Ca	se 2:23-cv-10169-SPG-ADS Document 24 Fil	ed 02/21/24 Page 1 of 26 Page ID #:286
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8		
9	UNITED STATES D	ISTRICT COURT
10	CENTRAL DISTRICT	OF CALIFORNIA
11		
12	CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED; THE	Case No. 2:23-cv-10169-SPG-ADS
13	SECOND AMENDMENT FOUNDATION; GUN OWNERS OF	Honorable Sherilyn Peace Garnett Magistrate Judge Autumn D. Spaeth
14	AMERICA, INC.; GUN OWNERS FOUNDATION; GUN OWNERS OF	DEFENDANTS LA VERNE
15 16	CALIFORNIA INC.; ERICK VELASQUEZ, an individual; CHARLES	POLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COLLEEN FLORES' OBJECTIONS
10	MESSEL, an individual; BRÍAN WEIMER, an individual; CLARENCE RIGALI, an individual; KEITH REEVES,	TO EVIDENCE SUBMITTED IN SUPPORT OF PLAINTIFFS'
18	an individual; CYNTHIA GABALDON, an individual; and STEPHEN HOOVER,	MOTION FOR PRELIMINARY INJUNCTION
19	an individual,	[Filed concurrently with: Opposition
20	Plaintiffs,	Brief; Declaration of Acting Chief Sam Gonzalez; Declaration of Chief Colleen
21	V.	<i>Flores; and Declaration of Lt. Chris</i> <i>Dransfeldt</i>]
22	LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; SHERIFF ROBERT	Drunsjeiuij
23	LUNA in his official capacity; LA VERNE POLICE DEPARTMENT; LA VERNE	Hearing Date: March 13, 2024
24	CHIEF OF POLICE COLLEEN FLORES, in her official capacity; ROBERT BONTE,	Time: 1:30 p.m. Courtroom: 5C
25	in his official capacity as Attorney General of the State of California; and DOES 1-10,	
26	Defendants.	
27		
28		
r -	DEFENDANTS I A VERNE POLICE DEPARTMENT AND	LA VERNE CHIEF OF POLICE COLLEEN FLORES'



TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:
 Defendants LA VERNE POLICE DEPARTMENT ("City") and LA VERNE
 CHIEF OF POLICE COLLEEN FLORES hereby object to the following declarations
 submitted in support of Plaintiffs' Motion for Preliminary Injunction, on the grounds
 set forth below:

- Declaration of Jim Carlson;
- Declaration of Plaintiff Cynthia Gabaldon;
- Declaration of Richard Minnich;
 - Declaration of Plaintiff Keith Reeves; and
- Declaration of Plaintiff Clarence Rigali.

11	Material objected	Objections:	Ruling on
12	<u>to:</u>		Objection
13	1. Declaration of	• Lack of foundation; calls for speculation;	□ Sustained
14	Plaintiff Jim	conclusory (Federal Rule of Evidence ("FRE")	□ Overruled
15	Carlson, ¶ 2:	$\underline{602}$): The declarant fails to lay a foundation as	
16	"I am a law-abiding	to how he is not prohibited from owning	
17	adult who is not	firearms under the laws of the United States of	
18	prohibited from	America or the State of California. (See, e.g.,	
19	owning firearms	firearm eligibility checklist published by the	
20	under the laws of the	California Department of Justice's Bureau of	
21	United States of	Firearms at <u>https://oag.ca.gov/sites/all/files/</u>	
22	America or the state	agweb/pdfs/firearms/forms/prohibcatmisd.pdf,	
23	of California."	which lists requirements other than being a	
24		"law-abiding" adult, including residence in the	
25		City, not disqualified for the license, successful	
26		completion of required firearms training course,	
27		and recorded owner of the subject firearm).	
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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3	2. Declaration of	• Lacks personal knowledge; lack of	□ Sustained
4	Jim Carlson, ¶ 5:	foundation; calls for speculation; conclusory	□ Overruled
5	"The facility is set up	(FRE 602): The declarant fails to lay a	
6	for interviewing and	foundation as to how he has personal knowledge	
7	testing people	that the facility is not "set up" for examinations	
8	applying for roles in	of civilians applying for a concealed carry	
9	law enforcement, not	weapon ("CCW") permit. Moreover, the	
10	civilians exercising	statement is contradicted by the very fact that	
11	their right to carry."	Plaintiff was examined at the facility for the	
12		purpose of determining whether he is	
13		disqualified to obtain a CCW permit.	
14		• <u>Improper opinion testimony; lack of</u>	
15		foundation; conclusory (FRE 701, 702): The	
16		declarant is offering improper opinion testimony	
17		that the facility is not "set up" for civilians	
18		exercising their right to carry, without laying	
19		any foundation for his qualification to offer such	
20		an expert opinion on the issue.	
21		• Probative value outweighed by prejudicial	
22		effect (FRE 403): The probative value of the	
23		proffered evidence is substantially outweighed	
24		by a danger of unfair prejudice and confusing	
25		the issues because its admission would assume	
26		the declarant has the requisite personal	
27		knowledge and expert qualifications to offer	
28		such an opinion.	
		- 3 -	



