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10 Attorney for Plaintiff Second Amendment Foundation

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

13 B&L PRODUCTIONS, INC., d/b/a  
14 CROSSROADS OF THE WEST;  
GERALD CLARK; ERIC JOHNSON;  
15 CHAD LITRELL; JAN STEVEN  
MERSON; CALIFORNIA RIFLE &  
16 PISTOAL ASSOCIATION,  
INCORPORATED; ASIAN PACIFIC  
17 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  
24 her 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)

**JOINT RULE 26(f) REPORT**

Scheduling Conf. Date: 01/12/24  
Scheduling Conf. Time: 11:00 AM  
Courtroom: 9D  
Judge: Hon. John W. Holcomb

Action Filed: August 12, 2022

1 On December 21, 2023, Plaintiffs B & L Productions, Inc., d/b/a Crossroads  
2 of the West, Gerald Clark, Eric Johnson, Chad Littrell, Jan Steven Merson,  
3 California Rifle & Pistol Association, Incorporated, Second Amendment Law  
4 Center, Inc., Asian Pacific American Gun Owners Association, and Second  
5 Amendment Foundation, Inc. and Defendants Gavin Newsom, Rob Bonta, Karen  
6 Ross, and the 32nd District Agricultural Association (“State Defendants”), through  
7 their counsel of record, held a conference pursuant to Federal Rule of Civil  
8 Procedure 26(f), Central District Local Rule 26-1, and this Court’s November 1,  
9 2023 Order Setting Scheduling Conference (ECF No. 44). During that conference,  
10 counsel for the Parties discussed all matters required by Rule 26(f), Local Rule 26-1,  
11 and the orders of this Court.

12 The Parties hereby submit this Joint Rule 26(f) Report in advance of the  
13 Scheduling Conference set for January 12, 2024.

14 **Request for Stay of Proceedings Pending Appeal**

15 On December 28, 2023, the Parties are filing a joint stipulation to stay the  
16 proceedings before this Court pending appeal of the Order Granting Plaintiffs’  
17 Motion for Permanent Injunction, and to take the scheduling conference set for  
18 January 12, 2024 off calendar. Nevertheless, the parties submit this joint report  
19 26(f) report should the Court deny the joint request for a stay.

20 **A. Statement of the Case**

21 Plaintiffs’ Statement

22 On October 8, 2021, Defendant Governor Gavin Newsom signed SB 264 ,  
23 amending the California Penal Code to add section 27575, which forbids anyone to  
24 “contract for, authorize, or allow the sale of any firearm, firearm precursor part, or  
25 ammunition on the property or in the buildings that comprise” the Orange County  
26 Fair & Event Center. The law took effect on January 1, 2022, but any event already  
27 under contract before the effective date is exempt from the law. In July 2022, the  
28 Legislature adopted SB 915, amending the Penal Code to add section 27573, which

1 similarly bans “contract[ing] for, authoriz[ing], or allow[ing] the sale of any firearm,  
2 firearm precursor part, or ammunition on state property or in the buildings that sit on  
3 state property ....” The law took effect on January 1, 2023, but any event under  
4 contract before that date is exempt.

5 While SB 264 and SB 915 (“the Challenged Statutes”) were intended to end  
6 gun shows on publicly owned property, as the legislative history makes clear, the  
7 laws’ express target is the buying and selling of firearms, ammunition, and “firearms  
8 precursor parts.” The banning of gun shows, however, has long been the goal of  
9 politicians who claim they believe it is wrong for the state to benefit from the sale of  
10 firearms. Because the Challenged Statutes effectively deny Plaintiffs the use of  
11 state-owned facilities that are otherwise available for use by the public for  
12 expressive activities, Plaintiffs allege that the laws violate their right to free speech,  
13 association, and assembly, and their right to equal protection under the law.

#### 14 Defendants’ Statement

15 California Senate Bills 264 and 915, codified in Penal Code sections 27573  
16 and 27575, prohibit the sale of firearms, ammunition, and precursor parts at the  
17 Orange County Fair & Event Center (the Fairgrounds) and all state property,  
18 respectively. The challenged statutes are limited in scope: they do not prevent gun  
19 shows or firearms-related sales at venues on private property, such as brick-and-  
20 mortar stores. And they allow for a range of firearms-related conduct other than the  
21 prohibited sales to continue at the Fairgrounds and state property, including  
22 expressive activity and the sales of other non-firearm products that *over 60 percent*  
23 of gun show vendors sell exclusively, such as accessories and food.

