

No. 23-4354

**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

**APPELLEES' SUPPLEMENTAL EXCERPTS
OF RECORD**

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February 16, 2024

Exhibit A

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10 Attorneys for Plaintiffs

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 MARCO ANTONIO CARRALERO;
15 GARRISON HAM; MICHAEL
16 SCHWARTZ; ORANGE COUNTY
17 GUN OWNERS PAC; SAN DIEGO
18 COUNTY GUN OWNERS PAC;
19 CALIFORNIA GUN RIGHTS
20 FOUNDATION; and FIREARMS
21 POLICY COALITION, INC.

Plaintiffs,

v.

ROB BONTA, in his official capacity as
Attorney General of California,

Defendant.

Case No.: 8:23-cv-01798

**DECLARATION OF MARCO
CARRALERO IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

I, Marco Antonio Carralero, declare:

1. I am over 18 years old. I am competent to give this declaration. I have personal knowledge of the matters set forth in this declaration and would be able to testify to them if called as a witness.

2. I am a citizen of the United States, and a resident and citizen of the State of California, currently residing in Orange County, California.

1 3. I am not prohibited under state or federal law from acquiring or possessing
2 firearms or ammunition.

3 4. I have possessed a Georgia Weapons Carry License, issued by the Fulton
4 County Probate Court, since 02/24/2021, and I recently obtained a New Standard
5 California Carry Concealed Weapon (CCW) 2 Year License, issued by the Orange
6 County Sheriff-Coroner Department, for my personal firearm.

7 5. Carrying a personal firearm for self-defense and for defense of my wife is
8 important to me.

9 6. I participated in the Orange County Sheriff's Department Citizen's
10 Academy in 2022 to learn more about local law enforcement in my county. I am a
11 member of the Orange County Gun Owners PAC, the California Gun Rights
12 Foundation, and Firearms Policy Coalition, Inc.

13 7. I completed the application process for a Carry Concealed Weapon (CCW)
14 license from the Orange County Sheriff-Coroner Department, including a course of
15 instruction at an approved training provider deemed acceptable by the Orange County
16 Sheriff's Department CCW Unit on 8/25/23, as required by the State of California to
17 obtain my CCW license.

18 8. I carry, and intend to continue carrying, my personal firearm daily, during
19 all my activities.

20 9. Professionally, I run operations for my family business. Daily
21 responsibilities include managing our company office and warehouse, where we store

1 valuable inventory, equipment, and technology. As a small local business, we cannot
2 afford to hire private security. Since receiving my CCW, I carry my personal firearm
3 for self-defense there every day.

4 10. I either already carry, or plan to carry in the coming weeks, my personal
5 firearm for self-defense to the private businesses I frequent for work including
6 hardware stores, Home Depot, Lowe's, private carriers including UPS and FedEx,
7 and retailers including Target, Walmart, Albertsons-Safeway, Gelson's, CVS, and
8 Ralph's. If SB2's provision about private businesses were to go into effect, I would
9 restrict my carrying practices at private businesses for fear of arrest or prosecution.

10 11. I plan to carry my personal firearm for self-defense to a medical office or
11 other place where medical services are currently provided in the coming weeks and
12 months, both for my own routine medical care and to accompany my wife.

13 12. I would like to carry my personal firearm for self-defense to establishments
14 licensed to serve alcohol for on-site consumption in the coming days, including Oak
15 Ranch Grill, Morena's Mexican Cuisine, and other local eateries I frequent.
16 However, when I filled out my CCW license application, I was informed that even
17 with a license, I could not carry in bars or any location whose primary purpose is to
18 dispense alcoholic beverages for on-site consumption. I am unaware of the legal
19 authority for this restriction, but I comply with it anyway for fear of prosecution. If I
20 were permitted to visit restaurants and bars while carrying my personal firearm, I
21 would not consume alcohol while carrying.

