

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**Form 7. Mediation Questionnaire**

Instructions for this form: <https://www.ca9.uscourts.gov/forms/form07instructions.pdf>

**9th Cir. Case Number(s)**

**Case Name**

**Counsel submitting this form**

**Represented party/parties**

*Briefly describe the dispute that gave rise to this lawsuit.*

This lawsuit challenges California Penal Code sections 27573 and 27575, two state laws that seek to -- in the legislators' own words -- ban gun shows at public fairgrounds. Section 27575 prohibits contracting for, authorizing, or allowing the sale of firearms, ammunition, and firearm parts at the Orange County Fair & Event Center. Section 27573 prohibits the same conduct at all state-owned properties.

Plaintiffs-Appellees are a gun show event promoter and individuals, vendors, and organizations that attend or have attended gun show events throughout California, including at the Orange County Fair & Event Center.

Defendants-Appellants are government actors responsible for the adoption and enforcement of sections 27573 and 27575. By enforcing these laws, Appellants have engaged in and continue to engage in conduct that violates Plaintiffs-Appellees' rights to free speech, assembly, and equal protection, as well as their Second Amendment right to buy, sell, and acquire firearms, ammunition, and firearm parts.

This action seeks declaratory and injunctive relief.

*Briefly describe the result below and the main issues on appeal.*

The Central District of California granted Plaintiffs-Appellees' motion for a preliminary injunction, halting enforcement of sections 27573 and 27575 while the case proceeds.

The issue on appeal is whether the district court abused its discretion when it granted a preliminary injunction, holding that Plaintiffs-Appellees are likely to succeed on the merits of their constitutional claims, which include:

- (1) First Amendment - Content- and Viewpoint-Discriminatory Restriction on Expressive Conduct;
- (2) First Amendment - Content-Based Restriction on Speech in a Public Forum;
- (3) First Amendment - Commercial Speech;
- (4) Second Amendment; and
- (5) Fourteenth Amendment - Equal Protection.

*Describe any proceedings remaining below or any related proceedings in other tribunals.*

Because this is an appeal of a motion for preliminary injunction and the proceedings have not been stayed pending appeal, the case is still being litigated on the merits below. Defendants-Appellants made an oral motion to stay the preliminary injunction pending appeal, and the district court denied that request. Defendants-Appellants have filed a motion for reconsideration that is still pending; it is scheduled to be heard on December 15, 2023.

A related case is already pending in the Ninth Circuit: B&L Productions, Inc., et al., v. Newsom, et al., Case No. 23-55431. That case is being considered for oral argument in March of 2024.

**Signature**  **Date**

*(use "s/[typed name]" to sign electronically-filed documents)*