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1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3	3. Declaration of	• Lack of foundation for contents of a writing	□ Sustained
4	Jim Carlson, ¶ 6:	(FRE 1001-1008): the statement lacks the	□ Overruled
5	"Next, the exam is	appropriate foundation for the document it	
6	over 100 questions	attempts to summarize and describe, as no copy	
7	long, it is a multiple-	of the document is provided;	
8	choice type test that	• <u>Hearsay (FRE 801, 802)</u> : The summary of the	
9	repeats similar	contents of the psychological examination	
10	questions with	constitutes inadmissible hearsay.	
11	different wording,	• Probative value outweighed by prejudicial	
12	asking questions	effect (FRE 403): The probative value of the	
13	about the desire to be	proffered evidence is substantially outweighed	
14	high, drunk, or out of	by a danger of unfair prejudice and confusing	
15	control, and if you	the issues.	
16	like drugs or have		
17	addiction type		
18	tendencies."		
19	4. Declaration of	• Lack of foundation for contents of a writing	□ Sustained
20	Jim Carlson, ¶ 7:	(FRE 1001-1008): the statement lacks the	□ Overruled
21	"The questions also	appropriate foundation for the document it	
22	ask if you want to	attempts to summarize and describe, as no copy	
23	hurt yourself or other	of the document is provided.	
24	people, and how	• <u>Hearsay (FRE 801, 802)</u> : The summary of the	
25	often you feel that	contents of the psychological examination	
26	way. The exam never	constitutes inadmissible hearsay.	
27	asks questions about	• <u>Improper opinion testimony; lack of</u>	
28	whether you would	foundation; conclusory (FRE 701, 702): The	
	- 4 - DEFENDANTS LA VERNE POLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COLLEEN FLORES'		



1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3	feel safer if you had a	declarant is offering improper opinion testimony	
4	side arm, or what you	about questions he believes should have been	
5	might do in a	included in the examination, without laying any	
6	situation where you	foundation for his qualification to offer such an	
7	had to use it, or what	expert opinion on the issue.	
8	help might be	• Not relevant (FRE 401): The claim that the	
9	available if you have	examination omitted questions regarding	
10	negative emotions	whether the applicant felt subjectively safer	
11	from any self-defense	with a side arm is irrelevant to the purpose of	
12	situations."	the psychological examination, which is to	
13		determine the applicant's psychological fitness	
14		to carry a concealed weapon.	
15		• Probative value outweighed by prejudicial	
16		effect (FRE 403): The probative value of the	
17		proffered evidence is substantially outweighed	
18		by a danger of unfair prejudice and confusing	
19		the issues.	
20	5. Declaration of	• Hearsay (FRE 801, 802): The summary of the	□ Sustained
21	Jim Carlson, ¶ 8:	contents of the interview portion of the	□ Overruled
22	"The interviewer asks	psychological examination constitutes	
23	general questions	inadmissible hearsay.	
24	about how you are	• Probative value outweighed by prejudicial	
25	and your history."	effect (FRE 403): The probative value of the	
26		proffered evidence is substantially outweighed	
27		by a danger of unfair prejudice and confusing	
28		the issues.	
		- 5 -	



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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3	6. Declaration of	• Improper opinion testimony; lack of	□ Sustained
4	Jim Carlson,	foundation; conclusory; calls for an improper	□ Overruled
5	¶ 10:	legal conclusion (FRE 701, 702): The declarant	
6	"In my opinion, this	is offering improper opinion testimony about the	
7	exam is not	purported unreasonableness and	
8	reasonable at all as a	unconstitutionality of the content, distance and	
9	prerequisite for	cost of the psychological examination without	
10	exercising a	laying any foundation for his qualification to	
11	constitutional right.	offer such an expert opinion on the issue. See,	
12	Even if some	e.g., Fed. R. Civ. Proc. 45(c)(1) (allowing	
13	psychological exam	depositions to be noticed within 100 miles of a	
14	could be acceptable,	person's residence, employment or place of	
15	and I don't think the	business); Cal. Civ. Proc. Code § 2025.250	
16	constitution allows	(allowing depositions to be noticed within 75	
17	for that, this exam is	miles of the deponent's residence).	
18	beyond the pale. Both	• Lacks personal knowledge; calls for	
19	in terms of how it is	speculation; conclusory (FRE 602): The	
20	conducted, and the	declarant fails to lay a foundation as to how he	
21	circumstances around	has personal knowledge or a foundation for	
22	it (the length of time	offering an opinion on the reasonableness or	
23	it takes and only	unreasonableness of the psychological	
24	being available a long	examination (e.g., through a comparison of the	
25	distance away, on	content of the exam, the distance required to be	
26	weekdays, and for an	traveled, and the cost of the examination in	
27	extra \$150 in	comparison with other jurisdictions within	
28	expense)."	Southern California).	
(DEFENDANTS I A VEDNE D	- 6 -	LEEN ELODES'