1 13. I plan to carry my personal firearm for self-defense to stadiums near where
2 I live in the next few months, including Championship Soccer Stadium and Angel
3 Stadium of Anaheim. If required by these locations, I would lock my firearm in the
4 provided lockers. But if SB2 goes into effect, I could not even bring my personal
5 firearm into the stadium/arena or its parking lot.

6 14. With my carry permit, I would regularly carry my personal firearm at
7 museums, especially at Bowers Museum in Santa Ana, where I go with my family,
8 and the Surfing Heritage and Culture Center. I also frequent the Dana Point Historical
9 Society where I am a Board Member, and I would carry there in the near future.

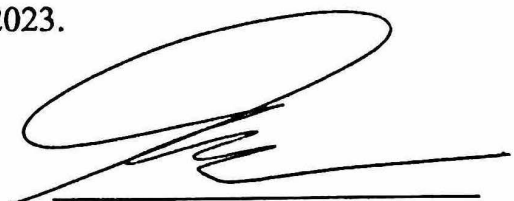
10 15. I plan to carry my personal firearm for self-defense to parks near where I
11 live. I frequent the following parks weekly for hiking and walking with family or
12 alone: Crystal Cove State Park, Aliso and Wood Canyons Wilderness Park, Salt Creek
13 Beach Park, San Clemente State Beach, Las Ramblas Trailhead, Ronald W. Caspers
14 Wilderness Park, and Thomas F. Riley Wilderness Park.

15 16. I have every intention and desire to continue to carry for self-defense at the
16 warehouse where I work, at the private businesses I frequent, at bars, restaurants,
17 stadiums, parks, medical offices, and local nature trails. I would continue to carry at
18 these locations in the future, but I will decline to do so because of my credible fear of
19 arrest and prosecution after January 1, 2024, the effective date of SB 2.

20 I declare under penalty of perjury under the laws of the United States of America
21 that the foregoing is true and correct to the best of my knowledge.

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Executed this 26 day of September, 2023.



Marco Antonio Carralero

Exhibit B

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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 MARCO ANTONIO CARRALERO;
14 GARRISON HAM; MICHAEL
15 SCHWARTZ; ORANGE COUNTY
16 GUN OWNERS PAC; SAN DIEGO
17 COUNTY GUN OWNERS PAC;
18 CALIFORNIA GUN RIGHTS
19 FOUNDATION; and FIREARMS
20 POLICY COALITION, INC.

21 Plaintiffs,

v.

ROB BONTA, in his official capacity as
Attorney General of California,

Defendant.

Case No.: 8:23-cv-01798

**DECLARATION OF GARRISON
HAM IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

I, Garrison Ham, declare:

1. I am over 18 years old. I am competent to give this declaration. I have personal knowledge of the matters set forth in this declaration and would be able to testify to them if called as a witness.

2. I am a citizen of the United States, and a resident and citizen of the State of California, currently residing in Oceanside. I am a member of the San Diego County

1 Gun Owners Association, the California Gun Rights Foundation, and Firearms Policy
2 Coalition, Inc.

3 3. I am not prohibited under state or federal law from acquiring or
4 possessing firearms or ammunition.

5 4. I have an active license to carry a concealed weapon (CCW) issued by
6 the San Diego County Sheriff's Department.

7 5. I am a combat veteran of the United States Army, serving in Afghanistan
8 from April 2006 to May 2007 and Iraq from December 2009 to August 2010.
9 Therefore, I am trained and equipped to operate my personal firearm for self-defense.
10 I currently work in sales.

11 6. I completed multiple training courses and a background check on or
12 around August 2023 as required by the State of California to obtain my CCW license.

13 7. There are several locations that I regularly visit where SB 2 will infringe
14 my Second Amendment rights by prohibiting me from carrying my personal firearm
15 for self-defense.

16 8. With my carry permit, I regularly carry my personal firearm when I enter
17 stores and other privately owned commercial establishments that are open to the
18 public. These locations include, for example: grocery stores; gas stations and
19 convenience stores; and retail establishments, including home improvement and
20 gardening stores, shopping malls, clothing stores, and open-air markets. If SB2's
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1 provision about private businesses were to go into effect, I would restrict my carrying
2 practices at private businesses for fear of arrest or prosecution.

