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20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 CALIFORNIA RIFLE & PISTOL
23 ASSOCIATION, INCORPORATED; THE
24 SECOND AMENDMENT FOUNDATION;
25 GUN OWNERS OF AMERICA, INC.;
26 GUN OWNERS FOUNDATION; GUN
27 OWNERS OF CALIFORNIA, INC.;
28 ERICK VELASQUEZ, an individual;
CHARLES MESSEL, an individual;
BRIAN WEIMER, an individual;
CLARENCE RIGALI, an individual;
KEITH REEVES, an individual, CYNTHIA
GABALDON, an individual; and
STEPHEN HOOVER, an individual,

Plaintiffs,

v.

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

Defendants.

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

**EVIDENTIARY OBJECTION
AND MOTION TO STRIKE
DECLARATION OF
PROFESSOR MICHAEL
VORENBERG 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 Michael Vorenberg, lodged by Defendant Robert
8 Bonta, in support of his opposition to Plaintiffs' Motion for Preliminary Injunction.
9 These objections are raised on the following grounds and as to the following
10 matters contained within the declaration:

11 1. Objection to ¶ 15:

12 Relevance/Improper Expert Opinion (Fed. R. Evid. 401, 402, 702 & 703):

13 The declarant asserts that the Reconstruction era is at least as important as the
14 Founding period for consideration of historical laws, which directly contradicts
15 *New York State Rifle & Pistol Association v. Bruen's* treatment of the time period.

16 2. Objection to ¶ 18:

17 Foundation (Fed. R. Evid. 602, 702 & 703): The declarant references

18 purported municipal enactments without appending them as exhibits so that the
19 Court and Plaintiffs can verify the accuracy of the declarant's representation of
20 them.

21 3. Objection to ¶ 19:

22 Foundation (Fed. R. Evid. 602, 702 & 703): The declarant references

23 purported municipal enactments without appending them as exhibits so that the
24 Court and Plaintiffs can verify the accuracy of the declarant's representation of
25 them.

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1 4. Objection to ¶ 22:

2 Relevancy (Fed. R. Evid. 401 & 402): The declarant's opinion on the
3 purported historical philosophy of police power exercise in the United States is not
4 relevant to the narrow purview of proper expert testimony in this context: the
5 existence of historical laws that might bear resemblance to the laws Plaintiffs
6 challenge.

7 5. Objection to ¶ 24:

8 Foundation (Fed. R. Evid. 602, 702 & 703): There is no citation to any
9 documentation to support the broad premise and conclusion offered that laws were
10 entirely local during the discussed period and had no basis for any extension or
11 reciprocity elsewhere. No source materials are provided for the Court to understand
12 the declarant's source for this claim.

13 6. Objection to ¶¶ 26 & 27:

14 Foundation (Fed. R. Evid. 602, 702 & 703): There is no citation to any
15 documentation to support the declarant's claim that permitting schemes were
16 widespread or even the purported reasons why. No source materials are provided
17 for the Court to understand the declarant's source for this claim.

18 7. Objection to ¶¶ 28 through 31, 33 & 34:

19 Foundation (Fed. R. Evid. 602, 702 & 703): None of the local permitting
20 schemes discussed are supported with citation to primary source material that could
21 confirm the veracity of the declarant's characterizations of them or to support the
22 assumptions expressed about them.

23 8. Objection to ¶ 35:

24 Relevancy (Fed. R. Evid. 401 & 402): The absence of journalistic
25 commentary about the constitutionality of any given local carry regulation from this
26 era has no relevance to the legal issues here.

27 Foundation (Fed. R. Evid. 602, 702 & 703): No foundation is provided for
28 the claims that a journalistic commentary about the constitutionality of any given

1 local carry regulation is evidence of a historical legal trend. No source materials
2 are provided or referenced for the Court to understand the declarant's source for
3 this claim.

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5 Respectfully submitted,

6 Dated: February 28, 2024

MICHEL & ASSOCIATES, P.C.

7 /s/ C.D. Michel

C.D. Michel

Counsel for Plaintiffs

8
9 Dated: February 28, 2024

LAW OFFICES OF DON KILMER

10 /s/ Don Kilmer

11 Don Kilmer

12 Counsel for Plaintiff The Second Amendment
13 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 MICHAEL VORENBERG IN SUPPORT
OF DEFENDANT ROBERT BONTA'S OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

on the following parties, as follows:

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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