

Nos. 23-4354 and 23-4356

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

RENO MAY, ET AL.,
Plaintiffs-Appellees,

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF CALIFORNIA,
Defendant-Appellant.

**On Appeal from the United States District Court
for the Central District of California**

No. 8:23-cv-01696-CJC-ADSx
The Honorable Cormac J. Carney, Judge

UNOPPOSED MOTION TO CONSOLIDATE APPEALS

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January 4, 2024

(Additional caption appears on next page)

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

MARCO ANTONIO CARRALERO, ET AL.,
Plaintiffs-Appellees,

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF CALIFORNIA,
Defendant-Appellant.

**On Appeal from the United States District Court
for the Central District of California**
No. 8:23-cv-01798-CJC-ADSx
The Honorable Cormac J. Carney, Judge

UNOPPOSED MOTION TO CONSOLIDATE APPEALS

Pursuant to Federal Rule of Appellate Procedure 3(b)(2), Defendant-Appellant Rob Bonta, Attorney General of California, respectfully requests that the *May v. Bonta* and *Carralero v. Bonta* appeals be consolidated for all purposes, including briefing and oral argument. Specifically, the Attorney General respectfully requests that he be permitted to file a single opening brief and a single reply brief in both cases, and that the same merits panel hear oral arguments in both appeals. Plaintiffs-Appellees do not oppose consolidation, as long as each set of Plaintiffs-Appellees is permitted to file their own answering brief and to present oral argument.

These two appeals arise from the same order and preliminary injunction issued in the district court. *Carralero* Dkt. Nos. 41-42; *May* Dkt. No. 45-46. Plaintiffs in both cases challenge the constitutionality of certain restrictions on the carrying of firearms in certain sensitive places contained in Senate Bill 2. *Carralero* Dkt. No. 1; *May* Dkt. No. 1. The district court coordinated the two cases. *Carralero* Dkt. No. 16; *May* Dkt. No. 17.

In both cases, Plaintiffs moved for preliminary injunctions to prevent enforcement of certain of SB 2's sensitive places provisions. *Carralero* Dkt. No. 6, 6-1; *May* Dkt. No. 13, 13-1. Both sets of Plaintiffs sought to enjoin SB 2's restrictions on carrying firearms in health care facilities, on public transit, at

establishments that sell liquor for consumption on site, at public gatherings and special events, in parks and athletic facilities, on property controlled by the State Department of Parks and Recreation or Department of Fish and Wildlife, at libraries and museums, and on private property without the owner's consent. *May* Dkt. No. 13-1; *Carralero* Dkt. No. 6-1. The *May* Plaintiffs also sought to enjoin restrictions on carrying firearms at playgrounds and youth centers, in religious buildings without the operator's consent, at financial institutions, and in parking lots of all of the sensitive places they challenged as well as local government buildings (to the extent SB 2 also restricts carriage of firearms in the parking lots of those places). *May* Dkt. No. 13. The *Carralero* Plaintiffs also sought to enjoin restrictions on carrying firearms at casinos, stadiums, and amusement parks, and in the parking lots of all of the sensitive places they challenged. *Carralero* Dkt. No. 6-1.

In opposing Plaintiffs' motions for preliminary injunction in the district court, the Attorney General filed a single consolidated opposition brief responding to both sets of Plaintiffs' motions. *Carralero* Dkt. No. 20; *May* Dkt. No. 21. The district court heard argument on Plaintiffs' motions at the same hearing on December 20, 2023, and issued the same order granting a preliminary injunction in both cases. *Carralero* Dkt. Nos. 41-42; *May* Dkt. No. 45-46.

This Court granted a temporary administrative stay of the injunction in both cases. *Carralero* 9th Cir. Dkt. No. 10; *May* 9th Cir. Dkt. No. 17. The briefing deadlines are the same in both appeals: January 19 for the opening brief and February 16 for the answering brief, with the optional reply brief due 21 days later. *Carralero* 9th Cir. Dkt. No. 2; *May* 9th Cir. Dkt. No. 2.

The Court may consolidate closely related appeals that arise from the same district court proceeding or involve similar issues of law or fact. *See, e.g.*, *Snoqualmie Indian Tribe v. Washington*, 8 F.4th 853, 860 (9th Cir. 2021); *Orr v. Plumb*, 884 F.3d 923, 926 (9th Cir. 2018). Here, both appeals arise from the same order and preliminary injunction, both sets of Plaintiffs challenge many of the same sensitive places provisions of SB 2, and the expedited briefing schedules for the two appeals are already aligned. Permitting the Attorney General to file a single opening brief and single reply brief will serve the interests of the parties and judicial economy, as will assigning both appeals to the same merits panel.

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CONCLUSION

The Attorney General respectfully requests that the Court grant this Motion and consolidate the two appeals. Because the Attorney General's opening briefs are due on January 19, he respectfully requests a ruling on this Motion on or before January 10 to allow sufficient time to finalize the brief (or briefs) in light of the Court's ruling.

Dated: January 4, 2024

Respectfully submitted,

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STATEMENT OF RELATED CASES

The Attorney General is aware of the following related cases:

- *Wolford v. Lopez*, 9th Cir. No. 23-16164: Appeal from a preliminary injunction order enjoining certain provisions of Hawai‘i’s Act 52, which prohibits carrying or possessing firearms in specified locations and premises.

Dated: January 4, 2024

s/ Robert L. Meyerhoff

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the type-volume limitation of Ninth Circuit Rules 27-1 and 32-3(2) because it consists of 738 words, excluding the documents listed at Federal Rules of Appellate Procedure 27(a)(2)(B) and 32(f). This motion complies with the typeface and the type style requirements of Federal Rule of Appellate Procedure 27 because it has been prepared in a proportionally spaced typeface using 14-point font.

Dated: January 4, 2024

s/ Robert L. Meyerhoff

CERTIFICATE OF SERVICE

I certify that on January 4, 2024, I electronically filed the foregoing document with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I certify that all other participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: January 4, 2024

s/ Robert Meyerhoff