

1 C. D. Michel – SBN 144258
2 cmichel@michellawyers.com
3 Joshua R. Dale – SBN 209942
4 jdale@michellawyers.com
5 Konstadinos T. Moros – SBN 306610
6 kmoros@michellawyers.com
7 Alexander A. Frank – SBN 311718
8 afrank@michellawyers.com
9 MICHEL & ASSOCIATES, P.C.
10 180 E. Ocean Blvd., Suite 200
11 Long Beach, CA 90802
12 Telephone: (562) 216-4444

13 Donald Kilmer-SBN 179986
14 Law Offices of Donald Kilmer, APC
15 14085 Silver Ridge Road
16 Caldwell, Idaho 83607
17 Telephone: (408) 264-8489
18 Email: Don@DKLawOffice.com

19 Attorneys for Plaintiffs

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**
22 **SOUTHERN DIVISION**

23 RENO MAY, an individual; ANTHONY
24 MIRANDA, an individual; ERIC HANS,
25 an individual; GARY BRENNAN, an
26 individual; OSCAR A. BARRETTO, JR.,
27 an individual; ISABELLE R.
28 BARRETTO, an individual; BARRY
BAHRAMI, an individual; PETE
STEPHENSON, an individual; ANDREW
HARMS, an individual; JOSE FLORES,
an individual; DR. SHELDON HOUGH,
DDS, an individual; SECOND
AMENDMENT FOUNDATION; GUN
OWNERS OF AMERICA; GUN
OWNERS FOUNDATION; GUN
OWNERS OF CALIFORNIA, INC.; THE
LIBERAL GUN CLUB, INC.; and
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,

Plaintiffs,

v.

ROBERT BONTA, in his official capacity
as Attorney General of the State of
California, and DOES 1-10,

Defendants.

Case No.: 8:23-cv-01696 CJC (ADSx)

**EVIDENTIARY OBJECTIONS OF
PLAINTIFFS TO DECLARATION
OF PROFESSOR TERRANCE
YOUNG FILED IN SUPPORT OF
DEFENDANT’S OPPOSITION TO
MOTION FOR PRELIMINARY
INJUNCTION**

Hearing Date: December 20, 2023
Hearing Time: 1:30 p.m.
Courtroom: 9 B
Judge: Hon. Cormac J.
Carney

1 **TO THIS HONORABLE COURT:**

2 Plaintiffs Reno May, Anthony Miranda, Eric Hans, Gary Brennan, Oscar A.
3 Barretto, Jr., Isabelle R. Barretto, Barry Bahrami, Pete Stephenson, Andrew Harms,
4 Jose Flores, Dr. Sheldon Hough, DDS, The Second Amendment Foundation, Gun
5 Owners of America, Inc., Gun Owners of California, Inc., The Liberal Gun Club,
6 Inc., and California Rifle & Pistol Association, Incorporated, hereby jointly object,
7 pursuant to Fed. R. Evid. 401, 402, 403, 601, 702, 703, and 704, to the Declaration
8 of Professor Terrance Young lodged by Defendant in support of his Brief in
9 Opposition to Plaintiffs’ Motion for Preliminary Injunction. These objections are
10 raised on the following grounds and as to the following matters contained within
11 the declaration:

12 **1. Objection to Paragraph 10:**

13 Foundation. There is no citation to facts or sources provided to support the
14 opinion expressed by the declarant, and no other information is provided by the
15 declarant to support the origin of or veracity of the declarant’s opinion.

16 **2. Objection to Paragraphs 11-13:**

17 Foundation. There is no citation to facts or sources provided to support the
18 opinion expressed by the declarant, and no other information is provided by the
19 declarant to support the origin of or veracity of the declarant’s opinion.

20 Relevance. The post-Reconstruction era history of public parks is
21 manifestly not relevant to the evidence of Founding through Reconstruction
22 historical analogues that governments must produce to show a history and tradition
23 of firearms regulation. *See New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S.
24 ___, 142 S. Ct. 2111, 2137, 2153-54 (2022).

25 **3. Objection to Paragraph 14:**

26 Foundation. There is no citation to facts or sources provided to support the
27 opinion expressed by the declarant, and no other information is provided by the
28 declarant to support the origin of or veracity of the declarant’s opinion.

1 **4. Objection to Paragraph 15:**

2 Relevance. The Colonial pre-Founding history of public squares and
3 spaces is not relevant to the evidence of Founding through Reconstruction historical
4 firearm regulation analogues that governments must produce to show a history and
5 tradition of firearms regulation. *See Bruen* at 2143.