24 Plaintiffs allege that SB 264 and SB 915 violate the First and Second  
25 Amendments and the Equal Protection Clause, but these claims are without merit.

26 With respect to the First Amendment claim, the Ninth Circuit has long held  
27 that the sale of firearms and ammunition is not speech; the challenged also statutes  
28 do not regulate commercial speech because they do not preclude offers for sale.

1 Even if they did regulate speech, the prohibition on sales is reasonable and  
2 viewpoint neutral in these limited public forums. The equal protection claim, which  
3 is premised on this deficient First Amendment claim, fails for these same reasons.

4 The challenged laws are also constitutional under the Supreme Court’s recent  
5 decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111  
6 (2022). The Second Amendment’s plain text does not encompass a right to sell and  
7 purchase firearms, ammunition or precursor parts on state property. The statutes  
8 also survive the second step of the *Bruen* analysis because they are consistent with  
9 the historical analogues identified by the State regarding the government’s authority  
10 to regulate conduct on its own property, the regulation of firearms-related commerce  
11 to promote public safety, and the regulation of firearms in sensitive places.

12 Moreover, any monetary damages that Plaintiffs seek are precluded by the Eleventh  
13 Amendment.

14 **B. Subject Matter Jurisdiction**

15 Federal jurisdiction and venue are invoked upon the following grounds:  
16 Jurisdiction of this action is founded on 28 U.S.C. § 1331 because the action arises  
17 under the Constitution and laws of the United States, thus raising federal questions.  
18 The Court also has jurisdiction under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983  
19 since this action seeks to redress the deprivation, under color of the laws, statutes,  
20 ordinances, regulations, customs and usages of the State of California and political  
21 subdivisions thereof, of rights, privileges or immunities secured by the United States  
22 Constitution and by Acts of Congress.

23 The parties do not dispute the facts requisite to federal jurisdiction.

24 **C. Legal Issues**

25 Plaintiffs’ Statement of Issues

- 26 1. Whether the Challenged Statutes constitute a content- and viewpoint-  
27 discriminatory restriction on speech and expressive conduct?  
28 2. Whether the Challenged Statutes constitute a content-based restriction

1 on speech in a public forum?

2 3. Whether the Challenged Statutes constitute an impermissible restriction  
3 on commercial speech under *Central Hudson* and its progeny?

4 4. Whether the Challenged Statutes violate the Second Amendment under  
5 the history-and-tradition analysis that *Bruen* requires?

6 5. Whether the Challenged Statues deny Plaintiffs and similarly situated  
7 Californians of equal protection under the law in violation of the Fourteenth  
8 Amendment?

9 6. Are plaintiffs, including B&L Productions, Inc., entitled to monetary  
10 damages for lost profits, lost business goodwill, and other harms stemming from the  
11 unconstitutional ban on their expressive events?

12 Defendants’ Statement of Issues

13 1. Whether the challenged statutes, California Penal Code sections 27573  
14 and 27575, which do not prohibit gun shows or offers for sale of weapons, are  
15 reasonable and viewpoint neutral, and regulate a limited public forum,—  
16 nonetheless violate the First Amendment.

17 2. Whether the challenged statutes violate the Equal Protection Clause when  
18 Plaintiffs are not of a protected class and are not within a “class-of-one.”

19 3. Whether the challenged statutes violate the Second Amendment, when  
20 there is no constitutional right to sell and purchase firearms, ammunition, and  
21 precursor parts on state property, and the challenged statutes are consistent with the  
22 Nation’s historical tradition of firearm regulation.

23 4. Whether absolute legislative immunity, sovereign immunity, and qualified  
24 immunity bar Plaintiffs’ claims and relief sought against the State Defendants.

25 5. The extent of any damages alleged and whether Plaintiffs failed to  
26 mitigate them.