3 9. With my carry permit, I would regularly carry my personal firearm at and
4 in restaurants, bars, and other establishments that are licensed to sell liquor for on-site
5 consumption. These locations include restaurants, sports bars, and breweries.
6 However, when I filled out my CCW license application, I was informed that even
7 with a license, I could not carry in bars or any location whose primary purpose is to
8 dispense alcoholic beverages for on-site consumption. I am unaware of the legal
9 authority for this restriction, but I comply with it anyway for fear of prosecution. If I
10 were permitted to visit restaurants and bars while carrying my personal firearm, I
11 would not consume alcohol while carrying.

12 10. I regularly attend public gatherings for which a permit is required while
13 carrying my personal firearm, including the weekly Sunset Market in Oceanside, local
14 farmer's markets, and political rallies and events.

15 11. I regularly visit parks near where I live, including Guajome Park and
16 Mission Trails. I have also visited parks under the control of the California
17 Department of Parks and Recreation and Department of Fish and Wildlife, including
18 Hollenbeck Nature Preserve. I plan to continue visiting these and other parks that are
19 subject to SB 2's carry ban, and I plan to carry my personal firearm for self-defense
20 when visiting these parks.

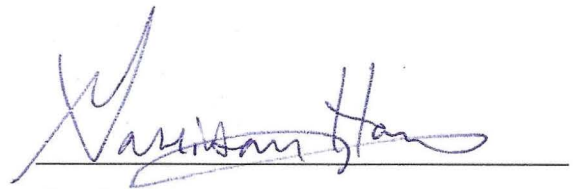
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1 12. I frequently return to the San Francisco Bay Area, where I was born and
2 raised. When I am visiting I often use public transportation (such as BART) when
3 traveling around the region. I would carry my personal firearm while using public
4 transportation in the Bay Area.

5 13. I have visited amusement parks with family in the past 12 months, and
6 plan to go again when babysitting for relatives. I would carry at the parking lot or
7 within the amusement park, if permitted, particularly to protect my wife and members
8 of my family who have small children.

9 14. I have every intention and desire to carry in the locations identified
10 above, and would continue to do so in the future, but I will decline to do so because
11 of my credible fear of arrest and prosecution after January 1, 2024, when SB 2 takes
12 effect.

13 I declare under penalty of perjury under the laws of the United States America
14 and State of California that the foregoing is true and correct. Executed this 26th day
15 of September, 2023.

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18 Garrison Ham

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Exhibit C

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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 MARCO ANTONIO CARRALERO;
14 GARRISON HAM; MICHAEL
15 SCHWARTZ; ORANGE COUNTY
16 GUN OWNERS PAC; SAN DIEGO
17 COUNTY GUN OWNERS PAC;
18 CALIFORNIA GUN RIGHTS
19 FOUNDATION; and FIREARMS
20 POLICY COALITION, INC.,

21 Plaintiffs,

22 v.

23 ROB BONTA, in his official capacity as
24 Attorney General of California,

25 Defendant.

Case No.: 8:23-cv-01798

**DECLARATION OF MICHAEL
SCHWARTZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

1 I, Michael Schwartz, declare:

2 1. I am over 18 years old. I am competent to give this declaration. I have
3 personal knowledge of the matters set forth in this declaration and would be able to
4 testify to them if called as a witness.

5 2. I am a citizen of the United States, and a resident and citizen of the State
6 of California, currently residing in San Diego County, California.

7 3. I am the Founder of the San Diego Gun Owners PAC and the Orange
8 County Gun Owners PAC. I am also a member of the Firearms Policy Coalition and
9 the California Gun Rights Foundation.