1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3		• Not relevant (FRE 401): The declarant's	
4		subjective opinion on whether the psychological	
5		examination is reasonable, without any expert	
6		qualification, personal knowledge or	
7		foundation, is of no consequence in determining	
8		the reasonableness of the psychological exam.	
9		See, e.g., Fed. R. Civ. Proc. 45(c)(1) (allowing	
10		depositions to be noticed within 100 miles of a	
11		person's residence, employment or place of	
12		business); Cal. Civ. Proc. Code § 2025.250	
13		(allowing depositions to be noticed within 75	
14		miles of the deponent's residence).	
15		• Probative value outweighed by prejudicial	
16		effect (FRE 403): The probative value of the	
17		proffered evidence is substantially outweighed	
18		by a danger of unfair prejudice and confusing	
19		the issues.	
20	7. Declaration of	• <u>Improper opinion testimony; lack of</u>	□ Sustained
21	Jim Carlson, ¶	foundation; conclusory; calls for an improper	□ Overruled
22	11:	legal conclusion (FRE 701, 702): The declarant	
23	"While I forced	is offering improper opinion testimony about the	
24	myself through it in	purported unreasonableness and	
25	order to be able to	unconstitutionality of the content, distance and	
26	exercise my right to	cost of the psychological examination without	
27	carry, others should	laying any foundation for his qualification to	
28	not have to do so. I	offer such an expert opinion on the issue. See,	
		- 7 -	



JM

JONES MAYER

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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3	hope this Court rules	e.g., Fed. R. Civ. Proc. 45(c)(1) (allowing	
4	for the Plaintiffs.	depositions to be noticed within 100 miles of a	
5	Aside from the	person's residence, employment or place of	
6	abuses of the	business); Cal. Civ. Proc. Code § 2025.250	
7	psychological	(allowing depositions to be noticed within 75	
8	examination, the	miles of the deponent's residence).	
9	expense was also	• <u>Lacks personal knowledge; calls for</u>	
10	completely	speculation; conclusory (FRE 602): The	
11	unreasonable.	declarant fails to lay a foundation as to how he	
12	Counting all	has personal knowledge or a foundation for	
13	expenses, I paid	offering an opinion on the reasonableness or	
14	approximately \$1,200	unreasonableness of the psychological	
15	to get my CCW	examination (e.g., through a comparison of the	
16	permit. This is	content of the exam, the distance required to be	
17	supposed to be a	traveled, and the cost of the examination in	
18	constitutional right.	comparison with other jurisdictions within	
19	While I could afford	Southern California).	
20	it, certainly many	• Not relevant (FRE 401): The declarant's	
21	people are not so	subjective opinion on whether the psychological	
22	fortunate."	examination is reasonable, without any expert	
23		qualification, personal knowledge or	
24		foundation, is of <i>no</i> consequence in determining	
25		the reasonableness of the psychological exam.	
26		See, e.g., Fed. R. Civ. Proc. 45(c)(1) (allowing	
27		depositions to be noticed within 100 miles of a	
28		person's residence, employment or place of	
		- 8 -	



4			
1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3		business); Cal. Civ. Proc. Code § 2025.250	
4		(allowing depositions to be noticed within 75	
5		miles of the deponent's residence).	
6		• Probative value outweighed by prejudicial	
7		effect (FRE 403): The probative value of the	
8		proffered evidence is substantially outweighed	
9		by a danger of unfair prejudice and confusing	
10		the issues.	
11	8. Declaration of	• Lack of foundation; calls for speculation;	□ Sustained
12	Plaintiff Cynthia	conclusory (Federal Rule of Evidence ("FRE")	□ Overruled
13	Gabaldon, ¶ 3:	$\underline{602}$): The declarant fails to lay a foundation as	
14	"I am a law-abiding	to how she is not prohibited from owning	
15	adult who is not	firearms under the laws of the United States of	
16	prohibited from	America or the State of California. (See, e.g.,	
17	owning firearms	firearm eligibility checklist published by the	
18	under the laws of the	California Department of Justice's Bureau of	
19	United States of	Firearms at <u>https://oag.ca.gov/sites/all/files/</u>	
20	America or the state	agweb/pdfs/firearms/forms/prohibcatmisd.pdf,	
21	of California."	which lists requirements other than being a	
22		"law-abiding" adult, including residence in the	
23		City, not disqualified for the license, successful	
24		completion of required firearms training course,	
25		and recorded owner of the subject firearm).	
26	9. Declaration of	Lack of foundation; improper opinion	□ Sustained
27	Plaintiff Cynthia	testimony; lacks personal knowledge;	□ Overruled
28	Gabaldon, ¶ 5:	argumentative and conclusory (FRE 602, 701,	
		- 9 -	



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1			
1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3	"The exorbitant fees	<u>702</u>): The statement fails to demonstrate	
4	that La Verne charges	personal knowledge of the basis for the	
5	have dissuaded me	application fees and states an unfounded and	
6	from applying."	improper opinion regarding whether the	
7		application fees are "exorbitant" or not.	
8	10. Declaration of	• <u>Lacks personal knowledge; calls for</u>	□ Sustained
9	Plaintiff Cynthia	speculation; conclusory (FRE 106, 602): The	□ Overruled
10	Gabaldon, ¶ 6:	declarant fails to lay a foundation as to how she	
11	"On principle, I also	has personal knowledge or a foundation for her	
12	do not want to subject	conclusion that "most" issuing authorities in	
13	myself to the	California do not require a psychological	
14	psychological	examination, and cites only one jurisdiction that	
15	examination	does not require it.	
16	requirement,	• Not relevant (FRE 401): The declarant's	
17	something that most	subjective opinion on whether the psychological	
18	issuing authorities in	examination requirement is a reasonable one is	
19	California (including	irrelevant, as California law explicitly allows	
20	LASD) do not	issuing authorities to require that an applicant	
21	require."	pass a psychological test before issuing a CCW	
22		permit.	
23		• Probative value outweighed by prejudicial	
24		effect (FRE 403): The probative value of the	
25		proffered evidence is substantially outweighed	
26		by a danger of unfair prejudice and confusing	
27		the issues.	
28			
		- 10 -	