6 **5. Objection to Paragraphs 16-17:**

7 Foundation. There is no citation or insufficient citations to facts or sources
8 provided to support the opinion expressed by the declarant, and no other
9 information is provided by the declarant to support the origin of or veracity of the
10 declarant's opinion.

11 **6. Objection to Paragraph 18:**

12 Relevance/Improper Expert Opinion. The declarant opines on a legal
13 question that is for the trier of fact to decide and not a proper subject of expert
14 opinion.

15 **7. Objection to Paragraphs 19-22:**

16 Relevance. Citation to a few outlier examples is not relevant to the
17 evidence of Founding through Reconstruction historical analogues that
18 governments must produce to show a history and tradition of firearms regulation.
19 *See Bruen* at 2133, 2153. Further, the general history of public squares and spaces
20 is not relevant to the evidence of Founding through Reconstruction historical
21 firearm regulation analogues that governments must produce to show a history and
22 tradition of firearms regulation.

23 **8. Objection to Paragraphs 23-24:**

24 Foundation. There is no citation to facts or sources provided to support the
25 opinion expressed by the declarant, and no other information is provided by the
26 declarant to support the origin of or veracity of the declarant's opinion.

27 **9. Objection to Paragraphs 25-26:**

28 Relevance. The general history of private and public cemeteries and other

1 public spaces is not relevant to the evidence of Founding through Reconstruction
2 historical firearm regulation analogues that governments must produce to show a
3 history and tradition of firearms regulation.

4 **10. Objection to Paragraph 27:**

5 Foundation. No citation to support some of the generalizations contained
6 in the paragraph.

7 Relevance. The general history of New York's Central Park without
8 discussion of firearm regulations that did or did not apply to it during the relevant
9 period for identifying firearm regulation analogues is not relevant evidence of
10 Founding through Reconstruction historical firearm regulation analogues that
11 governments must produce to show a history and tradition of firearms regulation.

12 **11. Objection to Paragraph 28:**

13 Relevance. Thomas Jefferson's views on agrarian versus urban living
14 untethered to any discussion of firearm regulations is not relevant evidence of
15 Founding through Reconstruction historical firearm regulation analogues that
16 governments must produce to show a history and tradition of firearms regulation.

17 **12. Objection to Paragraphs 29-30:**

18 Relevance. The pre-Civil War social justifications for the public park
19 movement, absent evidence of firearm regulation in those spaces during that time
20 period, is not relevant evidence of Founding through Reconstruction historical
21 firearm regulation analogues that governments must produce to show a history and
22 tradition of firearms regulation.

23 **13. Objection to Paragraph 30:**

24 Relevance. The influence of the Romanticism movement on the
25 development of public parks, absent evidence of firearm regulation in those spaces
26 during that time period, is not relevant evidence of Founding through
27 Reconstruction historical firearm regulation analogues that governments must
28 produce to show a history and tradition of firearms regulation.

1 **14. Objection to Paragraphs 32-33:**

2 Relevance. The history of approaches influencing park design in the mid-
3 Nineteenth century, absent evidence of firearm regulation in those spaces during
4 that time period, is not relevant evidence of Founding through Reconstruction
5 historical firearm regulation analogues that governments must produce to show a
6 history and tradition of firearms regulation.

7 **15. Objection to Paragraphs 34-37:**

8 Foundation. No citation or basis for broad-based conclusions that other
9 park regulations regulating or forbidding firearms existed other than those cited.

10 Relevance. Seven examples of Reconstruction-era park regulations
11 forbidding firearms is not a sufficient history or tradition of firearms regulation in
12 parks sufficient to be considered anything but outliers. *See Bruen* at 2133, 2153.
13 Post-Reconstruction era examples of park regulations regarding firearms cited are
14 manifestly not relevant to the evidence of Founding through Reconstruction
15 historical analogues that governments must produce to show a history and tradition
16 of firearms regulation. *See id.* at 2153-54.

17 **16. Objection to Paragraph 38:**

18 Relevance. If one could discern the meaning of what it means for
19 “romantic and rationalistic ideals” to “still thrive” in public parks, such an opinion,
20 absent evidence of firearm regulation in those spaces during that time period, is not
21 relevant evidence of Founding through Reconstruction historical firearm regulation
22 analogues that governments must produce to show a history and tradition of
23 firearms regulation.

24 **17. Objection to Paragraph 39:**

25 Foundation. The declarant does not describe what he means by this and
26 what evidence he did or did not find, the types of evidence which he sought, and the
27 methods he employed to search for that evidence.