27 ///

28 ///

1 **D. Parties, Witnesses & Key Documents**

2 Parties

3 Plaintiffs to this action are B&L Productions, Inc. d/b/a Crossroads of the  
4 West, Gerald Clark, Eric Johnson, Chad Littrell, Jan Steven Merson, California Rifle  
5 & Pistol Association, Inc., Second Amendment Law Center, Inc., Asian Pacific  
6 American Gun Owners Association, and Second Amendment Foundation, Inc.  
7 Plaintiffs have recently received a request from Mr. Merson to be dismissed as a  
8 plaintiff in this action; the Parties have agreed to stipulate to dismiss Mr. Merson.

9 Defendants to this action are Gavin Newsom, in his official capacity as  
10 Governor of the State of California, Rob Bonta, in his official capacity as Attorney  
11 General of the State of California, Karen Ross, in her official capacity as Secretary  
12 of California Department of Food & Agriculture and in her personal capacity, and  
13 the 32nd District Agricultural Association. Each of these parties has been served and  
14 has appeared.

15 Todd Spitzer is also named as a defendant in his official capacity as District  
16 Attorney of Orange County. He has been served, but he has not yet appeared.

17 Witnesses (Plaintiffs)

18 Plaintiffs expect that the following parties and third-party witnesses may have  
19 discoverable information relevant to the main issues in the case:

- 20 ▪ Ashleigh Aitken, Former Board Member, 32nd DAA
- 21 ▪ Barbara Bagneris, Vice Chair, 32nd DAA
- 22 ▪ Tanya Bilezikjian, Board Member, 32nd DAA
- 23 ▪ Sandra Cervantes, Former Board Member, 32nd DAA
- 24 ▪ Gerald Clark
- 25 ▪ Courtney Gallego, Event Services Supervisor, OC Fair & Event Center
- 26 ▪ Alan Gottlieb, Executive Vice President, Second Amendment Foundation
- 27 ▪ Dimetria Jackson, Board Member, 32nd DAA
- 28 ▪ Eric Johnson

- 1           ▪ Ken Karns, Chief Operating Officer, OC Fair & Event Center
- 2           ▪ Patrick Kerins, Former Public Safety Director, 22nd DAA
- 3           ▪ Nick Kovacevich, Chair, 32nd District Agricultural Association
- 4           ▪ Douglas La Belle, Board Member, 32nd DAA
- 5           ▪ Chad Littrell
- 6           ▪ Patrick Lopez, Founder, Asian Pacific American Gun Owner Association
- 7           ▪ Jan Steven Merson
- 8           ▪ Carl D. Michel, Board Member, Second Amendment Law Center
- 9           ▪ Dave Min, State Senator, Senate District 37
- 10          ▪ Richard Minnich, Treasurer, California Rifle & Pistol Association, Inc.
- 11          ▪ Tracy Olcott
- 12          ▪ Newton Pham, Board Member, 32nd DAA
- 13          ▪ Michele Richards, General Manager & CEO, OC Fair & Event Center
- 14          ▪ Natalie Rubalcava-Garcia, Board Member, 32nd DAA
- 15          ▪ Robert Ruiz, Board Member, 32nd DAA
- 16          ▪ Robert Templeton

17          Key Documents (Plaintiffs)

- 18          ▪ OC Fair & Event Center venue marketing materials
- 19          ▪ Correspondence between B&L and employees/staff at OC Fair & Event
- 20             Center
- 21          ▪ Correspondence between Defendant Governor Newsom and Board
- 22             Members of 22nd DAA re: gun show moratorium
- 23          ▪ Correspondence between Assemblymember Todd Gloria (D) and Board
- 24             Members of 22nd DAA re: gun show moratorium
- 25          ▪ Correspondence between Senator Dave Min (D) and Board Members of
- 26             32nd DAA re: banning gun shows
- 27          ▪ Memorandum of Patrick Kerins, Public Safety Director, 22nd DAA, to
- 28             Board of Directors, 22nd DAA, re: safety and legal compliance of gun



- 1 shows at Del Mar Fairgrounds
- 2     ▪ Legislative history documents re: Assembly Bill 893, Senate Bill 264, and
  - 3         Senate Bill 915, including the text of the bills, committee reports, floor
  - 4         reports, and research/reports cited in those materials
  - 5     ▪ News reports, press releases, and other public statements made by Senator
  - 6         Dave Min and other sponsors/supporters of banning gun shows in
  - 7         California
  - 8     ▪ Business records of B&L Productions, Inc. re: income and expenses for
  - 9         gun shows at OC Fair & Event Center (damages)

10         Plaintiffs do not intend to waive any right to introduce documents not  
11 specifically identified here or documents otherwise subsumed within those more  
12 broadly described categories. To the extent that documents that are “key” to discrete  
13 issues within main issues exist that are not expressly identified here but are  
14 reasonably subsumed within the categories of documents described, Plaintiffs  
15 incorporate those discrete issues and their supporting documents by reference.