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1			
1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3	11. Declaration of	• Not relevant (FRE 401): The declarant's	□ Sustained
4	Plaintiff Cynthia	subjective hope that the Court will force the City	□ Overruled
5	Gabaldon, ¶ 7:	to reduce its fees and drop its psychological	
6	"I hope this Court	examination is not relevant, as California law	
7	will force La Verne	explicitly allows issuing authorities to (1)	
8	to reduce its fees and	charge reasonable fees associated with	
9	drop its psychological	processing CCW applications and (2) require	
10	examination. I am	that an applicant pass a psychological test before	
11	also willing to instead	issuing a CCW permit. See Cal. Pen. Code §§	
12	obtain an Arizona	26190(c), (e). Moreover, her willingness to	
13	CCW permit, which	obtain an Arizona CCW permit and the	
14	is far more	affordability of an Arizona CCW permit is	
15	affordable, if this	completely irrelevant to the determination of the	
16	Court orders	reasonableness of the City's CCW permitting	
17	California to honor	process. Nowhere in the Supreme Court's	
18	the permits of other	decision in N.Y. State Rifle & Pistol Ass'n v.	
19	states."	Bruen, 597 U.S. 1 (2022) does it require that one	
20		sovereign state's CCW permit be recognized in	
21		all other states.	
22		• Probative value outweighed by prejudicial	
23		effect (FRE 403): The probative value of the	
24		proffered evidence is substantially outweighed	
25		by a danger of unfair prejudice and confusing	
26		the issues.	
27	12. Declaration of	• Hearsay; lack of foundation; conclusory (FRE	□ Sustained
28	Richard	602, 801, 802): The declarant inappropriately	□ Overruled
1	- 11 - DEFENDANTS LA VERNE POLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COLLEEN FLORES'		



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1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3	Minnich, ¶ 10:	refers to purported hearsay complaints received	
4	"In early 2023,	by unnamed agents of the California Rifle &	
5	CRPA receive many	Pistol Association ("CRPA") from unnamed	
6	complaints from its	CRPA members, purported hearsay	
7	members about the	communications between unnamed CRPA	
8	City of La Verne and	agents and unnamed CRPA attorneys, as well as	
9	its ridiculous CCW	communications between unnamed CRPA	
10	permit application	attorneys and unnamed individuals from the	
11	fees. After we	City. Moreover, the declarant inappropriately	
12	discovered the over	testifies on behalf of unnamed CRPA members	
13	\$1,000 in expense	who purportedly cannot afford the City's CCW	
14	applicants face, we	permit processing fees. Such statements are	
15	directed our lawyers	inadmissible hearsay lacking in foundation and	
16	to contact the City to	speculating as to unnamed persons' finances.	
17	attempt to persuade it	• Probative value outweighed by prejudicial	
18	to reduce its fees	effect (FRE 403): The probative value of the	
19	We have heard from	proffered evidence is substantially outweighed	
20	several of our	by a danger of unfair prejudice and confusing	
21	members, including	the issues.	
22	some plaintiffs in this		
23	lawsuit, that they		
24	cannot afford these		
25	fees and it has		
26	stopped them from		
27	exercising their		
28	rights."		
		- 12 -	



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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3	13. Declaration of	• Hearsay; lack of foundation; conclusory (FRE	□ Sustained
4	Richard	602, 801, 802): The declarant inappropriately	□ Overruled
5	Minnich, ¶ 11:	refers to purported hearsay communications	
6	"We have heard at	between unnamed CRPA agents and unnamed	
7	least some members	CRPA members and fails to identify the source	
8	tell us La Verne plans	or basis for his conclusion that the City "plans to	
9	to raise the	raise the psychological exam fee to around	
10	psychological exam	\$400." The complete lack of foundation for this	
11	fee to around \$400,	conclusory allegation is confirmed by the fact	
12	further worsening an	that the declarant that unnamed CRPA agent(s)	
13	already expensive	is/are "working to confirm whether or not that is	
14	application process.	true."	
15	We are working to	• Probative value outweighed by prejudicial	
16	confirm whether or	effect (FRE 403): The probative value of the	
17	not that is true."	proffered evidence is substantially outweighed	
18		by a danger of unfair prejudice and confusing	
19		the issues.	
20	14. Declaration of	• Hearsay; lack of foundation; conclusory (FRE	□ Sustained
21	Richard	602, 801, 802): The declarant inappropriately	□ Overruled
22	Minnich, ¶ 12:	refers to purported hearsay communications	
23	"Many CRPA	from unnamed CRPA members who object to	
24	members, including	the principle of a psychological exam.	
25	some Plaintiffs in this	• Lacks personal knowledge; calls for	
26	lawsuit, object on	speculation; conclusory (FRE 106, 602): The	
27	principle to	declarant fails to lay a foundation as to how he	
28	subjecting themselves	has personal knowledge or a foundation for his	
1	- 13 - DEFENDANTS LA VERNE POLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COLLEEN FLORES'		



