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Executive Officer/Clerk of Court,
By A. Lopez, Deputy Clerk

6 Attorneys for Petitioner - Plaintiff
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10 FRANKLIN ARMORY, INC., et al.,
11
12 Petitioners-Plaintiffs,

13 v.

14 CALIFORNIA DEPARTMENT OF JUSTICE,
15 et al.,
16 Respondents-Defendants.

Case No.: 20STCP01747

[Assigned for all purposes to the Honorable Daniel
S. Murphy; Department 32]

**DECLARATION OF ANNA M. BARVIR IN
SUPPORT OF PLAINTIFF’S OPPOSITION
TO DEFENDANTS’ MOTION TO
COMPEL PRODUCTION OF
UNREDACTED DOCUMENTS**

Hearing Date: July 12, 2024
Hearing Time: 8:30 a.m.
Department: 32
Judge: Hon. Daniel S. Murphy

Action Filed: May 27, 2020
FPC Date: August 8, 2024
Trial Date: August 20, 2024

1 I, Anna M. Barvir, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am counsel
3 of record for Plaintiff Franklin Armory, Inc. in this action. I have personal knowledge of the
4 facts set forth herein and, if called as a witness, could and would testify competently thereto.

5 2. On May 11, 2023, Defendants served my client, Franklin Armory, Inc. (“FAI”),
6 with Defendants’ Request for Production of Documents, Set Three, which included requests for
7 unredacted customer lists and identifying information for individuals who had placed deposits
8 on FAI’s Title 1® model firearm. A true and correct copy of this Request for Production is
9 attached and incorporated by reference as **Exhibit 1**.

10 3. On September 20, 2023, FAI served objections, responses, and responsive
11 documents to these requests, including redacted customer information to protect privacy and
12 confidentiality. The unredacted documents sought by Defendants contain sensitive personal
13 information of FAI’s customers and distributors, including names, addresses, phone numbers,
14 and credit card information. A true and correct copy of FAI’s Responses to Request for
15 Production, Set Three, is attached and incorporated by reference as **Exhibit 2**.

16 4. Despite multiple discussions about FAI’s objections and the sensitive nature of the
17 material requested, Defendants insisted on obtaining unredacted versions of these documents.
18 Although FAI granted Defendants an extension to move to compel regarding the redacted
19 documents, Defendants failed to file such a motion by the extended deadline of February 22,
20 2024.

21 5. In response to Defendants’ insistence, FAI maintained its position on protecting
22 customer privacy and raised multiple objections, including privacy and trade secret protection,
23 in its responses to the discovery requests. These objections were detailed in FAI’s responses and
24 during the extensive meet-and-confer process.

25 6. On December 27, 2023, Defendants served a notice of deposition for FAI’s Person
26 Most Qualified (“PMQ”), scheduled for February 15, 2024. The PMQ Notice identified 11
27 separate Subject Matters, as well as a set of corresponding document requests that were
28 substantively identical to those in the earlier Request for Production, Set Three (i.e., Category

1 Nos. 2-9). A true and correct copy of Defendants' PMQ deposition notice is attached and
2 incorporated by reference as **Exhibit 3**.

3 7. On December 27, 2023, Defendants served notices of deposition for employees of
4 FAI, Joann Ignatich, David Gockel, and Karin Jacobson, each containing document requests
5 identical to those made in connection with Defendants' PMQ Notice.

6 8. On or about February 8, 2024, I emailed Deputy Attorneys General Andrew
7 Adams and Kenneth Lake, counsel of record for Defendants, informing them that Mr. Gockel
8 was most qualified only to testify about Subject Matter Nos. 1 and 4 of the PMQ notice. I
9 identified Mr. Jay Jacobson, Mr. Gockel, Ms. Jacobson, Ms. Ignatich, and other FAI employees
10 as those most qualified to testify about other subjects. A true and correct copy of my February 8,
11 2024, email to Defendants' counsel is attached and incorporated by reference as **Exhibit 4**.

12 9. In the same February 8, 2024 email, I restated FAI's objection to the discovery of
13 unredacted documents including the personal identifying information of FAI's customers, and I
14 informed counsel that FAI would not produce a witness to testify about unredacted documents
15 showing the names, addresses, phone numbers, and/or email addresses of any individual or
16 business entity who placed or made a deposit or purchase relative to any Title 1® firearm
17 (Subject Matter No. 6 and corresponding Category No. 6). Defendants did not respond or object
18 to my notice that FAI would not produce a witness for Subject Matter No. 6.

