

1 Bruce A. Lindsay, Esq., SBN 102794  
bal@jones-mayer.com  
2 Monica Choi Arredondo, Esq., SBN 215847  
mca@jones-mayer.com  
3 JONES MAYER  
3777 North Harbor Boulevard  
4 Fullerton, CA 92835  
Telephone: (714) 446-1400  
5 Facsimile: (714) 446-1448

6 Attorneys for Defendants,  
LA VERNE POLICE DEPARTMENT, LA VERNE  
7 CHIEF OF POLICE COLLEEN FLORES

8  
9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11

12 CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED; THE  
13 SECOND AMENDMENT  
FOUNDATION; GUN OWNERS OF  
14 AMERICA, INC.; GUN OWNERS  
FOUNDATION; GUN OWNERS OF  
15 CALIFORNIA INC.; ERICK  
VELASQUEZ, an individual; CHARLES  
16 MESSEL, an individual; BRIAN  
WEIMER, an individual; CLARENCE  
17 RIGALI, an individual; KEITH REEVES,  
an individual; CYNTHIA GABALDON,  
18 an individual; and STEPHEN HOOVER,  
an individual,

19 Plaintiffs,

20 v.

21  
22 LOS ANGELES COUNTY SHERIFF'S  
DEPARTMENT; SHERIFF ROBERT  
LUNA in his official capacity; LA VERNE  
23 POLICE DEPARTMENT; LA VERNE  
CHIEF OF POLICE COLLEEN FLORES,  
24 in her official capacity; ROBERT BONTE,  
in his official capacity as Attorney General  
25 of the State of California; and DOES 1-10,

26 Defendants.  
27  
28

Case No. 2:23-cv-10169-SPG-ADS

*Honorable Sherilyn Peace Garnett  
Magistrate Judge Autumn D. Spaeth*

**DEFENDANTS LA VERNE  
POLICE DEPARTMENT AND LA  
VERNE CHIEF OF POLICE  
COLLEEN FLORES' OBJECTIONS  
TO EVIDENCE SUBMITTED IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

*[Filed concurrently with: Opposition  
Brief; Declaration of Acting Chief Sam  
Gonzalez; Declaration of Chief Colleen  
Flores; and Declaration of Lt. Chris  
Dransfeldt]*

Hearing  
Date: March 13, 2024  
Time: 1:30 p.m.  
Courtroom: 5C

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

- 6 • Declaration of Jim Carlson;
- 7 • Declaration of Plaintiff Cynthia Gabaldon;
- 8 • Declaration of Richard Minnich;
- 9 • Declaration of Plaintiff Keith Reeves; and
- 10 • Declaration of Plaintiff Clarence Rigali.

<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
13 <b>1. Declaration of</b> 14 <b>Plaintiff Jim</b> 15 <b>Carlson, ¶ 2:</b> 16 “I am a law-abiding 17 adult who is not 18 prohibited from 19 owning firearms 20 under the laws of the 21 United States of 22 America or the state 23 of California.”	• <u>Lack of foundation; calls for speculation; conclusory (Federal Rule of Evidence (“FRE”) 602):</u> The declarant fails to lay a foundation as to how he is not prohibited from owning firearms under the laws of the United States of America or the State of California. (See, e.g., firearm eligibility checklist published by the California Department of Justice’s Bureau of Firearms at <a href="https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/prohibcatmisd.pdf">https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/prohibcatmisd.pdf</a> , which lists requirements other than being a “law-abiding” adult, including residence in the City, not disqualified for the license, successful completion of required firearms training course, and recorded owner of the subject firearm).	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
<p>2. Declaration of Jim Carlson, ¶ 5: “The facility is set up for interviewing and testing people applying for roles in law enforcement, not civilians exercising their right to carry.”</p>	<ul style="list-style-type: none"> <li>• <u>Lacks personal knowledge; lack of foundation; calls for speculation; conclusory (FRE 602):</u> The declarant fails to lay a foundation as to how he has personal knowledge that the facility is not “set up” for examinations of civilians applying for a concealed carry weapon (“CCW”) permit. Moreover, the statement is contradicted by the very fact that Plaintiff was examined at the facility for the purpose of determining whether he is disqualified to obtain a CCW permit.</li> <li>• <u>Improper opinion testimony; lack of foundation; conclusory (FRE 701, 702):</u> The declarant is offering improper opinion testimony that the facility is not “set up” for civilians exercising their right to carry, without laying any foundation for his qualification to offer such an expert opinion on the issue.</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues because its admission would assume the declarant has the requisite personal knowledge and expert qualifications to offer such an opinion.</li> </ul>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>



