

1 C.D. Michel-SBN 144258
Anna M. Barvir-SBN 268728
2 Tiffany D. Chevront-SBN 317144
MICHEL & ASSOCIATES, P.C.
3 180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
4 Telephone: (562) 216-4444
Email: cmichel@michellawyers.com

5 Attorneys for Plaintiffs B&L Productions, Inc., California Rifle & Pistol Association,
6 Incorporated, Gerald Clark, Eric Johnson, Chad Littrell, Jan Steven Merson, Asian
Pacific American Gun Owner Association, Second Amendment Law Center, Inc.

7 Donald Kilmer-SBN 179986
8 Law Offices of Donald Kilmer, APC
14085 Silver Ridge Road
9 Caldwell, Idaho 83607
Telephone: (408) 264-8489
10 Email: Don@DKLawOffice.com

11 Attorney for Plaintiff Second Amendment Foundation

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 B&L PRODUCTIONS, INC., d/b/a
CROSSROADS OF THE WEST;
15 GERALD CLARK; ERIC JOHNSON;
CHAD LITRELL; JAN STEVEN
16 MERSON; CALIFORNIA RIFLE &
PISTOAL ASSOCIATION,
17 INCORPORATED; ASIAN PACIFIC
AMERICAN GUN OWNERS
ASSOCIATION; SECOND
18 AMENDMENT LAW CENTER, INC.;;
and SECOND AMENDMENT
19 FOUNDATION,

20 Plaintiffs,

21 v.

22 GAVIN NEWSOM, in his official
capacity as Governor of the State of
23 California; ROB BONTA, in his official
capacity as Attorney General of the State
of California; KAREN ROSS, in her
24 official capacity as Secretary of
California Department of Food &
25 Agriculture and in his personal capacity;
TODD SPITZER, in his official capacity
26 as District Attorney of Orange County;
32nd DISTRICT AGRICULTURAL
27 ASSOCIATION; DOES 1-10;

28 Defendants.

CASE NO: 8:22-cv-01518 JWH (JDEx)

**PLAINTIFFS' OBJECTION TO
DEFENDANTS' REQUEST FOR
JUDICIAL NOTICE & EVIDENCE IN
SUPPORT OF MOTION FOR
RECONSIDERATION**

Hearing Date: December 15, 2023
Hearing Time: 9:00 a.m.
Courtroom: 9D
Judge: Hon. John W. Holcomb

Action Filed: August 12, 2022

1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 Plaintiffs submit the following evidentiary objections to Defendants’ Request
 3 for Judicial Notice submitted in opposition to Plaintiffs’ motion for preliminary
 4 injunction:

<p>5 MATTER TO WHICH <p>6 EVIDENTIARY OBJECTION IS <p>7 ASSERTED</p> </p></p>	<p>8 BASIS FOR EVIDENTIARY <p>9 OBJECTION</p> </p>
<p>10 1. Defendant’s Request for Judicial 11 Notice, Exhibit A.</p>	<p>12 <u>First Objection:</u> 13 Federal Rule of Evidence 201(b) allows 14 the Court to take judicial notice of 15 adjudicative facts that are not subject to 16 reasonable dispute because the facts 17 rely on sources whose accuracy cannot 18 reasonably be questioned. 19 20 Exhibit A is not eligible for judicial 21 notice because its contentions are 22 subject to reasonable dispute and 23 cannot be readily determined to be 24 accurate by resorting to sources whose 25 accuracy cannot reasonably be 26 questioned. 27 28 A court may properly take judicial notice of the existence of a document but cannot take judicial notice of any disputed factual matters asserted therein. See <i>Davidson v. O’Reilly Auto</i></p>

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

Enterprises, LLC, 968 F.3d 955, n.11 (9th Cir. 2020).

Sustained: _____

Overruled: _____

Second Objection:

Lacks proper foundation under Fed. R. Evid. 901.

Sustained: _____

Overruled: _____

Third Objection:

Lacks proper authentication under Fed. R. Evid. 901.