10 4. San Diego County Gun Owners PAC (SDCGO) is a political
11 organization based in San Diego County, whose purpose is to protect and advance the
12 Second Amendment rights of residents of San Diego County, through their efforts to
13 support and elect local and state representatives who support the Second Amendment
14 right to keep and bear arms, education, and advocacy on Second Amendment issues.
15 SDCGO’s membership and donors consist of Second Amendment supporters, people
16 who own guns for self-defense and sport, firearms dealers, shooting ranges, and
17 elected officials who want to restore and protect the right to keep and bear arms in
18 California.

19 5. SDCGO has one or more members who live in California and who travel
20 throughout California in the ordinary course of their lives, and who also possess a
21 CCW issued by the appropriate licensing authorities. SDCGO has at least one member
22 who has a CCW license and regularly carries firearms in and at each of the locations
23 challenged in this Complaint. These members of SDCGO with CCW licenses intend
24 to continue to possess and carry firearms at such locations, but reasonably fear
25 prosecution if they do so after January 1, 2024. SDCGO brings this action on behalf
26 of its members who have an active CCW, which includes myself and Plaintiff Ham.

27 6. Orange County Gun Owners PAC is a political organization based in
28 Orange County, whose purpose is to protect and advance the Second Amendment

1 rights of residents of Orange County, through their efforts to support and elect local
2 and state representatives who support the Second Amendment right to keep and bear
3 arms, education, and advocacy on Second Amendment issues. OCGO’s membership
4 and donors consist of Second Amendment supporters, people who own guns for self-
5 defense and sport, firearms dealers, shooting ranges, and elected officials who want
6 to restore and protect the right to keep and bear arms in California. Myself and Plaintiff
7 Carralero are members of OCGO.

8 7. OCGO has one or more members who live in California and who travel
9 throughout California in the ordinary course of their lives, and who also possess a
10 CCW issued by the appropriate licensing authorities. OCGO has at least one member
11 who has a CCW license and regularly carries firearms in and at each of the locations
12 challenged in this Complaint. These members of OCGO with CCW licenses intend to
13 continue to possess and carry firearms at such locations, but reasonably fear
14 prosecution if they do so after January 1, 2024. OCGO brings this action on behalf of
15 its members who have an active CCW, which includes each of the individual
16 plaintiffs.

17 8. I am not prohibited under state or federal law from acquiring or
18 possessing firearms or ammunition.

19 9. I have a California Carry Concealed Weapon (CCW) license, issued by
20 the San Diego County Sheriff, for my personal firearm.

21 10. I completed the application process for a CCW license from the San
22 Diego Sheriff, including a course of instruction at an approved training provider
23 deemed acceptable, as required by the State of California to obtain my CCW license.

24 11. Carrying a personal firearm for self-defense daily is important to me.

25 12. I carry, and intend to continue carrying, my personal firearm daily, during
26 all my activities. I consider my firearm as much a part of my daily routine as my
27 phone, keys, and wallet.

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1 13. I am on the road a lot for work, traveling to meet with donors and
2 members of my organizations.

3 14. I carry my personal firearm for self-defense to the restaurants I visit for
4 work meetings two to three times per week, which include everything from taco
5 shops and Carl's Jr. to Ruth's Chris Steak House. I would also like to carry in
6 locations serving alcohol for on-site consumption, such as bars. However, when I
7 filled out my CCW license application, I was informed that even with a license, I
8 could not carry in any location whose primary purpose is to dispense alcoholic
9 beverages for on-site consumption. I am unaware of the legal authority for this
10 restriction, but I comply with it anyway for fear of prosecution. If I were permitted
11 to visit bars while carrying my personal firearm, I would not consume alcohol while
12 carrying.

13 15. I carry my personal firearm for self-defense to the private businesses I
14 frequent for work and personal business, including grocery stores, coffee shops,
15 local and national retail stores, office buildings, medical offices, hardware stores,
16 convenience stores, and more. If SB2's provision about private businesses were to
17 go into effect, I would restrict my carrying practices at private businesses for fear of
18 arrest or prosecution.

19 16. I plan to carry my personal firearm for self-defense to a medical office or
20 other place where medical services are currently provided in the coming weeks and
21 months.