<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
<p>3. <b>Declaration of Jim Carlson, ¶ 6:</b>                      “Next, the exam is over 100 questions long, it is a multiple-choice type test that repeats similar questions with different wording, asking questions about the desire to be high, drunk, or out of control, and if you like drugs or have addiction type tendencies.”</p>	<ul style="list-style-type: none"> <li>• <u>Lack of foundation for contents of a writing (FRE 1001-1008):</u> the statement lacks the appropriate foundation for the document it attempts to summarize and describe, as no copy of the document is provided;</li> <li>• <u>Hearsay (FRE 801, 802):</u> The summary of the contents of the psychological examination constitutes inadmissible hearsay.</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>4. <b>Declaration of Jim Carlson, ¶ 7:</b>                      “The questions also ask if you want to hurt yourself or other people, and how often you feel that way. The exam never asks questions about whether you would</p>	<ul style="list-style-type: none"> <li>• <u>Lack of foundation for contents of a writing (FRE 1001-1008):</u> the statement lacks the appropriate foundation for the document it attempts to summarize and describe, as no copy of the document is provided.</li> <li>• <u>Hearsay (FRE 801, 802):</u> The summary of the contents of the psychological examination constitutes inadmissible hearsay.</li> <li>• <u>Improper opinion testimony; lack of foundation; conclusory (FRE 701, 702):</u> The</li> </ul>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled



<p>1 <u>Material objected</u> 2 <u>to:</u></p>	<p><u>Objections:</u></p>	<p><u>Ruling on</u> <u>Objection</u></p>
<p>3 feel safer if you had a 4 side arm, or what you 5 might do in a 6 situation where you 7 had to use it, or what 8 help might be 9 available if you have 10 negative emotions 11 from any self-defense 12 situations.”</p>	<p>declarant is offering improper opinion testimony about questions he believes should have been included in the examination, without laying any foundation for his qualification to offer such an expert opinion on the issue.</p> <ul style="list-style-type: none"> <li>• <u>Not relevant (FRE 401):</u> The claim that the examination omitted questions regarding whether the applicant felt subjectively safer with a side arm is irrelevant to the purpose of the psychological examination, which is to determine the applicant’s psychological fitness to carry a concealed weapon.</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	
<p>20 <b>5. Declaration of</b> 21 <b>Jim Carlson, ¶ 8:</b> 22 “The interviewer asks 23 general questions 24 about how you are 25 and your history.”</p>	<ul style="list-style-type: none"> <li>• <u>Hearsay (FRE 801, 802):</u> The summary of the contents of the interview portion of the psychological examination constitutes inadmissible hearsay.</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1 2 <u>Material objected to:</u>	3 4 5 <u>Objections:</u>	6 7 8 <u>Ruling on Objection</u>
3 6. <b>Declaration of</b> 4 <b>Jim Carlson,</b> 5 <b>¶ 10:</b> 6 “In my opinion, this 7 exam is not 8 reasonable at all as a 9 prerequisite for 10 exercising a 11 constitutional right. 12 Even if some 13 psychological exam 14 could be acceptable, 15 and I don’t think the 16 constitution allows 17 for that, this exam is 18 beyond the pale. Both 19 in terms of how it is 20 conducted, and the 21 circumstances around 22 it (the length of time 23 it takes and only 24 being available a long 25 distance away, on 26 weekdays, and for an 27 extra \$150 in 28 expense).”	<ul style="list-style-type: none"> <li data-bbox="560 268 1279 1203">• <u>Improper opinion testimony; lack of foundation; conclusory; calls for an improper legal conclusion (FRE 701, 702):</u> The declarant is offering improper opinion testimony about the purported unreasonableness and unconstitutionality of the content, distance and cost of the psychological examination without laying any foundation for his qualification to offer such an expert opinion on the issue. See, e.g., Fed. R. Civ. Proc. 45(c)(1) (allowing depositions to be noticed within 100 miles of a person’s residence, employment or place of business); Cal. Civ. Proc. Code § 2025.250 (allowing depositions to be noticed within 75 miles of the deponent’s residence).</li> <li data-bbox="560 1224 1279 1902">• <u>Lacks personal knowledge; calls for speculation; conclusory (FRE 602):</u> The declarant fails to lay a foundation as to how he has personal knowledge or a foundation for offering an opinion on the reasonableness or unreasonableness of the psychological examination (e.g., through a comparison of the content of the exam, the distance required to be traveled, and the cost of the examination <i>in comparison with</i> other jurisdictions within Southern California).</li> </ul>	3 <input type="checkbox"/> Sustained 4 <input type="checkbox"/> Overruled