16         Witnesses (Defendants)

17         Defendants’ witnesses may include the witnesses listed above by Plaintiffs,  
18 and those witnesses that have already submitted declarations before this Court. The  
19 State may also present additional expert historians, totaling 2-6, and any other  
20 representatives from Plaintiff B&L Productions, Inc., as necessary. This is not an  
21 exhaustive list of the Defendants’ witnesses, and Defendants will continue to  
22 identify relevant witnesses as the case progresses.

23         Key Documents (Defendants)

24         Documents to be relied upon by Defendants include all documents referenced  
25 in filings so far, all documents submitted to the Court, correspondence between the  
26 parties, legislative histories of the challenged statutes, all documents relied upon by  
27 witnesses, and any other judicially noticeable documents. Defendants may also rely  
28 upon any documents sought from Plaintiffs in the course of discovery. This is not



1 an exhaustive list of the Defendants' documents, and Defendants will continue to  
2 identify relevant documents as the case progresses.

3 **E. Damages**

4 Plaintiffs' Statement of Damages

5 Plaintiff B&L Productions, Inc., alleges that it has suffered and may seek to  
6 recover about \$955,000 in damages resulting from the cancellation of gun shows at  
7 the Orange County Fair & Event Center due to the adoption and enforcement of SB  
8 264 and SB 915. The amount includes lost profits from the 10 events that B&L  
9 would have hosted at the venue from 2022-2023, profits B&L can reasonably expect  
10 to lose over the next three years even if shows are allowed to return to the venue,  
11 and loss of business goodwill.

12 Plaintiffs will also seek attorney fees and costs if they are the prevailing party  
13 under 42 U.S.C. §§ 1983 and 1988.

14 Defendants' Statement of Damages

15 Any claims for monetary damages are barred by the Eleventh Amendment. In  
16 addition, Plaintiffs have failed to mitigate any claims for monetary damages.

17 **F. Insurance**

18 Insurance is not an issue in this case.

19 **G. Motions**

20 The Parties agree that it is unlikely that any motion to add other parties or  
21 claims, to file amended pleadings, or to transfer venue will be filed. The Parties will,  
22 however, soon file a stipulation to dismiss Mr. Jan Steven Merson as a plaintiff, at  
23 his request.

24 Because Mr. Spitzer, the County Defendant, has been served but has not yet  
25 appeared, Plaintiffs may soon seek an entry of default against him.

26 **H. Manual for Complex Litigation (L.R. 26-1(a))**

27 The parties agree that the matter is not complex and thus propose that the  
28 procedures of the Manual for Complex Litigation need not be used in managing this

1 case.

2 **I. Status of Discovery**

3 The Parties have not yet engaged in formal adversarial discovery. Although  
4 this case was first filed on August 12, 2022, the Parties did not immediately begin  
5 discovery efforts because they reasonably anticipated that any decision on Plaintiffs’  
6 Motion for Preliminary Injunction would provide the Parties with clear guidance  
7 about what, if any, factual issues require traditional discovery in this case. Through  
8 the lengthy litigation of Plaintiffs’ Motion for Preliminary Injunction and responsive  
9 to the Court’s request for briefing on relevant historical analogues, however, the  
10 Parties have identified and/or exchanged a large number of relevant documents,  
11 including most of the “key documents” listed in section D, *supra*, and have  
12 identified and provided sworn declarations from several witnesses.

13 **J. Discovery Plan (11/1/23 Order)**

14 In the event that the Court denies the Parties’ request for a stay of the  
15 proceedings pending the appeal, then the Parties propose the following dates.

16 **1. Initial Disclosures (FRCP 26(f)(3)(A))**

17 The Parties agree to extend the date to exchange the initial disclosures required  
18 by Rule 26(a) on or before January 26, 2024. The Parties agree that no other changes  
19 to the form or requirement to exchange initial disclosures are necessary.

