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

28 Defendants.

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

**[PROPOSED] ORDER FOR
PLAINTIFFS' OPPOSITION TO
STATE DEFENDANTS' MOTION
FOR RECONSIDERATION OF STAY
OF INJUNCTION PENDING APPEAL**

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

Action Filed: August 12, 2022

1 The Motion for Reconsideration of Stay of Injunction Pending Appeal of
2 Defendants Governor Gavin Newsom, Attorney General Rob Bonta, Secretary
3 Karen Ross of the California Department of Food and Agriculture, and the 32nd
4 District Agricultural Association (collectively, “State Defendants”) came for
5 hearing on December 15, 2023, in Courtroom 9D of the United States District
6 Court, Central District, the Honorable John W. Holcomb presiding. The State
7 Defendants request reconsideration of only the portion of the October 30, 2023,
8 Order denying a stay of the preliminary injunction pending appeal. The Court,
9 having reviewed the papers supporting and opposing the motion and having heard
10 oral arguments, now rules as follows: The State Defendants’ Motion is DENIED.

11 The State Defendants’ motion for reconsideration fails to meet the standards
12 for reconsideration set forth in Local Rule 7-18. It does not establish a that there has
13 been “(a) a material difference in fact or law from that presented to the Court that,
14 in the exercise of reasonable diligence, could not have been known to the party
15 moving for reconsideration at the time the Order was entered, or (b) the emergence
16 of new material facts or a change of law occurring after the Order was entered, or
17 (c) a manifest showing of a failure to consider material facts presented to the Court
18 before the Order was entered.” Nor have the State Defendants shown that any new
19 evidence presented on reconsideration could not have been presented to this Court
20 earlier “through the exercise of reasonable diligence” or that or “that the new
21 evidence is of such magnitude that it would likely have changed the outcome of the
22 case.” *Far Out Prods., Inc. v. Oskar*, 247 F.3d 986, 998 (9th Cir. 2001); *Alvarado*
23 *v. Hartford Life & Accident Ins.*, No. CV 11-00176, 2012 WL 12548145, at *3
24 (C.D. Cal. Jan. 31, 2012).

25 Even if this matter were appropriate for reconsideration, the State Defendants
26 have not established that they are entitled to a stay of the injunction pending appeal
27 under Federal Rule of Civil Procedure 62(d). They have not “(1) made a strong
28 showing that [they are] likely to succeed on the merits;” (2) “will be irreparably

1 injured absent a stay; or (3) that the balance of equities and the public interest tip
2 sharply in their favor. *See Nken v. Holder*, 556 U.S. 418, 434 (2009). To the
3 contrary, this Court finds that, on balance, the equities and public interest tip
4 sharply in Plaintiffs’ favor and against a stay.

5 IT IS SO ORDERED.

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7 Dated: _____

The Honorable John W. Holcomb
United States District Court Judge

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