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
	<ul style="list-style-type: none"> <li>• <u>Not relevant (FRE 401):</u> The declarant’s subjective opinion on whether the psychological examination is reasonable, without any expert qualification, personal knowledge or foundation, is of <i>no</i> consequence in determining the reasonableness of the psychological exam. See, e.g., Fed. R. Civ. Proc. 45(c)(1) (allowing depositions to be noticed within 100 miles of a person’s residence, employment or place of business); Cal. Civ. Proc. Code § 2025.250 (allowing depositions to be noticed within 75 miles of the deponent’s residence).</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	
<p><b>7. Declaration of Jim Carlson, ¶ 11:</b></p> <p>“While I forced myself through it in order to be able to exercise my right to carry, others should not have to do so. I</p>	<ul style="list-style-type: none"> <li>• <u>Improper opinion testimony; lack of foundation; conclusory; calls for an improper legal conclusion (FRE 701, 702):</u> The declarant is offering improper opinion testimony about the purported unreasonableness and unconstitutionality of the content, distance and cost of the psychological examination without laying any foundation for his qualification to offer such an expert opinion on the issue. See,</li> </ul>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled



<p>1 <u>Material objected</u> 2 <u>to:</u></p>	<p><u>Objections:</u></p>	<p><u>Ruling on</u> <u>Objection</u></p>
<p>3 hope this Court rules 4 for the Plaintiffs. 5 Aside from the 6 abuses of the 7 psychological 8 examination, the 9 expense was also 10 completely 11 unreasonable. 12 Counting all 13 expenses, I paid 14 approximately \$1,200 15 to get my CCW 16 permit. This is 17 supposed to be a 18 constitutional right. 19 While I could afford 20 it, certainly many 21 people are not so 22 fortunate.”</p>	<p>e.g., Fed. R. Civ. Proc. 45(c)(1) (allowing depositions to be noticed within 100 miles of a person’s residence, employment or place of business); Cal. Civ. Proc. Code § 2025.250 (allowing depositions to be noticed within 75 miles of the deponent’s residence).</p> <ul style="list-style-type: none"> <li>• <u>Lacks personal knowledge; calls for speculation; conclusory (FRE 602):</u> The declarant fails to lay a foundation as to how he has personal knowledge or a foundation for offering an opinion on the reasonableness or unreasonableness of the psychological examination (e.g., through a comparison of the content of the exam, the distance required to be traveled, and the cost of the examination <i>in comparison with</i> other jurisdictions within Southern California).</li> <li>• <u>Not relevant (FRE 401):</u> The declarant’s subjective opinion on whether the psychological examination is reasonable, without any expert qualification, personal knowledge or foundation, is of <i>no</i> consequence in determining the reasonableness of the psychological exam. See, e.g., Fed. R. Civ. Proc. 45(c)(1) (allowing depositions to be noticed within 100 miles of a person’s residence, employment or place of</li> </ul>	



<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
	business); Cal. Civ. Proc. Code § 2025.250 (allowing depositions to be noticed within 75 miles of the deponent’s residence). • <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.	
8. <b>Declaration of Plaintiff Cynthia Gabaldon, ¶ 3:</b> “I am a law-abiding adult who is not prohibited from owning firearms under the laws of the United States of America or the state of California.”	• <u>Lack of foundation; calls for speculation; conclusory (Federal Rule of Evidence (“FRE”) 602):</u> The declarant fails to lay a foundation as to how she is not prohibited from owning firearms under the laws of the United States of America or the State of California. (See, e.g., firearm eligibility checklist published by the California Department of Justice’s Bureau of Firearms at <a href="https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/prohibcatmisd.pdf">https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/prohibcatmisd.pdf</a> , which lists requirements other than being a “law-abiding” adult, including residence in the City, not disqualified for the license, successful completion of required firearms training course, and recorded owner of the subject firearm).	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
9. <b>Declaration of Plaintiff Cynthia Gabaldon, ¶ 5:</b>	<u>Lack of foundation; improper opinion testimony; lacks personal knowledge; argumentative and conclusory (FRE 602, 701,</u>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