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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3	to a psychological	conclusion that "most" issuing authorities in	
4	exam in order to	California do not require a psychological	
5	exercise a	examination, and fails to identify the basis for	
6	constitutional right.	this conclusion (e.g., by reference to a listing of	
7	Most issuing	all jurisdictions that do and do not require a	
8	authorities in	psychological examination).	
9	California do not	• Not relevant (FRE 401): Whether or not a	
10	require a	majority of issuing authorities in California do	
11	psychological exam,	or do not require a psychological examination is	
12	La Verne is one of	not relevant, as California law explicitly allows	
13	the few jurisdictions	issuing authorities to require that an applicant	
14	that require one."	pass a psychological test before issuing a CCW	
15		permit.	
16		• Probative value outweighed by prejudicial	
17		effect (FRE 403): The probative value of the	
18		proffered evidence is substantially outweighed	
19		by a danger of unfair prejudice and confusing	
20		the issues.	
21	15. Declaration of	• <u>Improper opinion testimony; lack of</u>	□ Sustained
22	Richard	foundation; calls for improper legal conclusion	□ Overruled
23	Minnich, ¶ 13:	(FRE 701, 702): The declarant is offering	
24	"CRPA considers	improper opinion testimony that psychological	
25	psychological exams	exam requirements for CCW permitting, in	
26	an unconstitutional	general, constitute unconstitutional 'suitability'	
27	'suitability'	determinations.	
28	determination of the	• Not relevant (FRE 401): CRPA and/or the	
1	- 14 - DEFENDANTS LA VERNE POLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COLLEEN FLORES'		



1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3	kind that the Supreme	declarant's subjective opinion as to whether	
4	Court has already	psychological exams constitute unconstitutional	
5	rejected."	'suitability' determinations is irrelevant.	
6		• Probative value outweighed by prejudicial	
7		effect (FRE 403): The probative value of the	
8		proffered evidence is substantially outweighed	
9		by a danger of unfair prejudice and confusing	
10		the issues.	
11	16. Declaration of	• <u>Hearsay; lack of foundation; calls for</u>	□ Sustained
12	Richard	speculation; conclusory (FRE 106, 602, 801,	□ Overruled
13	Minnich, ¶ 14:	802): The declarant inappropriately refers to	
14	"Finally, given how	purported hearsay complaints from unnamed	
15	many CRPA	CRPA members to unnamed CRPA agents	
16	members reside	regarding the State of California's refusal to	
17	outside of California,	honor CCW permits from other states like	
18	a frequent complaint	Arizona and Utah. The declarant also	
19	we receive from our	inappropriately refers to the purported hearsay	
20	members is regarding	and subjective preferences of unnamed CRPA	
21	California's refusal to	members. Such statements are inadmissible	
22	honor the CCW	hearsay lacking in foundation and speculating as	
23	permits of other	to unnamed persons' preferences.	
24	states, even other	• <u>Improper opinion testimony; lack of</u>	
25	states like Arizona	foundation; calls for an improper legal	
26	and Utah which like	conclusion (FRE 701, 702): The declarant is	
27	California, require a	offering improper opinion testimony that a	
28	training course and	CCW permit from one state should be	
1	DEEENDANTS LA VEDNE D	- 15 - POLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COL	LEEN ELODES'

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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3	fingerprinting prior to	recognized in all other states in the union (i.e.,	
4	a permit being issued.	in essence, that there should only be one national	
5	This is also a problem	or federal CCW permitting process).	
6	for CRPA members	• Not relevant; lack of foundation (FRE 401):	
7	who live in California	CRPA and/or the declarant's subjective opinion	
8	and have CCW	that there should only be one CCW permitting	
9	permits from other	process across all states is irrelevant. Nowhere	
10	states, as they would	in the Supreme Court's decision in N.Y. State	
11	prefer to use those	Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1 (2022)	
12	permits rather than	does it require that one sovereign state's CCW	
13	pay exorbitant fees or	permit be recognized in all other states.	
14	deal with lengthy	Moreover, the complaint of unnamed out-of-	
15	wait times. CRPA	state CRPA members regarding California's	
16	believes	refusal to honor out-of-state CCW permits is not	
17	constitutional rights	relevant without a foundation establishing such	
18	do not end at state	unnamed members' concrete and confirmed	
19	lines, yet the right to	plans to either move to California or visit	
20	carry currently does."	California.	
21		• Probative value outweighed by prejudicial	
22		effect (FRE 403): The probative value of the	
23		proffered evidence is substantially outweighed	
24		by a danger of unfair prejudice and confusing	
25		the issues.	
26	17. Declaration of	• Lack of foundation; calls for speculation;	□ Sustained
27	Plaintiff Keith	conclusory (FRE 602): The declarant fails to lay	□ Overruled
28	Reeves, ¶ 3:	a foundation as to how he is not prohibited from	
		- 16 -	