20 **2. Anticipated Scope of Discovery (FRCP 26(f)(3)(B))**

21 Pursuant to Rule 26(f)(3)(B), the Parties agree that discovery will be  
22 conducted on the allegations and claims contained within Plaintiff’s First Amended  
23 Complaint and the denials and defenses raised in the State Defendants’ Answer. The  
24 Parties intend to propound written discovery in the form of interrogatories, requests  
25 for production, and requests for admission as authorized by the Federal Rules. The  
26 parties also intend to conduct the depositions of the parties and various third parties  
27 (including expert and lay witnesses).

28 The Parties agree that discovery need not be conducted in phases, and that

1 discovery will not be limited to particular issues.

2 Plaintiffs’ Statement Re: Scope of Discovery

3 Most of the central issues of this case turn on legal determinations and not  
4 factual findings and are thus not fact-discovery intensive. However, some claims or  
5 theories may require factual development about legislative animus against Plaintiffs  
6 and gun culture (equal protection claim), the State’s claims of criminal activity at  
7 California gun shows, and damages. Plaintiffs intend to propound written discovery  
8 and, if necessary, conduct party and third-party witness depositions about these  
9 issues.

10 Defendants’ Statement Re: Scope of Discovery

11 The Defendants intend to conduct discovery through requests for production  
12 of documents, requests for admission, interrogatories, and depositions. Discovery  
13 will be conducted regarding Plaintiffs’ First Amendment claim, including the  
14 allegation that the challenged statutes ban gun shows; their Equal Protection claim,  
15 including any “similarly situated” allegations; and their Second Amendment claim,  
16 including any rebuttal testimony regarding historical regulation of the Second  
17 Amendment. Defendants will also conduct discovery related to the extent of  
18 damages alleged and mitigated.

19 **3. Electronically Stored Information (FRCP 26(f)(3)(C))**

20 In accordance with Rule 26(f)(3)(C), the Parties have discussed electronically  
21 stored information. As guiding principles, the Parties agree to meet and confer in  
22 good faith concerning issues that arise with respect to the disclosure or discovery of  
23 electronically stored information, and to use their best efforts to produce  
24 electronically stored information in the format preferred by the requesting party,  
25 including reasonable requests for production of such information with metadata  
26 intact.

27 **4. Privilege Issues (FRCP 26(f)(3)(D))**

28 In accordance with Rule 26(f)(3)(D), the Parties have discussed privilege and

1 protection issues. At this time, the Parties agree there is no need for a protective  
2 order. There are, however, potential privilege concerns regarding B&L’s sensitive  
3 business records and police reports or other documentation regarding alleged crimes  
4 at or near the OC Fair & Event Center or other state-owned Fairgrounds. Should a  
5 need arise for a protective order, the Parties agree to meet and confer in good faith to  
6 discuss the terms of a protective order and preserve their rights to seek such orders  
7 from the Court.

8 **5. Changes to Discovery Limitations (FRCP 26(f)(3)(E))**

9 The Parties do not currently anticipate the need to change the rules on  
10 discovery limitations and adopt the default limitations on discovery imposed by the  
11 Federal Rules of Civil Procedure, local rules, and applicable case law. The Parties  
12 reserve the right to seek leave of Court to exceed these discovery limitations if  
13 necessary.

14 **6. Other Discovery & Scheduling Orders (FRCP 26(f)(3)(F))**

15 In accordance with Rule 26(f)(3)(F), the Parties have discussed the need for  
16 other discovery or scheduling orders under Rules 26(c), 16(b), and 16(c).

17 This matter is currently before the Ninth Circuit on an interlocutory appeal of  
18 this Court’s order granting Plaintiffs’ Motion for Preliminary Injunction. *B&L*  
19 *Productions, Inc. v. Newsom*, 9th Cir. No. 23-3793. A related case, *B&L*  
20 *Productions, Inc. v. Newsom*, S.D. Cal. No. 21-cv-1718, 9th Cir. No. 23-55431, is  
21 also before the Ninth Circuit on the appeal of the Southern District’s order  
22 dismissing the case under Rule 12. The Ninth Circuit ordered the appeals to be  
23 coordinated and scheduled oral arguments for March 6, 2024. As mentioned above,  
24 the Parties are filing a request to stay the district court proceedings.