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

<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
<p>11. <b>Declaration of Plaintiff Cynthia Gabaldon, ¶ 7:</b></p> <p>“I hope this Court will force La Verne to reduce its fees and drop its psychological examination. I am also willing to instead obtain an Arizona CCW permit, which is far more affordable, if this Court orders California to honor the permits of other states.”</p>	<ul style="list-style-type: none"> <li>• <u>Not relevant (FRE 401):</u> The declarant’s subjective hope that the Court will force the City to reduce its fees and drop its psychological examination is not relevant, as California law explicitly allows issuing authorities to (1) charge reasonable fees associated with processing CCW applications and (2) require that an applicant pass a psychological test before issuing a CCW permit. See Cal. Pen. Code §§ 26190(c), (e). Moreover, her willingness to obtain an Arizona CCW permit and the affordability of an Arizona CCW permit is completely irrelevant to the determination of the reasonableness of the City’s CCW permitting process. Nowhere in the Supreme Court’s decision in <i>N.Y. State Rifle &amp; Pistol Ass’n v. Bruen</i>, 597 U.S. 1 (2022) does it require that one sovereign state’s CCW permit be recognized in all other states.</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>12. <b>Declaration of Richard</b></p>	<ul style="list-style-type: none"> <li>• <u>Hearsay; lack of foundation; conclusory (FRE 602, 801, 802):</u> The declarant inappropriately</li> </ul>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<p>1 <u>Material objected</u> 2 <u>to:</u></p>	<p>3 <u>Objections:</u></p>	<p>4 <u>Ruling on</u> 5 <u>Objection</u></p>
<p>6 <b>Minnich, ¶ 10:</b> 7 “In early 2023, 8 CRPA receive many 9 complaints from its 10 members about the 11 City of La Verne and 12 its ridiculous CCW 13 permit application 14 fees. After we 15 discovered the over 16 \$1,000 in expense 17 applicants face, we 18 directed our lawyers 19 to contact the City to 20 attempt to persuade it 21 to reduce its fees . . . . 22 We have heard from 23 several of our 24 members, including 25 some plaintiffs in this 26 lawsuit, that they 27 cannot afford these 28 fees and it has stopped them from exercising their rights.”</p>	<p>refers to purported hearsay complaints received by unnamed agents of the California Rifle &amp; Pistol Association (“CRPA”) from unnamed CRPA members, purported hearsay communications between unnamed CRPA agents and unnamed CRPA attorneys, as well as communications between unnamed CRPA attorneys and unnamed individuals from the City. Moreover, the declarant inappropriately testifies on behalf of unnamed CRPA members who purportedly cannot afford the City’s CCW permit processing fees. Such statements are inadmissible hearsay lacking in foundation and speculating as to unnamed persons’ finances.</p> <ul style="list-style-type: none"> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	