28

1 **18. Objection to Paragraph 40:**

2 Relevance. The influence of the Romanticism intellectual movement on
3 the development of national parks, absent evidence of firearm regulation in those
4 spaces during that time period, is not relevant evidence of Founding through
5 Reconstruction historical firearm regulation analogues that governments must
6 produce to show a history and tradition of firearms regulation.

7 **19. Objection to Paragraph 41:**

8 Relevance. The influence of the Romanticism movement on the
9 development of national parks and the opinions of a single park designer, absent
10 evidence of firearm regulation in those spaces during that time period, are not
11 relevant evidence of Founding through Reconstruction historical firearm regulation
12 analogues that governments must produce to show a history and tradition of
13 firearms regulation.

14 **20. Objection to Paragraph 42:**

15 Relevance. Post-Reconstruction era designations of national parks by
16 Congress are manifestly not relevant to the evidence of Founding through
17 Reconstruction historical analogues that governments must produce to show a
18 history and tradition of firearms regulation.

19 **21. Objection to Paragraph 43:**

20 Relevance. Post-Reconstruction era examples of park regulations
21 regarding firearms are manifestly not relevant to the evidence of Founding through
22 Reconstruction historical analogues that governments must produce to show a
23 history and tradition of firearms regulation.

24 **22. Objection to Paragraph 44:**

25 Relevance. Post-Reconstruction attitudes towards the uses for national
26 parks is manifestly not relevant to the evidence of Founding through
27 Reconstruction historical analogues that governments must produce to show a
28 history and tradition of firearms regulation.

1 **23. Objection to Paragraph 45:**

2 Foundation. No citation to authority for broad-based conclusion.

3 Relevance. Modern attitudes towards the uses for national parks are
4 manifestly not relevant to the evidence of Founding through Reconstruction
5 historical analogues that governments must produce to show a history and tradition
6 of firearms regulation.

7 **24. Objection to Paragraph 46:**

8 Foundation. The declarant does not describe what he means by this and
9 what evidence he did or did not find, the types of evidence which he sought, and the
10 methods he employed to search for that evidence.

11 **25. Objection to Paragraph 47:**

12 Foundation. There is no citation to facts or sources provided to support the
13 opinion expressed by the declarant, and no other information is provided by the
14 declarant to support the origin of or veracity of the declarant's opinion.

15 Relevance. The ideological history of state park development, absent the
16 identification of firearm regulation in state parks during the relevant analogical time
17 period, is not relevant evidence of Founding through Reconstruction historical
18 firearm regulation analogues that governments must produce to show a history and
19 tradition of firearms regulation.

20 **26. Objection to Paragraph 48-49:**

21 Relevance. Post-Reconstruction era history of the establishment of state
22 parks is manifestly not relevant to the evidence of Founding through
23 Reconstruction historical analogues that governments must produce to show a
24 history and tradition of firearms regulation.

25 **27. Objection to Paragraph 50:**

26 Relevance. Depression era history of the establishment of state parks is
27 manifestly not relevant to the evidence of Founding through Reconstruction
28 historical analogues that governments must produce to show a history and tradition

1 of firearms regulation.

2 **28. Objection to Paragraph 51:**

3 Foundation. The declarant does not describe what he means by this and
4 what evidence he did or did not find, the types of evidence which he sought, and the
5 methods he employed to search for that evidence.

6 **29. Objection to Paragraph 52:**

7 Relevance. The declarant’s inability to have additional time to research
8 historical analogues is not relevant to the issue of the state’s burden to have
9 identified a rich analogical tradition of regulation in parks prior to passing SB 2 and
10 its obligation to provide citation to such analogical laws and regulations now to
11 meet its burden on this motion.

12 For the reasons set forth above, the court should strike or disregard the
13 declaration in its entirety in ruling on Plaintiffs’ motion, or, in the alternative, strike
14 and disregard those identified opinions.

15
16 Dated: November 20, 2023

MICHEL & ASSOCIATES, P.C.

/s/ C.D. Michel

C.D. Michel

Counsel for Plaintiffs

17
18
19
20 Dated: November 20, 2023

LAW OFFICES OF DON KILMER

/s/ Don Kilmer

Don Kilmer

Counsel for Plaintiff The Second Amendment
Foundation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *May, et al. v. Bonta*
Case No.: 8:23-cv-01696 CJC (ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**EVIDENTIARY OBJECTIONS OF PLAINTIFFS TO DECLARATION OF
PROFESSOR TERRANCE YOUNG FILED IN SUPPORT OF
DEFENDANT’S OPPOSITION TO MOTION FOR PRELIMINARY
INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Email: Robert.Meyerhoff@doj.ca.gov
Attorney for Defendant

I declare under penalty of perjury that the foregoing is true and correct.

Executed November 20, 2023.


Christina Castron