25 **K. Discovery Cutoff (11/1/23 Order)**

26 In the event the Court opts not to stay proceedings in this matter pending the  
27 resolution of the State’s preliminary injunction appeal, the Parties propose the  
28 following cutoff dates for the completion of discovery, including the resolution of

1 all discovery motions:

2 Plaintiffs’ Proposal: September 20, 2024

3 Defendants’ Proposal: January 24, 2025, to allow for the Ninth Circuit to  
4 rule on the pending appeal in this matter and in the related *B&L Productions, Inc. v.*  
5 *Newsom* matter, Case No. 23-55431 (9th Cir.).

6 **L. Expert Discovery (L.R. 26-1(f))**

7 In the event the Court opts not to stay proceedings in this matter pending the  
8 resolution of the State’s appeal, the Parties propose the following deadlines for  
9 disclosure of expert witnesses and any written report from an expert witness  
10 required under Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure:

11 Plaintiffs’ Proposal

12 Initial Expert Disclosure: July 12, 2024

13 Rebuttal Expert Disclosure: August 15, 2024

14 Sur-Rebuttal Report (if necessary): August 30, 2024

15 Defendants’ Proposal

16 Initial Expert Disclosure: October 11, 2024

17 Rebuttal Expert Disclosure: November 29, 2024

18 Sur-Rebuttal Report (if necessary): December 20, 2024

19 **M. Dispositive Motions (L.R. 26-1(b))**

20 The Parties agree that the issues of this case described in Section C, *supra*,  
21 may potentially be resolved by motion or cross-motions for summary judgment  
22 because they turn heavily on questions of constitutional law. Plaintiffs contend that  
23 the issue of the amount of any damages may still require trial and/or settlement.

24 Defendants contend that all of Plaintiffs’ claims and Defendants’ affirmative  
25 defenses may be determined by motion for summary judgment, including the issue  
26 of damages.

27 **N. Settlement/Alternative Dispute Resolution (ADR) (L.R. 26-1(c))**

28 To date, the Parties have not engaged in any efforts to settle or otherwise

1 resolve this matter. The Parties discussed the potential for settlement, and while they  
2 remain amenable to negotiate, they agree settlement is unlikely because this case  
3 involves a constitutional challenge to two state laws.

4 If ADR is mandated by this Court or the Parties wish to engage in ADR, the  
5 Parties agree to Procedure No. 1 (i.e., settlement conference before the district judge  
6 or magistrate judge assigned to the case).

7 **O. Trial Estimate (L.R. 26-1(d))**

8 The Parties anticipate that the trial should take 5 days, and they agree that the  
9 trial will be a bench trial. Plaintiffs currently contemplate calling between 4-7  
10 witnesses. Defendants currently contemplate calling between 6-12 witnesses.

11 **P. Trial Counsel**

12 Plaintiffs B&L Productions, Inc., California Rifle & Pistol Association,  
13 Incorporated, Gerald Clark, Eric Johnson, Chad Littrell, Jan Steven Merson, Asian  
14 Pacific American Gun Owner Association, Second Amendment Law Center, Inc.,  
15 will be represented at trial by Anna M. Barvir, Michel & Associates, P.C.

16 Plaintiff Second Amendment Foundation will be represented at trial by  
17 Donald Kilmer, Law Offices of Donald Kilmer, APC.

18 The State Defendants will be represented at trial by Nicole J. Kau, Deputy  
19 Attorney General.

20 The County Defendant has not yet appeared in this case.

21 **Q. Independent Expert or Master (L.R. 53-1)**

22 The Parties agree that the Court need not appoint a master pursuant to Rule 53  
23 or an independent scientific expert.

24 **R. Timetable (11/1/23 Order)**

25 Please see Exhibit A: Schedule of Pretrial and Trial Dates Worksheet for the  
26 Parties' proposed timetable for this case.

27 **S. Amending Pleadings and Adding Parties (11/1/23 Order)**

28 The Parties acknowledge that the Court does not typically set a separate

1 deadline for the parties to amend the pleadings or add parties. If a Party wishes to  
2 amend its pleading or to add one or more parties, that Party shall seek a stipulation  
3 from the other parties. If the parties cannot reach such a stipulation, then the Party  
4 seeking to amend shall comply with Rule 15(a) and, if applicable, Rule 16(b)(4) of  
5 the Federal Rules of Civil Procedure, as well as L.R. 151 through L.R. 153 and L.R.  
6 1614.