<p>1 <b><u>Material objected</u></b> 2 <b><u>to:</u></b></p>	<p><b><u>Objections:</u></b></p>	<p><b><u>Ruling on</u></b> <b><u>Objection</u></b></p>
<p>3 <b>13. Declaration of</b> 4 <b>Richard</b> 5 <b>Minnich, ¶ 11:</b> 6 “We have heard at 7 least some members 8 tell us La Verne plans 9 to raise the 10 psychological exam 11 fee to around \$400, 12 further worsening an 13 already expensive 14 application process. 15 We are working to 16 confirm whether or 17 not that is true.”</p>	<ul style="list-style-type: none"> <li>• <u>Hearsay; lack of foundation; conclusory (FRE 602, 801, 802):</u> The declarant inappropriately refers to purported hearsay communications between unnamed CRPA agents and unnamed CRPA members and fails to identify the source or basis for his conclusion that the City “plans to raise the psychological exam fee to around \$400.” The complete lack of foundation for this conclusory allegation is confirmed by the fact that the declarant that unnamed CRPA agent(s) is/are “working to confirm whether or not that is true.”</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>20 <b>14. Declaration of</b> 21 <b>Richard</b> 22 <b>Minnich, ¶ 12:</b> 23 “Many CRPA 24 members, including 25 some Plaintiffs in this 26 lawsuit, object on 27 principle to 28 subjecting themselves</p>	<ul style="list-style-type: none"> <li>• <u>Hearsay; lack of foundation; conclusory (FRE 602, 801, 802):</u> The declarant inappropriately refers to purported hearsay communications from unnamed CRPA members who object to the principle of a psychological exam.</li> <li>• <u>Lacks personal knowledge; calls for speculation; conclusory (FRE 106, 602):</u> The declarant fails to lay a foundation as to how he has personal knowledge or a foundation for his</li> </ul>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1 2 <u>Material objected to:</u>	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 <u>Objections:</u>	21 22 23 24 25 26 27 28 <u>Ruling on Objection</u>
<p>to a psychological exam in order to exercise a constitutional right. Most issuing authorities in California do not require a psychological exam, La Verne is one of the few jurisdictions that require one.”</p>	<p>conclusion that “most” issuing authorities in California do not require a psychological examination, and fails to identify the basis for this conclusion (e.g., by reference to a listing of all jurisdictions that do and do not require a psychological examination).</p> <ul style="list-style-type: none"> <li>• <u>Not relevant (FRE 401):</u> Whether or not a majority of issuing authorities in California do or do not require a psychological examination is not relevant, as California law explicitly allows issuing authorities to require that an applicant pass a psychological test before issuing a CCW permit.</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	
<p>15. <b>Declaration of Richard Minnich, ¶ 13:</b> “CRPA considers psychological exams an unconstitutional ‘suitability’ determination of the</p>	<ul style="list-style-type: none"> <li>• <u>Improper opinion testimony; lack of foundation; calls for improper legal conclusion (FRE 701, 702):</u> The declarant is offering improper opinion testimony that psychological exam requirements for CCW permitting, in general, constitute unconstitutional ‘suitability’ determinations.</li> <li>• <u>Not relevant (FRE 401):</u> CRPA and/or the</li> </ul>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 <u>Material objected</u> 2 <u>to:</u></p>	<p><u>Objections:</u></p>	<p><u>Ruling on</u> <u>Objection</u></p>
<p>3 kind that the Supreme 4 Court has already 5 rejected.”</p>	<p>declarant’s subjective opinion as to whether psychological exams constitute unconstitutional ‘suitability’ determinations is irrelevant.</p> <ul style="list-style-type: none"> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	
<p>11 <b>16.Declaration of</b> 12 <b>Richard</b> 13 <b>Minnich, ¶ 14:</b> 14 “Finally, given how 15 many CRPA 16 members reside 17 outside of California, 18 a frequent complaint 19 we receive from our 20 members is regarding 21 California’s refusal to 22 honor the CCW 23 permits of other 24 states, even other 25 states like Arizona 26 and Utah which like 27 California, require a 28 training course and</p>	<ul style="list-style-type: none"> <li>• <u>Hearsay; lack of foundation; calls for speculation; conclusory (FRE 106, 602, 801, 802):</u> The declarant inappropriately refers to purported hearsay complaints from unnamed CRPA members to unnamed CRPA agents regarding the State of California’s refusal to honor CCW permits from other states like Arizona and Utah. The declarant also inappropriately refers to the purported hearsay and subjective preferences of unnamed CRPA members. Such statements are inadmissible hearsay lacking in foundation and speculating as to unnamed persons’ preferences.</li> <li>• <u>Improper opinion testimony; lack of foundation; calls for an improper legal conclusion (FRE 701, 702):</u> The declarant is offering improper opinion testimony that a CCW permit from one state should be</li> </ul>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 <b><u>Material objected</u></b>                  2 <b><u>to:</u></b></p>	<p><b><u>Objections:</u></b></p>	<p><b><u>Ruling on</u></b>  <b><u>Objection</u></b></p>
<p>3 fingerprinting prior to                      4 a permit being issued.                      5 This is also a problem                      6 for CRPA members                      7 who live in California                      8 and have CCW                      9 permits from other                      10 states, as they would                      11 prefer to use those                      12 permits rather than                      13 pay exorbitant fees or                      14 deal with lengthy                      15 wait times. CRPA                      16 believes                      17 constitutional rights                      18 do not end at state                      19 lines, yet the right to                      20 carry currently does.”</p>	<p>recognized in all other states in the union (i.e.,                      in essence, that there should only be one national                      or federal CCW permitting process).</p> <ul style="list-style-type: none"> <li>• <u>Not relevant; lack of foundation (FRE 401):</u>                      CRPA and/or the declarant’s subjective opinion                      that there should only be one CCW permitting                      process across all states is irrelevant. Nowhere                      in the Supreme Court’s decision in <i>N.Y. State                      Rifle &amp; Pistol Ass’n v. Bruen</i>, 597 U.S. 1 (2022)                      does it require that one sovereign state’s CCW                      permit be recognized in all other states.                      Moreover, the complaint of unnamed out-of-                      state CRPA members regarding California’s                      refusal to honor out-of-state CCW permits is not                      relevant without a foundation establishing such                      unnamed members’ concrete and confirmed                      plans to either move to California or visit                      California.</li> <li>• <u>Probative value outweighed by prejudicial                      effect (FRE 403):</u> The probative value of the                      proffered evidence is substantially outweighed                      by a danger of unfair prejudice and confusing                      the issues.</li> </ul>	
<p>26 <b>17. Declaration of</b>                      27 <b>Plaintiff Keith</b>                      28 <b>Reeves, ¶ 3:</b></p>	<ul style="list-style-type: none"> <li>• <u>Lack of foundation; calls for speculation;                      conclusory (FRE 602):</u> The declarant fails to lay                      a foundation as to how he is not prohibited from</li> </ul>	<p><input type="checkbox"/> Sustained  <input type="checkbox"/> Overruled</p>