1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3	"I am a law-abiding	owning firearms under the laws of the United	
4	adult who is not	States of America or the State of California.	
5	prohibited from	(See, e.g., firearm eligibility checklist published	
6	owning firearms	by the California Department of Justice's	
7	under the laws of the	Bureau of Firearms at	
8	United States of	https://oag.ca.gov/sites/all/files/agweb/pdfs/fire	
9	America or the state	arms/forms/prohibcatmisd.pdf, which lists	
10	of California."	requirements other than being a "law-abiding"	
11		adult, including residence in the City, not	
12		disqualified for the license, successful	
13		completion of required firearms training course,	
14		and recorded owner of the subject firearm).	
15	18. Declaration of	• Incomplete evidence; calls for speculation;	□ Sustained
16	Plaintiff Keith	conclusory (FRE 106, 602): The declarant	□ Overruled
17	Reeves, ¶ 4:	claims he has Arizona and Utah CCW permits	
18	"I possess both	and that he is an NRA-certified pistol instructor	
19	Arizona and Utah	and range safety officer without attaching	
20	CCW permits, both	documentary evidence supporting such	
21	of which required	statements.	
22	background checks	• <u>Improper opinion testimony (FRE 701, 702)</u> :	
23	and safety courses to	The declarant's statement that there is no good	
24	obtain. These permits	reason why out-of-state CCW permits should	
25	are, without any good	not be honored by California constitutes	
26	reason, not honored	improper opinion testimony.	
27	by California. I am	• Not relevant (FRE 401): The declarant's	
28	also an NRA-certified	subjective opinion that out-of-state CCW	
r.		- 17 -	

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1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3	pistol instructor and	permits should be honored by California is	
4	range safety officer."	irrelevant. Nowhere in the Supreme Court's	
5		decision in N.Y. State Rifle & Pistol Ass'n v.	
6		Bruen, 597 U.S. 1 (2022) does it require that one	
7		sovereign state's CCW permit be recognized in	
8		all other states.	
9		• Probative value outweighed by prejudicial	
10		effect (FRE 403): The probative value of the	
11		proffered evidence is substantially outweighed	
12		by a danger of unfair prejudice and confusing	
13		the issues.	
14	19. Declaration of	• <u>Hearsay; lack of foundation; calls for</u>	□ Sustained
15	Plaintiff Keith	speculation; conclusory (FRE 106, 602, 801,	□ Overruled
16	Reeves, ¶ 5:	802): The declarant inappropriately refers to a	
17	"I applied for a CCW	purported hearsay denial of a CCW permit he	
18	permit in January	purportedly submitted to the LVPD, without	
19	2014 with La Verne	attaching the purported denial. Such statement	
20	Police Department,	constitutes inadmissible hearsay lacking in	
21	and was denied in	foundation. Moreover, the declarant offers no	
22	May 2015 because he	foundation or evidence for his claim that he is	
23	[sic] was deemed to	unable to afford the LVPD fees.	
24	lack sufficient good	• Misstates and assumes facts not in evidence	
25	cause, a criterion the	(FRE 106, 901): The La Verne Police	
26	Supreme Court struck	Department did not have CCW permit	
27	down in <i>Bruen</i> seven	applications for City residents before 2022. At	
28	years later. I wish to	that time, such applications were referred to the	
r -	DEFENDANTS LA VERNE P	- 18 - OLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COL	LEEN FLORES'



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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3	reapply for a permit	Los Angeles Sheriff's Department for	
4	but cannot afford to	processing. See Declaration of Acting Chief	
5	do so due to the	Sam Gonzalez, ¶ 2; Declaration of Chief Collen	
6	excessive application	Flores, ¶ 4.	
7	and issuance fees		
8	charged by La Verne.		
9	Paired with the cost		
10	of training and		
11	livescan, I will have		
12	to spend around		
13	\$1,000 or more to		
14	exercise this		
15	constitutional right."		
16	20. Declaration of	• Lacks personal knowledge; calls for	□ Sustained
17	Plaintiff Keith	speculation; conclusory (FRE 106, 602): The	□ Overruled
18	Reeves, ¶ 6:	declarant fails to lay a foundation as to how he	
19	"On principle, I also	has personal knowledge or a foundation for his	
20	do not want to subject	conclusion that "most" issuing authorities in	
21	myself to the	California do not require a psychological	
22	psychological	examination, and cites only one jurisdiction that	
23	examination	does not require it.	
24	requirement,	• <u>Not relevant (FRE 401)</u> : The declarant's	
25	something that most	subjective opinion on whether the psychological	
26	issuing authorities in	examination requirement is reasonable is	
27	California (including	irrelevant, as California law explicitly allows	
28	LASD) do not	issuing authorities to require that an applicant	
	- 19 - DEFENDANTS LA VERNE POLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COLLEEN FLORES'		



