

1 C. D. Michel – SBN 144258
cmichel@michellawyers.com
2 Joshua Robert Dale – SBN 209942
jdale@michellawyers.com
3 Konstadinos T. Moros – SBN 306610
kmoros@michellawyers.com
4 Alexander A. Frank – SBN 311718
afrank@michellawyers.com
5 MICHEL & ASSOCIATES, P.C.
6 180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802
7 Telephone: (562) 216-4444

8 Donald Kilmer-SBN 179986
9 Law Offices of Donald Kilmer, APC
14085 Silver Ridge Road
Caldwell, Idaho 83607
10 Telephone: (408) 264-8489
Email: Don@DKLawOffice.com

11 Attorneys for Plaintiffs

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 ROBERT SPITZER
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 Robert Spitzer, 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 ¶ 10:

12 Foundation (Fed. R. Evid. 602, 702 & 703): Declarant provides no
13 foundation for the purported characterization of the historical laws that he
14 describes. No source materials are provided or referenced for the Court to
15 understand the declarant's source for this claim.

16 2. Objection to ¶¶ 21 through 24:

17 Foundation (Fed. R. Evid. 602, 702 & 703): Declarant provides no
18 foundation for the purported characterization of the historical laws that he
19 describes. No source materials are provided or referenced for the Court to
20 understand the declarant's source for this claim.

21 Relevancy (Fed. R. Evid. 401 & 402): That there were historical carry license
22 laws that gave discretion to issuing authorities has no relevance because *New York*
23 *State Rifle & Pistol Association v. Bruen* established the *right* to be armed outside
24 of the home and declared such broad discretion unconstitutional.

25 3. Objection to ¶ 41:

26 Relevancy (Fed. R. Evid. 401 & 402): Gunpower regulations have no
27 relevancy to any of the carry-specific policies at issue in this litigation.
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1 4. Objection to ¶¶ 43 through 45:

2 Relevancy (Fed. R. Evid. 401 & 402): Licensing is not generally at issue in
3 this litigation. Thus, historical commercial licensing regulations that impacted
4 firearms in some commercial manner are not relevant.

5 5. Objection to ¶¶ 46 through 48:

6 Relevancy (Fed. R. Evid. 401 & 402): Firearm commerce record-keeping
7 requirements have no relevancy to the carry-specific issues here in this litigation.

8 6. Objection to ¶¶ 52 through 57:

9 Relevancy (Fed. R. Evid. 401 & 402): Plaintiffs do not challenge any mental
10 health-related restrictions in this action. That there may be some historical support
11 for the broad proposition that mentally ill or abnormal people were barred from
12 possessing firearms is simply not at issue in this case.

13 7. Objection to ¶¶ 58 through 72:

14 Relevancy (Fed. R. Evid. 401 & 402): Historical laws that restricted
15 intoxicated people or habitually intoxicated people from possessing firearms has no
16 bearing on the carry license issuing criteria and politics at issue in this case.

17 8. Objection to ¶¶ 73 & 74:

18 Relevancy (Fed. R. Evid. 401 & 402): Hunting-related firearms statutes that
19 regulated non-local residents differently than local residents, from pre-Ratification,
20 the immediate antebellum era, and Reconstruction era have no bearing on the carry
21 license issuing criteria and politics at issue in this case. These statutes also imposed
22 harsher penalties on non-local residents; they didn't bar non-local residents from a
23 privilege granted to locals only.

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Respectfully submitted,

Dated: February 28, 2024

MICHEL & ASSOCIATES, P.C.

/s/ C.D. Michel
C.D. Michel
Counsel for Plaintiffs

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 ROBERT SPITZER IN SUPPORT OF
DEFENDANT ROBERT BONTA'S OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

on the following parties, as follows:

Mark R Beckington
Jane E. Reilley
Christina R.B. Lopez, Deputy Attorney
General
California Department of Justice
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
jane.reilley@doj.ca.gov
Christina.Lopez@doj.ca.gov

Attorney for Defendant Robert Bonta

Henry Michael Nikogosyan
Ryan M. Chabot
WILMER CUTLER PICKERING
HALE AND DORR LLP
2600 El Camino Real, Suite 400
Palo Alto, CA 94306
mark.selwyn@wilmerhale.com
ryan.chabot@wilmerhale.com

*Attorneys for Defendants Los
Angeles County Sheriff's Department
and Sheriff Robert Luna*

Bruce A. Lindsay
Monica Choi Arredondo
JONES MAYER
3777 N. Harbor Blvd.
Fullerton, CA 92835
bal@jones-mayer.com
mca@jones-mayer.com

*Attorneys for Defendants La Verne
Police Department and La Verne
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