<p>1 <b><u>Material objected</u></b> 2 <b><u>to:</u></b></p>	<p><b><u>Objections:</u></b></p>	<p><b><u>Ruling on</u></b> <b><u>Objection</u></b></p>
<p>3 “I am a law-abiding 4 adult who is not 5 prohibited from 6 owning firearms 7 under the laws of the 8 United States of 9 America or the state 10 of California.”</p>	<p>owning firearms under the laws of the United States of America or the State of California. (See, e.g., firearm eligibility checklist published by the California Department of Justice’s Bureau of Firearms at <a href="https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/prohibcatmisd.pdf">https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/prohibcatmisd.pdf</a>, which lists requirements other than being a “law-abiding” adult, including residence in the City, not disqualified for the license, successful completion of required firearms training course, and recorded owner of the subject firearm).</p>	
<p>15 <b>18. Declaration of</b> 16 <b>Plaintiff Keith</b> 17 <b>Reeves, ¶ 4:</b> 18 “I possess both 19 Arizona and Utah 20 CCW permits, both 21 of which required 22 background checks 23 and safety courses to 24 obtain. These permits 25 are, without any good 26 reason, not honored 27 by California. I am 28 also an NRA-certified</p>	<ul style="list-style-type: none"> <li>• <u>Incomplete evidence; calls for speculation; conclusory (FRE 106, 602):</u> The declarant claims he has Arizona and Utah CCW permits and that he is an NRA-certified pistol instructor and range safety officer without attaching documentary evidence supporting such statements.</li> <li>• <u>Improper opinion testimony (FRE 701, 702):</u> The declarant’s statement that there is no good reason why out-of-state CCW permits should not be honored by California constitutes improper opinion testimony.</li> <li>• <u>Not relevant (FRE 401):</u> The declarant’s subjective opinion that out-of-state CCW</li> </ul>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1 2 <u>Material objected to:</u>	3 4 5 6 7 8 9 10 11 12 13 <u>Objections:</u>	<u>Ruling on Objection</u>
<p>3 pistol instructor and 4 range safety officer.”</p>	<p>permits should be honored by California is irrelevant. Nowhere in the Supreme Court’s decision in <i>N.Y. State Rifle &amp; Pistol Ass’n v. Bruen</i>, 597 U.S. 1 (2022) does it require that one sovereign state’s CCW permit be recognized in all other states.</p> <ul style="list-style-type: none"> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	
<p>14 <b>19. Declaration of</b> 15 <b>Plaintiff Keith</b> 16 <b>Reeves, ¶ 5:</b> 17 “I applied for a CCW 18 permit in January 19 2014 with La Verne 20 Police Department, 21 and was denied in 22 May 2015 because he 23 [sic] was deemed to 24 lack sufficient good 25 cause, a criterion the 26 Supreme Court struck 27 down in <i>Bruen</i> seven 28 years later. I wish to</p>	<ul style="list-style-type: none"> <li>• <u>Hearsay; lack of foundation; calls for speculation; conclusory (FRE 106, 602, 801, 802):</u> The declarant inappropriately refers to a purported hearsay denial of a CCW permit he purportedly submitted to the LVPD, without attaching the purported denial. Such statement constitutes inadmissible hearsay lacking in foundation. Moreover, the declarant offers no foundation or evidence for his claim that he is unable to afford the LVPD fees.</li> <li>• <u>Misstates and assumes facts not in evidence (FRE 106, 901):</u> The La Verne Police Department did not have CCW permit applications for City residents before 2022. At that time, such applications were referred to the</li> </ul>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 <b><u>Material objected</u></b>                  2 <b><u>to:</u></b></p>	<p><b><u>Objections:</u></b></p>	<p><b><u>Ruling on</u></b>  <b><u>Objection</u></b></p>
<p>3 reapply for a permit                      4 but cannot afford to                      5 do so due to the                      6 excessive application                      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.”</p>	<p>Los Angeles Sheriff’s Department for processing. See Declaration of Acting Chief Sam Gonzalez, ¶ 2; Declaration of Chief Collen Flores, ¶ 4.</p>	
<p>16 <b>20. Declaration of</b>                      17 <b>Plaintiff Keith</b>                      18 <b>Reeves, ¶ 6:</b>                      19 “On principle, I also                      20 do not want to subject                      21 myself to the                      22 psychological                      23 examination                      24 requirement,                      25 something that most                      26 issuing authorities in                      27 California (including                      28 LASD) do not</p>	<ul style="list-style-type: none"> <li>• <u>Lacks personal knowledge; calls for speculation; conclusory (FRE 106, 602):</u> The declarant fails to lay a foundation as to how he has personal knowledge or a foundation for his conclusion that “most” issuing authorities in California do not require a psychological examination, and cites only one jurisdiction that does not require it.</li> <li>• <u>Not relevant (FRE 401):</u> The declarant’s subjective opinion on whether the psychological examination requirement is reasonable is irrelevant, as California law explicitly allows issuing authorities to require that an applicant</li> </ul>	<p><input type="checkbox"/> Sustained  <input type="checkbox"/> Overruled</p>

