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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)

**PLAINTIFFS’ PARTIAL
OBJECTION TO DEFENDANTS
LA VERNE POLICE
DEPARTMENT AND LA VERNE
CHIEF OF POLICE COLLEEN
FLORES’ SUPPLEMENTAL
REQUEST FOR JUDICIAL
NOTICE**

Judge: Hon. Sherilyn Peace Garnett

1 On May 23, 2024, Defendants La Verne Police Department and La Verne
2 Chief of Police Colleen Flores filed a supplemental request for judicial notice,
3 which included two attached declarations. (Dkt. Nos. 48, 48-1, and 48-2.) On May
4 24, 2024, an additional notice was filed apparently to further explain the inclusion
5 of one of the declarations. (Dkt. No. 49.)

6 One of the two declarations, signed by Counsel for the City Bruce A.
7 Lindsay, was included to verify the accuracy of the attached Agreement for which
8 judicial notice is requested. (Dkt. No. 48-2.) While Plaintiffs do not necessarily
9 view the Professional Services Agreement entered by the City of La Verne with
10 Seal Beach Consulting as judicially noticeable, they ultimately do not object to this
11 Court taking notice of it, as they believe the Parties have a duty to keep the Court
12 informed of relevant developments. Plaintiffs welcome this progress in reducing the
13 City's fees and are pleased to see their lawsuit has already caused the City to reduce
14 the burden on La Verne residents seeking to affordably exercise their Second
15 Amendment right to carry a firearm for self-defense. That said, the fees remain
16 exorbitant as compared to most other places in California, and even more so when
17 compared to other states. In a best-case scenario,¹ an applicant still faces an
18 expense of \$790 to get a CCW permit from La Verne. That is still many times more
19 than what residents of any neighboring state pay, and it is also much more than
20 what residents of most other counties in California pay.

21 Plaintiffs do object, however, to the included Supplemental Declaration of
22 Lt. Chris Dransfeldt. (Dkt. No 48-1.) It does not inform the Court of any new
23 developments and essentially amounts to untimely additional argument that La
24

25 ¹ La Verne's fee schedule assumes that the training course will cost \$175,
26 and that Live Scan service will be \$20. *See* La Verne Police Department CCW Fee
27 Schedule, https://docs.google.com/document/d/1g_oOI4RbXAmUa3SiqwhFTvlBaY5ZIs_VOUtSdQocOEU/preview (last accessed May 23, 2024). In truth, Live
28 Scan service typically costs around \$100 in total, and most training courses cost significantly more than \$175.

1 Verne’s fees are “average” for Los Angeles County. But as Plaintiffs have
 2 maintained from the start, that is not relevant under *Bruen*. What matters is whether
 3 the expense to the applicant would tend to “deny ordinary citizens their right to
 4 public carry.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 39 n.9
 5 (2022); *see also* Brief of the United States at 24, *United States of America v. David*
 6 *Robinson, Jr.*, No. 23-12551 (11th Cir. Mar. 29, 2024), ECF No. 40 (Federal
 7 Government taking the same position in an Eleventh Circuit case). *Bruen* does not
 8 call for excusing exorbitant fees just because other nearby cities are abusing the
 9 Second Amendment in the same way. The supplemental declaration of Lt.
 10 Dransfeldt should be disregarded because it is both untimely and irrelevant.

11 Respectfully submitted,

12 Dated: May 24, 2024

MICHEL & ASSOCIATES, P.C.

13 */s/ C.D. Michel*
 14 _____
 15 C.D. Michel
 Counsel for Plaintiffs

16 Dated: May 24, 2024

LAW OFFICES OF DON KILMER

17 */s/ Don Kilmer*
 18 _____
 19 Don Kilmer
 Counsel for Plaintiff The Second Amendment
 Foundation

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ATTESTATION OF E-FILED SIGNATURES

I, C.D. Michel, am the ECF User whose ID and password are being used to file this PARTIAL OBJECTION TO DEFENDANTS LA VERNE POLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COLLEEN FLORES' SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE. In compliance with Central District of California L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers and have concurred in this filing.

Dated: May 24, 2024

/s/ C.D. Michel

C.D. Michel

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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:

PLAINTIFFS' PARTIAL OBJECTION TO DEFENDANTS LA VERNE POLICE DEPARTMENT AND LA VERNE CHIEF OF POLICE COLLEEN FLORES' SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE

on the following parties, as follows:

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

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 May 24, 2024.


Christina Castron