22 17. I would like to carry my personal firearm for self-defense to amusement
23 parks, including their parking lots, near where I live, such as Disney California
24 Adventure Park, Knott's Berry Farm, and SeaWorld.

25 18. I typically carry my personal firearm for self-defense to stadiums, such
26 as Petco Park and Pechanga Arena. If required by these locations, I lock my firearm
27 in the provided lockers. But if SB2 goes into effect, I could not even bring my personal
28 firearm into the stadium/arena or its parking lot.

1 19. When traveling to stadiums or arenas, I take public transportation and
2 typically carry my personal firearm for self-defense on public transportation.

3 20. With my carry permit, I regularly carry my personal firearm at museums,
4 especially those in Balboa Park (including the San Diego Air & Space Museum and
5 Natural History Museum). In addition, I have carried my personal firearm when
6 visiting the Creation and Earth History Museum in Santee.

7 21. I frequently carry my personal firearm for self-defense to parks,
8 including La Mesa Park, Mast Park in Santee, Presidio Park, Robb Field, and Dog
9 Beach, unless prohibited by county restrictions. If those restrictions did not exist, I
10 would carry in all these parks.

11 22. I frequently carry my personal firearm for self-defense at public
12 assemblies, including street fairs I attend for business to set up booths, and other social
13 assemblies like farmers markets and guacamole festivals.

14 23. I frequently carry my personal firearm for self-defense at zoos, including
15 the San Diego Zoo and San Diego Safari Park.

16 24. I frequently carry my personal firearm for self-defense at public libraries,
17 which I use as workspaces when I am on the road for work.


18 25. I frequently carry my personal firearm for self-defense at gambling
19 establishments, including Viejas Casino and Resort, Sycuan Casino, Rincon Casino,
20 and the Lucky Lady Casino Card room on El Cajon Boulevard. If required by these
21 locations, I lock my firearm in the provided lockers. But if SB2 goes into effect, I
22 could not even bring my personal firearm into certain of these gambling
23 establishments or its parking lot.

24 26. I have every intention and desire to continue to carry for self-defense all
25 the locations just mentioned, but I will decline to do so because of my credible fear of
26 arrest and prosecution after January 1, 2024, the effective date of SB 2.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 26 day of September, 2023.

DocuSigned by:

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Michael Schwartz

Exhibit D

1 BENBROOK LAW GROUP, PC
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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**
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13 MARCO ANTONIO CARRALERO;
14 GARRISON HAM; MICHAEL
15 SCHWARTZ; ORANGE COUNTY
16 GUN OWNERS PAC; SAN DIEGO
17 COUNTY GUN OWNERS PAC;
18 CALIFORNIA GUN RIGHTS
19 FOUNDATION; and FIREARMS
20 POLICY COALITION, INC.

21 Plaintiffs,

22 v.

23 ROB BONTA, in his official capacity as
24 Attorney General of California,

25 Defendant.

Case No.: 8:23-cv-01798

**DECLARATION OF GENE
HOFFMAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

1 I, Gene Hoffman, declare:

2 1. I am the chairman of the California Gun Rights Foundation (“CGF”), a
3 non-profit foundation incorporated under the laws of California with a place of
4 business in Sacramento, California. In my role as chairman, I am familiar with CGF’s
5 purposes as an organization, CGF’s membership, and CGF’s organizational responses
6 to California’s Senate Bill 2, signed into law on September 26, 2023.

7 2. CGF serves its members, supporters, and the public through educational,
8 cultural, and judicial efforts to defend and advance Second Amendment and related
9 rights. CGF has tens of thousands of members and supporters in California, including
10 in all cities and counties that are parties to this action. CGF brings this action on behalf
11 of its members, including Plaintiffs Carralero, Ham, and Schwartz.

12 3. CGF’s members and supporters have been adversely and directly harmed
13 by Defendants’ threat of enforcement of the law challenged in this case.