7 **T. Other Issues (11/1/23 Order)**

8 Except for those issues raised in the sections above, the parties have not  
9 identified any other issue affecting the status or management of the case.

10 **U. Consent to Proceed Before Magistrate Judge (11/1/23 Order)**

11 Counsel for the Parties have discussed whether to consent to have a  
12 Magistrate Judge conduct any and all necessary proceedings and order the entry of  
13 judgment in this matter pursuant 28 U.S.C. § 636(c) and General Order 1201. The  
14 Parties do not agree to consent to the assignment of this matter to a Magistrate  
15 Judge.

16 Dated: December 28, 2023

**MICHEL & ASSOCIATES, P.C.**

17 *s/ Anna M. Barvir*  
18 Anna M. Barvir  
19 Counsel for Plaintiffs B&L Productions, Inc.,  
20 California Rifle & Pistol Association,  
21 Incorporated, Gerald Clark, Eric Johnson, Chad  
Littrell, Jan Steven Merson, Asian Pacific  
American Gun Owner Association, Second  
Amendment Law Center, Inc.

22 Dated: December 28, 2023

**LAW OFFICES OF DONALD KILMER, APC**

23 *s/ Donald Kilmer*  
24 Donald Kilmer  
25 Counsel for Plaintiff Second Amendment  
26 Foundation  
27  
28



1 Dated: December 28, 2023

**ROB BONTA**  
**Attorney General of California**

2

*s/ Nicole J. Kau*

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\_\_\_\_\_  
NICOLE J. KAU

4

Deputy Attorney General

5

Attorneys for Defendants Gavin Newsom, Rob  
Bonta, Karen Ross, and the 32nd District

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Agricultural Association

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**ATTESTATION OF E-FILED SIGNATURES**

9

10

I, Anna M. Barvir, am the ECF User whose ID and password are being used

11

12

to file this JOINT RULE 26(f) REPORT. In compliance with Central District of

13

14

California L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers and

15

16

have concurred in this filing.

17

18

Dated: December 28, 2023

*/s/ Anna M. Barvir*

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Anna M. Barvir

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**EXHIBIT A: SCHEDULE OF PRETRIAL & TRIAL DATES WORKSHEET**

Case No.:	8:22-cv-01518 JWH (JDEx)		
Case Name:	<i>B &amp; L Productions, Inc., et al. v. Gavin Newsom, et al.</i>		
<b>Event</b>	<b>Plaintiff's Request month/day/year</b>	<b>Defendant's Request month/day/year</b>	<b>Court's Order</b>
<input type="checkbox"/> Jury Trial or <input checked="" type="checkbox"/> Bench Trial ( <b>Monday at 9:00 a.m.</b> ) Length: <u>5</u> days	3/3/2025	9/1/25	
Final Pretrial Conference [L.R. 16] ( <b>Friday-17 days before trial date</b> )	2/14/2025	8/15/25	
Hearing on Motions <i>in Limine</i> ( <b>Friday-7 days before Final PTC</b> )	2/7/2025	8/8/25	
Last Date to Hear Non-Discovery Motions	11/22/2024	3/14/25	
Last Date to Conduct Settlement Conference	1/17/2025	8/1/25	
All Discovery Cut-Off (including hearing all discovery motions)	9/20/2024	1/10/25	
Expert Disclosure (Sur-Rebuttal)	8/30/2024	12/20/24	
Expert Disclosure (Rebuttal)	8/15/2024	11/29/24	
Expert Disclosure (Initial)	7/12/2024	10/11/24	

ADR [L.R. 16-15] Settlement Choice:

- Attorney Settlement Officer Panel
- Private Mediation
- Magistrate Judge

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**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:

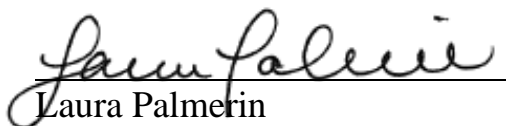
**JOINT RULE 26(f) REPORT**

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](mailto: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 December 28, 2023.

  
\_\_\_\_\_  
Laura Palmerin