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1	Material objected to:	Objections:	Ruling on Objection
2 3	require."	pass a psychological test before issuing a CCW	
<i>5</i> 4		permit.	
т 5		 Probative value outweighed by prejudicial 	
6		effect (FRE 403): The probative value of the	
0 7		proffered evidence is substantially outweighed	
8		by a danger of unfair prejudice and confusing	
8 9		the issues.	
9 10	21. Declaration of	• Not relevant (FRE 401): The declarant's	□ Sustained
11	Plaintiff Keith	subjective hope that the Court will force the City	
12	Reeves, ¶ 7:	to reduce its fees and drop its psychological	
12	"I hope this Court	examination is not relevant, as California law	
13	will force La Verne	explicitly allows issuing authorities to (1)	
15	to reduce its fees and	charge reasonable fees associated with	
16	drop its psychological	processing CCW applications and (2) require	
17	examination, or in the	that an applicant pass a psychological test before	
17	alternative, force	issuing a CCW permit. See Cal. Pen. Code §§	
19	California to honor	26190(c), (e). Moreover, nowhere in the	
20	my Arizona and Utah	Supreme Court's decision in <i>N.Y. State Rifle</i> &	
20 21	CCW permits."	Pistol Ass'n v. Bruen, 597 U.S. 1 (2022) does it	
21	eew permits.	require that one sovereign state's CCW permit	
22		be recognized in all other states.	
23 24		 Probative value outweighed by prejudicial 	
24 25		effect (FRE 403): The probative value of the	
23 26		proffered evidence is substantially outweighed	
20 27		by a danger of unfair prejudice and confusing	
27 28		the issues.	
∠0		- 20 -	



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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3	22. Declaration of	• Lack of foundation; calls for speculation;	□ Sustained
4	Plaintiff Clarence	conclusory (Federal Rule of Evidence ("FRE")	□ Overruled
5	Rigali, ¶ 3:	$\underline{602}$): The declarant fails to lay a foundation as	
6	"I am a law-abiding	to how he is not prohibited from owning	
7	adult who is not	firearms under the laws of the United States of	
8	prohibited from	America or the State of California. (See, e.g.,	
9	owning firearms	firearm eligibility checklist published by the	
10	under the laws of the	California Department of Justice's Bureau of	
11	United States of	Firearms at <u>https://oag.ca.gov/sites/all/files/</u>	
12	America or the state	agweb/pdfs/firearms/forms/prohibcatmisd.pdf,	
13	of California."	which lists requirements other than being a	
14		"law-abiding" adult, including residence in the	
15		City, not disqualified for the license, successful	
16		completion of required firearms training course,	
17		and recorded owner of the subject firearm).	
18	23. Declaration of	• Incomplete evidence; calls for speculation;	□ Sustained
19	Plaintiff Clarence	conclusory (FRE 106, 602): The declarant	□ Overruled
20	Rigali, ¶ 5:	claims he has a Utah CCW permit without	
21	"I possess a Utah	attaching documentary evidence supporting	
22	CCW permit, which	such statement.	
23	required a	• <u>Improper opinion testimony (FRE 701, 702)</u> :	
24	background check	The declarant's statement that there is no good	
25	and a safety course to	reason why out-of-state CCW permits should	
26	obtain."	not be honored by California constitutes	
27		improper opinion testimony.	
28		• Not relevant (FRE 401): The declarant's	
n	DEFENDANTS LA VERNE P	- 21 - OLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COL	LEEN FLORES'



1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3		subjective opinion that out-of-state CCW	
4		permits should be honored by California is	
5		irrelevant. Nowhere in the Supreme Court's	
6		decision in N.Y. State Rifle & Pistol Ass'n v.	
7		Bruen, 597 U.S. 1 (2022) does it require that one	
8		sovereign state's CCW permit be recognized in	
9		all other states.	
10		• Probative value outweighed by prejudicial	
11		effect (FRE 403): The probative value of the	
12		proffered evidence is substantially outweighed	
13		by a danger of unfair prejudice and confusing	
14		the issues.	
15	24. Declaration of	• <u>Improper opinion testimony; lack of</u>	□ Sustained
16	Plaintiff Clarence	foundation; conclusory; calls for an improper	□ Overruled
17	Rigali, ¶ 7:	legal conclusion (FRE 701, 702): The declarant	
18	"I also object to the	is offering improper opinion testimony about the	
19	psychological exam	purported unreasonableness and	
20	La Verne requires,	unconstitutionality of the psychological	
21	which is an	examination without laying any foundation for	
22	unconstitutional	his qualification to offer such an expert opinion	
23	suitability	on the issue.	
24	determination. Part of	• Not relevant (FRE 401): The declarant's	
25	the reason for my	subjective opinion on whether the psychological	
26	objection is my	examination is reasonable and/or constitutional,	
27	terrible prior	without any expert qualification, personal	
28	experience with	knowledge or foundation, is of no consequence	
1	DEFENDANTS I A VERNE P	- 22 - OLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COI	LEEN FLORES'



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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection
3	psychologists."	in determining the reasonableness and/or	
4		constitutionality of the psychological exam.	
5		• Probative value outweighed by prejudicial	
6		effect (FRE 403): The probative value of the	
7		proffered evidence is substantially outweighed	
8		by a danger of unfair prejudice and confusing	
9		the issues.	
10	25. Declaration of	• <u>Improper opinion testimony; lack of</u>	□ Sustained
11	Plaintiff Clarence	foundation; conclusory; calls for an improper	□ Overruled
12	Rigali, ¶ 9:	legal conclusion (FRE 701, 702): The declarant	
13	"That horrible	is offering improper opinion testimony about the	
14	experience has made	purported unreasonableness and	
15	me especially	unconstitutionality of the psychological	
16	apprehensive about	examination without laying any foundation for	
17	subjecting myself to	his qualification to offer such an expert opinion	
18	another such exam,	on the issue.	
19	let alone as a	• <u>Not relevant (FRE 401)</u> : The declarant's	
20	precondition to	subjective opinion on whether the psychological	
21	exercising an	examination is reasonable and/or constitutional,	
22	enumerated	without any expert qualification, personal	
23	constitutional right."	knowledge or foundation, is of no consequence	
24		in determining the reasonableness and/or	
25		constitutionality of the psychological exam.	
26		• Probative value outweighed by prejudicial	
27		effect (FRE 403): The probative value of the	
28		proffered evidence is substantially outweighed	
1		- 23 -	