Sustained: _____

Overruled: _____

Fourth Objection:

Lacks relevancy to material issues under Fed. R. Evid. 401.

Sustained: _____

Overruled: _____

Fifth Objection:

Is inadmissible expert witness testimony under Fed. R. Evid. 702.

Sustained: _____

Overruled: _____

Sixth Objection:

Is inadmissible hearsay under Fed. R. Evid. 801.

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

	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>2. Defendant’s Request for Judicial Notice, Exhibit B.</p>	<p><u>First Objection</u></p> <p>Federal Rule of Evidence 201(b) allows the Court to take judicial notice of adjudicative facts that are not subject to reasonable dispute because the facts rely on sources whose accuracy cannot reasonably be questioned.</p> <p>Exhibit B is not eligible for judicial notice because its contentions are subject to reasonable dispute and cannot be readily determined to be accurate by resorting to sources whose accuracy cannot reasonably be questioned.</p> <p>A court may properly take judicial notice of the existence of a document but cannot take judicial notice of any disputed factual matters asserted therein. See <i>Davidson v. O’Reilly Auto Enterprises, LLC</i>, 968 F.3d 955, n.11 (9th Cir. 2020).</p>

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

	<p>Sustained: _____</p> <p>Overruled: _____</p> <p><u>Second Objection:</u></p> <p>Lacks proper foundation under Fed. R. Evid. 901.</p> <p>Sustained: _____</p> <p>Overruled: _____</p> <p><u>Third Objection:</u></p> <p>Lacks proper authentication under Fed. R. Evid. 901.</p> <p>Sustained: _____</p> <p>Overruled: _____</p> <p><u>Fourth Objection:</u></p> <p>Lacks relevancy to material issues under Fed. R. Evid. 401.</p> <p>Sustained: _____</p> <p>Overruled: _____</p> <p><u>Fifth Objection:</u></p> <p>Is inadmissible expert witness testimony under Fed. R. Evid. 702.</p> <p>Sustained: _____</p> <p>Overruled: _____</p> <p><u>Sixth Objection:</u></p> <p>Is inadmissible hearsay under Fed. R. Evid. 801.</p> <p>Sustained: _____</p> <p>Overruled: _____</p>
--	---

1 Dated: November 22, 2023

MICHEL & ASSOCIATES, P.C.

/s/ Anna M. Barvir

2
3 Anna M. Barvir
4 Counsel for Plaintiffs B&L Productions, Inc.,
5 California Rifle & Pistol Association,
6 Incorporated, Gerald Clark, Eric Johnson, Chad
7 Littrell, Jan Steven Merson, Asian Pacific
8 American Gun Owner Association, Second
9 Amendment Law Center, Inc.

7 Dated: November 22, 2023

LAW OFFICES OF DONALD KILMER, APC

/s/ Donald Kilmer

8
9 Donald Kilmer
10 Counsel for Plaintiff Second Amendment
11 Foundation

12 **ATTESTATION OF E-FILED SIGNATURES**

13 I, Anna M. Barvir, am the ECF User whose ID and password are being used
14 to file this PLAINTIFFS’ OBJECTION TO DEFENDANTS’ REQUEST FOR
15 JUDICIAL NOTICE & EVIDENCE IN SUPPORT OF MOTION FOR
16 RECONSIDERATION. In compliance with Central District of California L.R. 5-
17 4.3.4, I attest that all signatories are registered CM/ECF filers and have concurred in
18 this filing.

20 Dated: November 22, 2023

/s/ Anna M. Barvir

21 Anna M. Barvir

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: *B & L Productions, Inc., et al. v. Newsom, et al.*
Case No.: 8:22-cv-01518 JWH (JDEx)

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:

PLAINTIFFS’ OBJECTION TO DEFENDANTS’ REQUEST FOR JUDICIAL NOTICE & EVIDENCE IN SUPPORT OF MOTION FOR RECONSIDERATION

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

Nicole J. Kau, Deputy Attorney General
nicole.kau@doj.ca.gov
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
Attorney for Defendants

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

Executed November 22, 2023.



Laura Palmerin