros <kmoros@michellawyers.com>; Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>
Subject: Re: [EXTERNAL] PICA litigation and amended complaint.

Sean and Kostas,

Thanks for the productive discussion just now.

As discussed, I look forward to receiving a draft of your preliminary injunction motion prior to the start of work here tomorrow morning. Based on what we've discussed, I anticipate that after we've had a chance to review that draft, we will be in a position to represent to the Court that

defendants have agreed not to oppose the motion for leave to amend in exchange for plaintiffs agreeing to allowing us: (i) 90 days to answer or otherwise plead; and (ii) up to and including December 1 to respond in opposition to your forthcoming preliminary injunction motion.


We look forward to seeing the draft.

Thanks,
Chris

From: Sean Brady <sbrady@michellawyers.com>
Sent: Monday, October 30, 2023 4:01 PM
To: Wells, Christopher <Christopher.Wells@ilag.gov>; C.D. Michel <cmichel@michellawyers.com>
Cc: Konstadinos T. Moros <kmoros@michellawyers.com>; Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>
Subject: RE: [EXTERNAL] PICA litigation and amended complaint.

Chris, I don't know if you're having technical issues, but when I try to join the call it keeps telling me the conference is ending.

Are you all on the call? Is it just me?

<p>Sean Brady Of Counsel</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4464 Main: (562) 216-4444 Fax: (562) 216-4445 Email: sbrady@michellawyers.com Web: www.michellawyers.com 180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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From: Wells, Christopher <Christopher.Wells@ilag.gov>
Sent: Monday, October 30, 2023 11:48 AM
To: Sean Brady <sbrady@michellawyers.com>; C.D. Michel <cmichel@michellawyers.com>
Cc: Konstadinos T. Moros <kmoros@michellawyers.com>; Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>
Subject: Re: [EXTERNAL] PICA litigation and amended complaint.

Sean,

I've been at a settlement conference all day and missed this email before sending my prior email to Chuck. I'd appreciate the opportunity to get on the phone today at 4 p.m. central to see where we are. We can use this dial-in:

888-494-4032
4879430470#

Thanks,
Chris


From: Sean Brady <sbrady@michellawyers.com>
Sent: Monday, October 30, 2023 1:41 PM
To: Wells, Christopher <Christopher.Wells@ilag.gov>; C.D. Michel <cmichel@michellawyers.com>
Cc: Konstadinos T. Moros <kmoros@michellawyers.com>; Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>
Subject: RE: [EXTERNAL] PICA litigation and amended complaint.

Good Morning Chris,

We are working on getting you the draft but do not believe we will be ready to share it today before typical working hours have concluded for you. We can make ourselves available for a call before then, but perhaps it makes more sense to wait to talk tomorrow after you have seen our draft. Just let us know your thoughts.

We just want to make sure you still have sufficient time to get something filed with the Court, given the deadline to respond moved to November 1st. Thanks.

Kind Regards,

<p>Sean Brady Of Counsel</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4464 Main: (562) 216-4444 Fax: (562) 216-4445 Email: sbrady@michellawyers.com Web: www.michellawyers.com 180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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From: Wells, Christopher <Christopher.Wells@ilag.gov>
Sent: Friday, October 27, 2023 4:32 PM
To: C.D. Michel <cmichel@michellawyers.com>
Cc: Sean Brady <sbrady@michellawyers.com>; Konstadinos T. Moros <kmoros@michellawyers.com>; Muse, Kathryn <Kathryn.Muse@ilag.gov>; Kinkead, Darren <Darren.Kinkead@ilag.gov>
Subject: Re: [EXTERNAL] PICA litigation and amended complaint.

Chuck,

We will need to see the draft motion before making any final decision, but I'm optimistic we can reach an agreement based on your representations below.

We can schedule a time to connect Monday afternoon to try to hammer out any lingering issues. Obviously, that discussion would be more productive if we've had the chance to at least quickly review the draft motion before we talk. Would 4 central work for you? That will hopefully give you time to get the draft to a shareable place.

Thanks,
Chris

Sent from my iPhone

On Oct 27, 2023, at 5:24 PM, C.D. Michel <cmichel@michellawyers.com> wrote:

Chris,

Thank you for the productive call today, I am very glad we could clear up the misunderstanding on our end. I apologize again for our misunderstanding of the Court's Order.

We can get you a substantially complete draft version of our motion by Monday, even though we will not actually file it until the Court grants us leave to amend which I expect would be as soon as the State files a non-opposition. I note that the Court recently changed the deadline for the State to respond to 11/1. I'm not sure how that affects our tentative agreement on how to proceed.


I can confirm that the Plaintiffs do not intend to submit expert declarations with the new motion for preliminary injunction. The only declaration we currently have (besides an attorney declaration if necessary) is that of Todd Vandermyde, as a member of some of the associational plaintiffs, for standing purposes. We may also reference his previously filed declaration (Exhibit 1 to our Reply on the initial MPI) that talked about the various technical aspects of the law, complete with pictures.

That said, if you anticipate the State will make a standing argument, we will wrangle up more declarations from individuals to address that. It would be helpful if you can let us know asap, after you have had a chance to review our draft motion, if you believe we have standing issues. That way we can get the additional declarations before we formally file. You are of course under no obligation to reveal your opposition strategy ahead of time, but this would also save you some pages on the opposition brief which I'm sure you'd prefer to use on the substantive arguments instead of standing.

Does this work? How should we proceed?

Thanks.

Chuck

<p>C.D. Michel Senior Partner</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4441 Main: (562) 216-4444 Fax: (562) 216-4445 Email: cmichel@michellawyers.com Web: www.michellawyers.com 180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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