1 2 <u>Material objected to:</u>	3 4 5 6 7 8 9 <u>Objections:</u>	<u>Ruling on Objection</u>
3 4 5 6 7 8 9 require.”	<p>pass a psychological test before issuing a CCW permit.</p> <ul style="list-style-type: none"> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	
<p>10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 21.<b>Declaration of Plaintiff Keith Reeves, ¶ 7:</b> “I hope this Court will force La Verne to reduce its fees and drop its psychological examination, or in the alternative, force California to honor my Arizona and Utah CCW permits.”</p>	<ul style="list-style-type: none"> <li>• <u>Not relevant (FRE 401):</u> The declarant’s subjective hope that the Court will force the City to reduce its fees and drop its psychological examination is not relevant, as California law explicitly allows issuing authorities to (1) charge reasonable fees associated with processing CCW applications and (2) require that an applicant pass a psychological test before issuing a CCW permit. See Cal. Pen. Code §§ 26190(c), (e). Moreover, nowhere in the Supreme Court’s decision in <i>N.Y. State Rifle &amp; Pistol Ass’n v. Bruen</i>, 597 U.S. 1 (2022) does it require that one sovereign state’s CCW permit be recognized in all other states.</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
<p>22. <b>Declaration of Plaintiff Clarence Rigali, ¶ 3:</b></p> <p>“I am a law-abiding adult who is not prohibited from owning firearms under the laws of the United States of America or the state of California.”</p>	<ul style="list-style-type: none"> <li>• <u>Lack of foundation; calls for speculation; conclusory (Federal Rule of Evidence (“FRE”) 602):</u> The declarant fails to lay a foundation as to how he is not prohibited from owning firearms under the laws of the United States of America or the State of California. (See, e.g., firearm eligibility checklist published by the California Department of Justice’s Bureau of Firearms at <a href="https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/prohibcatmisd.pdf">https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/prohibcatmisd.pdf</a>, which lists requirements other than being a “law-abiding” adult, including residence in the City, not disqualified for the license, successful completion of required firearms training course, and recorded owner of the subject firearm).</li> </ul>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>23. <b>Declaration of Plaintiff Clarence Rigali, ¶ 5:</b></p> <p>“I possess a Utah CCW permit, which required a background check and a safety course to obtain.”</p>	<ul style="list-style-type: none"> <li>• <u>Incomplete evidence; calls for speculation; conclusory (FRE 106, 602):</u> The declarant claims he has a Utah CCW permit without attaching documentary evidence supporting such statement.</li> <li>• <u>Improper opinion testimony (FRE 701, 702):</u> The declarant’s statement that there is no good reason why out-of-state CCW permits should not be honored by California constitutes improper opinion testimony.</li> <li>• <u>Not relevant (FRE 401):</u> The declarant’s</li> </ul>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
	<p>subjective opinion that out-of-state CCW permits should be honored by California is irrelevant. Nowhere in the Supreme Court’s decision in <i>N.Y. State Rifle &amp; Pistol Ass’n v. Bruen</i>, 597 U.S. 1 (2022) does it require that one sovereign state’s CCW permit be recognized in all other states.</p> <ul style="list-style-type: none"> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	
<p><b>24. Declaration of Plaintiff Clarence Rigali, ¶ 7:</b></p> <p>“I also object to the psychological exam La Verne requires, which is an unconstitutional suitability determination. Part of the reason for my objection is my terrible prior experience with</p>	<ul style="list-style-type: none"> <li>• <u>Improper opinion testimony; lack of foundation; conclusory; calls for an improper legal conclusion (FRE 701, 702):</u> The declarant is offering improper opinion testimony about the purported unreasonableness and unconstitutionality of the psychological examination without laying any foundation for his qualification to offer such an expert opinion on the issue.</li> <li>• <u>Not relevant (FRE 401):</u> The declarant’s subjective opinion on whether the psychological examination is reasonable and/or constitutional, without any expert qualification, personal knowledge or foundation, is of <i>no</i> consequence</li> </ul>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