14 4. On September 26, 2023, California Governor Gavin Newsom signed SB2
15 into law, which bars licensed concealed carry in many public locations, including
16 restaurants, bars, public transportation, stadiums, libraries, museums, zoos,
17 amusement parks, medical facilities, gambling establishments, and more. SB2 also
18 imposes a no-carry default on private businesses open to the public, barring carry there
19 unless the business owner expressly provides otherwise.

20 5. CGF’s members will be adversely and directly harmed by Defendants’
21 enforcement of law once SB2 takes effect on January 1, 2024. CGF has at least one
22 member who has a CCW license and who carries firearms in and at each of the
23 locations challenged in this Complaint, at which locations CCW licensees will be
24 prohibited from carrying their arms by SB2 as of January 1, 2024. These CGF
25 members would fully intend to continue to carry at the locations challenged in this
26 Complaint after January 1, 2024, but for their reasonable fear of prosecution if they
27 do so after January 1, 2024.

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1 I declare under penalty of perjury under the laws of the United States of
2 America and State of California that the foregoing is true and correct to the best of my
3 knowledge.

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6 GENE HOFFMAN

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Exhibit E

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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**
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17 COUNTY GUN OWNERS PAC;
18 CALIFORNIA GUN RIGHTS
19 FOUNDATION; and FIREARMS
20 POLICY COALITION, INC.,

21 Plaintiffs,

22 v.

23 ROB BONTA, in his official capacity as
24 Attorney General of California,

25 Defendant.

Case No.: 8:23-cv-01798

**DECLARATION OF BRANDON
COMBS IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

1 I, Brandon Combs, declare:

2 1. I am over 18 years old. I am competent to give this declaration. I am
3 providing this declaration based on my personal knowledge and experience.

4 2. I am the president of Firearms Policy Coalition, Inc. (“FPC”), a non-
5 profit membership organization incorporated under the laws of Delaware with a
6 primary place of business in Clark County, Nevada. In my role as president, I am
7 familiar with FPC’s purposes as an organization and FPC’s membership.

8 3. The purposes of FPC are to create a world of maximal human liberty and
9 freedom and to promote and protect individual liberty, private property, and economic
10 freedoms. It seeks to protect, defend, and advance the People’s rights, especially but
11 not limited to the inalienable, fundamental, and individual right to keep and bear arms
12 and protect the means by which individuals may exercise the right to carry and use
13 firearms.

14 4. FPC serves its members and the public through legislative advocacy,
15 grassroots advocacy, litigation and legal efforts, research, education, outreach, and
16 other programs.

17 5. FPC’s has members that reside both within and outside the State of
18 California, including in Orange County, California, and San Diego County,
19 California. Each of the named individual Plaintiffs in this case are members of FPC.

20 6. FPC represents the interests of its members and brings this action on
21 behalf of its members.

22 7. FPC’s members and supporters have been adversely and directly harmed
23 by Defendant’s threat of enforcement of SB2.

24 8. On September 26, 2023, California Governor Gavin Newsom signed SB2
25 into law, which prohibits carry in many public locations, including restaurants, bars,
26 public transportation, stadiums, libraries, museums, zoos, amusement parks, medical
27 facilities, gambling establishments, and more. SB2 also imposes a no-carry default on
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1 private businesses open to the public, prohibiting carry there unless the business owner
2 expressly provides otherwise.

3 9. FPC’s members will be adversely and directly harmed by Defendant’s
4 enforcement of the law challenged herein once SB2 takes effect on January 1, 2024.
5 Indeed, FPC has members who have a California carry license and have, currently do,
6 and would continue to carry in the locations challenged in this lawsuit—including the
7 individual named Plaintiffs—on and after January 1, 2024, but for the enforcement of
8 and reasonable fear prosecution under SB2.

9 I declare under penalty of perjury under the laws of the United States of
10 America and State of California that the foregoing is true and correct to the best of my
11 knowledge. Executed in Clark County, Nevada, on September 26, 2023.

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15 BRANDON COMBS
16 President
17 Firearms Policy Coalition, Inc.
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