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

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

21 Plaintiffs,

22 v.

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

28 Defendants.

CASE NO: 8:23-cv-10169-SPG  
(ADSx)

**EVIDENTIARY OBJECTION  
AND MOTION TO STRIKE  
DECLARATION OF  
PROFESSOR BRENNAN RIVAS  
IN SUPPORT OF  
DEFENDANT ROBERT  
BONTA’S OPPOSITION TO  
PLAINTIFFS’ MOTION FOR  
PRELIMINARY INJUNCTION**

Hearing Date: March 13, 2024  
Hearing Time: 1:30 p.m.  
Courtroom: 5C  
Judge: Hon. Sherilyn Peace Garnett

1 **TO THE HONORABLE COURT:**

2 Plaintiffs California Rifle & Pistol Association, Incorporated, The Second  
3 Amendment Foundation, Gun Owners of America, Inc., Gun Owners Foundation,  
4 Gun Owners of California, Inc., Erick Velasquez, Charles Messel, Brian Weimer,  
5 Clarence Rigali, Keith Reeves, Cynthia Gabaldon, and Stephen Hoover hereby  
6 jointly object, pursuant to Federal Rules of Evidence 401, 402, 602, 702, and 703,  
7 to the Declaration of Professor Brennan Rivas, lodged by Defendant Robert Bonta,  
8 in support of his opposition to Plaintiffs' Motion for Preliminary Injunction. These  
9 objections are raised on the following grounds and as to the following matters  
10 contained within the declaration:

11 1. Objection to ¶ 16:

12 Foundation (Fed. R. Evid. 602, 702 & 703): The declarant states a broad  
13 proposition about the status of carry related jurisprudence without providing their  
14 source material as proper foundation. The characterization made is not supported by  
15 those source materials once such materials are reviewed.

16 Relevancy (Fed. R. Evid. 401 & 402): The point offered is irrelevant in light  
17 of the holding in *New York State Rifle & Pistol Association v. Bruen*.

18 2. Objection to ¶ 36:

19 Foundation (Fed. R. Evid. 602, 702 & 703): The declarant states that a  
20 number of early 19th-century enactments were roughly the same but does not  
21 provide the source material as proper foundation.

22 3. Objection to ¶¶ 38 & 39:

23 Foundation (Fed. R. Evid. 602, 702 & 703): The declarant references  
24 historical statutes from Tennessee, Louisiana, and Kentucky but not does provide  
25 their source material. The characterization made is not supported by those source  
26 materials once such materials are reviewed.

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1 4. Objection to ¶ 40:  
2 Foundation (Fed. R. Evid. 602, 702 & 703): Declarant references enactments  
3 again without providing their source material. The characterization made is not  
4 supported by those source materials once such materials are reviewed.

5 5. Objection to ¶ 42:  
6 Foundation (Fed. R. Evid. 602, 702 & 703): Declarant references and  
7 characterizes purported taxation statutes without providing their source material.  
8 The characterization made is not supported by those source materials once such  
9 materials are reviewed.

10 Relevancy (Fed. R. Evid. 401 & 402): Declarant references these statutes to  
11 bolster a proposition: that taxation is a historical method of suppressing disfavored  
12 activity, such as carry. But that is irrelevant because constitutional rights are not  
13 treated that way.

14 6. Objection to ¶¶ 43 and 45:  
15 Foundation (Fed. R. Evid. 602, 702 & 703): Declarant summarizes the  
16 purported legislative aim of some historical firearm taxes without providing the  
17 source material. The characterization made is not supported by those source  
18 materials once such materials are reviewed.

19 7. Objection to ¶ 46:  
20 Relevancy (Fed. R. Evid. 401 & 402): Declarant references some historical  
21 enactments which prohibited carry in certain locations. So called “sensitive places”  
22 is not at issue in this litigation.

23 8. Objection to ¶¶ 49 & 50:  
24 Foundation (Fed. R. Evid. 602, 702 & 703): Declarant summarizes a  
25 purported local ordinance without providing the source material, i.e., a Sacramento  
26 ordinance. The characterization made is not supported by those source materials  
27 once such materials are reviewed, i.e., the statute had a broad exception to its carry  
28 permit requirement for non-residents.

1           Relevancy (Fed. R. Evid. 401 & 402): Declarant references a Sacramento  
2 enactment from 1876 and others from New York to exemplify what the declarant  
3 describes as a discretionary permitting standard. But local enactments are not  
4 relevant under *Bruen*, and *Bruen* expressly says such open-ended discretion is not  
5 congruent with *Bruen*.

6 9.     Objection to ¶ 51:

7           Relevancy (Fed. R. Evid. 401 & 402): Declarant cites to other jurisdiction  
8 such as Lincoln, Nebraska for the proposition that “wide discretion” for issuing  
9 officials was common. This is plainly irrelevant under *Bruen*, which disapproved  
10 wide discretion by local permitting authorities as unconstitutional.

11 10.    Objection to ¶¶ 53 & 54:

12           Foundation (Fed. R. Evid. 602, 702 & 703): Declarant references and  
13 summarizes some historical local enactments without providing the original  
14 sources. The characterization made is not supported by those source materials once  
15 such materials are reviewed.

16 11.    Objection to ¶¶ 56 & 57:

17           Foundation (Fed. R. Evid. 602, 702 & 703): There is no foundation for these  
18 broad principles regarding how 19th-century communities approached the question  
19 of who is “dangerous.” No source materials are provided or referenced for the  
20 Court to understand the declarant’s source for this claim.

21 12.    Objection to ¶¶ 60 & 61:

22           Foundation (Fed. R. Evid. 602, 702 & 703): The declarant is offering  
23 opinions on the cultural norms of reputation in the 19th century without laying any  
24 proper foundation for offering an authoritative opinion on the subject. The  
25 characterization made is not supported by those source materials once such  
26 materials are reviewed.

1 13. Objection to ¶ 63:  
2 Relevancy (Fed. R. Evid. 401 & 402): The proposition offered here – that  
3 minimizing the presence of weapons themselves – was the animating and  
4 motivating factor behind local 19<sup>th</sup> century carry restrictions has no relevance under  
5 *Bruen*.

6  
7 Respectfully submitted,

8 Dated: February 28, 2024

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

/s/ C.D. Michel

C.D. Michel  
Counsel for Plaintiffs

11 Dated: February 28, 2024

**LAW OFFICES OF DON KILMER**

/s/ Don Kilmer

Don Kilmer  
Counsel for Plaintiff The Second Amendment  
Foundation

**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *California Rifle and Pistol Association, et al., v. Los Angeles County Sheriff's Dept., et al.*

Case No.: 8:23-cv-10169-SPG (ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**EVIDENTIARY OBJECTION AND MOTION TO STRIKE  
DECLARATION OF PROFESSOR BRENNAN RIVAS IN SUPPORT OF  
DEFENDANT ROBERT BONTA'S OPPOSITION TO PLAINTIFFS'  
MOTION FOR PRELIMINARY INJUNCTION**

on the following parties, as follows:

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*Attorneys for Defendants La Verne  
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Chief of Police Colleen Flores*

by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed February 28, 2024

  
Christina Castron