1 2 <u>Material objected to:</u>	3 4 5 6 7 8 9 <u>Objections:</u>	<u>Ruling on Objection</u>
3 4 5 6 7 8 9 psychologists.”	in determining the reasonableness and/or constitutionality of the psychological exam.  • <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.	
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 25. <b>Declaration of Plaintiff Clarence Rigali, ¶ 9:</b> “That horrible experience has made me especially apprehensive about subjecting myself to another such exam, let alone as a precondition to exercising an enumerated constitutional right.”	<ul style="list-style-type: none"> <li>• <u>Improper opinion testimony; lack of foundation; conclusory; calls for an improper legal conclusion (FRE 701, 702):</u> The declarant is offering improper opinion testimony about the purported unreasonableness and unconstitutionality of the psychological examination without laying any foundation for his qualification to offer such an expert opinion on the issue.</li> <li>• <u>Not relevant (FRE 401):</u> The declarant’s subjective opinion on whether the psychological examination is reasonable and/or constitutional, without any expert qualification, personal knowledge or foundation, is of <i>no</i> consequence in determining the reasonableness and/or constitutionality of the psychological exam.</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed</li> </ul>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

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





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
	<p>proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</p>	
<p><b>27. Declaration of Plaintiff Clarence Rigali, ¶ 11:</b>                      “To make matters worse, I understand that due to a recent change in California law “uncapping” the prior \$150 maximum that may be charged for the psychological exam, La Verne is rumored to be raising the price of the exam by an additional \$250, putting the total expense of obtaining a permit at around \$1,200 or more, depending on the cost of the training course.”</p>	<ul style="list-style-type: none"> <li>• <u>Hearsay; lack of foundation; calls for speculation; conclusory (FRE 602, 801, 802):</u>                              The declarant inappropriately refers to purported hearsay rumors from unnamed persons/sources that the City will be raising the price of its psychological examination by \$250. The complete lack of foundation for this conclusory allegation is confirmed by the fact that the declarant himself acknowledges it as a “rumor.”</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	<p><input type="checkbox"/> Sustained  <input type="checkbox"/> Overruled</p>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<u>Material objected to:</u>	<u>Objections:</u>	<u>Ruling on Objection</u>
<p><b>28. Declaration of Plaintiff Clarence Rigali, ¶ 12:</b></p> <p>“I pray this Court will help me and others in similar situations. La Verne should either be ordered to lower its fees dramatically, or alternatively, this Court should force California to honor my Utah CCW permit.”</p>	<ul style="list-style-type: none"> <li>• <u>Not relevant (FRE 401):</u> The declarant’s subjective hope that the Court will force the City to reduce its fees and that the Court will force California to honor his Utah CCW permit is not relevant. California law explicitly allows issuing authorities to charge reasonable fees associated with processing CCW applications. See Cal. Pen. Code §§ 26190(c). Moreover, nowhere in the Supreme Court’s decision in <i>N.Y. State Rifle &amp; Pistol Ass’n v. Bruen</i>, 597 U.S. 1 (2022) does it require that one sovereign state’s CCW permit be recognized in all other states.</li> <li>• <u>Probative value outweighed by prejudicial effect (FRE 403):</u> The probative value of the proffered evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues.</li> </ul>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

Dated: February 21, 2024

JONES MAYER

By: /s/Bruce A. Lindsay  
 Bruce A. Lindsay  
 Monica Choi Arredondo  
 Attorneys for Defendants,  
 LA VERNE POLICE DEPARTMENT, LA  
 VERNE CHIEF OF POLICE COLLEEN  
 FLORES