1		[]	
1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection
3		by a danger of unfair prejudice and confusing	
4		the issues.	
5	26. Declaration of	• Improper opinion testimony; lack of	□ Sustained
6	Plaintiff Clarence	foundation; conclusory; calls for an improper	□ Overruled
7	Rigali, ¶ 10:	legal conclusion (FRE 701, 702): The declarant	
8	Further, La Verne	is offering improper opinion testimony about the	
9	requires that	purported unconstitutionality of requiring a	
10	applicants undergo	psychological examination 35 miles away from	
11	psychological exams	his home without laying any foundation for his	
12	not locally, but in San	qualification to offer such an expert opinion on	
13	Bernardino, 35 miles	the issue.	
14	away. Such a travel	• <u>Not relevant (FRE 401)</u> : The declarant's	
15	requirement to be	subjective opinion on whether the psychological	
16	issued a permit to	examination is reasonable and/or constitutional,	
17	exercise a right	without any expert qualification, personal	
18	represents an	knowledge or foundation, is of no consequence	
19	infringement of the	in determining the reasonableness and/or	
20	right to bear arms that	constitutionality of the psychological exam. See,	
21	would be permitted in	e.g., Fed. R. Civ. Proc. 45(c)(1) (allowing	
22	no other	depositions to be noticed within 100 miles of a	
23	constitutional	person's residence, employment or place of	
24	context, particularly	business); Cal. Civ. Proc. Code § 2025.250	
25	given my disability.	(allowing depositions to be noticed within 75	
26		miles of the deponent's residence).	
27		• Probative value outweighed by prejudicial	
28		effect (FRE 403): The probative value of the	
		- 24 -	



1				
1 2	<u>Material objected</u> <u>to:</u>	Objections:	<u>Ruling on</u> Objection	
3		proffered evidence is substantially outweighed		
4		by a danger of unfair prejudice and confusing		
5		the issues.		
6	27. Declaration of	• <u>Hearsay; lack of foundation; calls for</u>	□ Sustained	
7	Plaintiff Clarence	speculation; conclusory (FRE 602, 801, 802):	□ Overruled	
8	Rigali, ¶ 11:	The declarant inappropriately refers to		
9	"To make matters	purported hearsay rumors from unnamed		
10	worse, I understand	persons/sources that the City will be raising the		
11	that due to a recent	price of its psychological examination by \$250.		
12	change in California	The complete lack of foundation for this		
13	law "uncapping" the	conclusory allegation is confirmed by the fact		
14	prior \$150 maximum	that the declarant himself acknowledges it as a		
15	that may be charged	"rumor."		
16	for the psychological	• Probative value outweighed by prejudicial		
17	exam, La Verne is	effect (FRE 403): The probative value of the		
18	rumored to be raising	proffered evidence is substantially outweighed		
19	the price of the exam	by a danger of unfair prejudice and confusing		
20	by an additional	the issues.		
21	\$250, putting the total			
22	expense of obtaining			
23	a permit at around			
24	\$1,200 or more,			
25	depending on the cost			
26	of the training			
27	course."			
28				
	- 25 -			



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1 2	<u>Material objected</u> <u>to:</u>	Objections:	Ruling on Objection	
3	28.Declaration of	• Not relevant (FRE 401): The declarant's	□ Sustained	
4	Plaintiff Clarence	subjective hope that the Court will force the City	□ Overruled	
5	Rigali, ¶ 12:	to reduce its fees and that the Court will force		
6	"I pray this Court will	California to honor his Utah CCW permit is not		
7	help me and others in	relevant. California law explicitly allows issuing		
8	similar situations. La	authorities to charge reasonable fees associated		
9	Verne should either	with processing CCW applications. See Cal.		
10	be ordered to lower	Pen. Code §§ 26190(c). Moreover, nowhere in		
11	its fees dramatically,	the Supreme Court's decision in N.Y. State Rifle		
12	or alternatively, this	& Pistol Ass'n v. Bruen, 597 U.S. 1 (2022) does		
13	Court should force	it require that one sovereign state's CCW permit		
14	California to honor	be recognized in all other states.		
15	my Utah CCW	• Probative value outweighed by prejudicial		
16	permit."	effect (FRE 403): The probative value of the		
17		proffered evidence is substantially outweighed		
18		by a danger of unfair prejudice and confusing		
19		the issues.		
20	Dated: February 21, 2024 JONES MAYER			
21		By: /s/Bruce A. Lindsay		
22		Bruce A. Lindsay Monica Choi Arredondo		
23		Attorneys for Defendants, LA VERNE POLICE DEPAR VERNE CHIEF OF POLICE O	IMENT, LA	
24		VERNE CHIEF OF POLICE C FLORES	OLLEEN	
25				
26				
27				
28				
		- 26 - OLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COL E SUBMITTED ISO PLAINTIFFS' MOTION FOR PRELIMINARY		