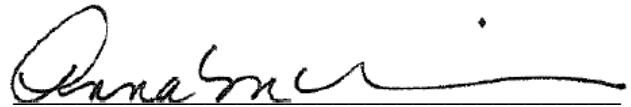
19 10. Defendants initially chose only to proceed with Mr. Gockel's deposition, which
20 took place on April 22, 2024. Defendants did not decide to depose Ms. Jacobson until June 18,
21 2024. And, to date, they have not pursued the deposition of Ms. Ignatich or the PMQ deposition
22 of Mr. Jacobson.

23 11. On or about April 19, 2024, FAI served Defendants with (1) Objection to Notice
24 of Deposition of Franklin Armory's Person(s) Most Qualified and (2) Response to Request for
25 Production of Documents Included in the Notice of Deposition of David Gockel. The Objection
26 to Notice of Deposition of Franklin Armory's Person(s) Most Qualified expressly objected to
27 the production of a person most qualified regarding Subject Matter No. 6.

1 12. On or about April 26, 2024, I sent a letter via email to Deputy Attorney General
2 Adams, responding to his meet-and-confer email of April 22, 2024, regarding Defendants’
3 request for unredacted copies of sales orders and other documents. In the letter, I reiterated
4 FAI’s position on protecting customer privacy, discussed relevant case law, and explained why
5 the requested disclosure was unwarranted. I also offered to notify FAI’s customers to ask for
6 their consent to disclose their identifying information, but Defendants did not take us up on this
7 offer. A true and correct copy of this letter is attached and incorporated by reference as **Exhibit**
8 **5**.

9 13. FAI identified retailers who sought to order Title 1® firearms in its SAC. (SAC,
10 ¶¶ 99-102). These retailers included several Federal Firearms Licensees (FFLs) who complained
11 that they could not transfer the Title 1® through the Dealer Record of Sale (DES) system.
12 Despite Defendants’ claims that FAI is fabricating these complaints, they did not depose any of
13 these identified FFLs.

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct. Executed on June 28, 2024, at Temescal Valley, California.

16 

17 Anna M. Barvir
18 Declarant

EXHIBIT 1

1 ROB BONTA
Attorney General of California
2 DONNA M. DEAN
Supervising Deputy Attorneys General
3 KENNETH G. LAKE (STATE BAR 144313)
ANDREW F. ADAMS (STATE BAR 275109)
4 Deputy Attorneys General
300 South Spring Street
5 Los Angeles, CA 90013
Telephone: (213) 269-6525
6 Facsimile: (916) 731-2120
E-mail: Kenneth.Lake@doj.ca.gov
7 *Attorneys for State of California, acting by and
through the California Department
8 of Justice, Former Attorney General Xavier
Becerra in his personal capacity only and Attorney
9 General Rob Bonta in his official capacity only*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC., ET AL.,

Plaintiffs-Petitioners,

v.

**CALIFORNIA DEPARTMENT OF
JUSTICE ET AL.,**

Respondents-Defendants.

Case No. 20STCP01747
REQUEST FOR PRODUCTION

PROPOUNDING PARTY: Defendants
RESPONDING PARTY: Franklin Armory
SET NO.: Three

Pursuant to Code of Civil Procedure section 2031.010 et seq., defendants propound the following requests for production:

1 **REQUEST FOR PRODUCTION NO. 26:**

2 Any and all writings, as defined by Evidence Code section 250, which you claim supports
3 in any way the allegations of the second amended complaint.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 Any and all writings, as defined by Evidence Code section 250, created by plaintiff, or any
6 person employed by or acting on behalf of plaintiff, that relate in any way to the allegations in
7 the second amended complaint.

8 **REQUEST FOR PRODUCTION NO. 28:**

9 Any and all statements or documents, including tape or other mechanical or electronic
10 recordations, as well as videotapes and the like, given or made by individuals which relate to this
11 action in any way or the allegations of the second amended complaint.

12 **REQUEST FOR PRODUCTION NO. 29:**

13 Any and all correspondence, email, memoranda or notes, that relate in any way to the
14 allegations in the second amended complaint, including but not limited to damages claimed by
15 plaintiff.

16 **REQUEST FOR PRODUCTION NO. 30:**

17 Any and all writings, as defined by Evidence Code section 250, which supports or
18 otherwise relates to any loss or damage described in your response to Form Interrogatory No. 7.1.

19 **REQUEST FOR PRODUCTION NO. 31:**

20 Any and all writings, as defined by Evidence Code section 250, identified in your response
21 to Form Interrogatory No. 9.2.

22 **REQUEST FOR PRODUCTION NO. 32:**

23 Any and all writings, as defined by Evidence Code section 250, identified in your response
24 to Form Interrogatory No. 12.3.

25 **REQUEST FOR PRODUCTION NO. 33:**

26 Any and all writings, as defined by Evidence Code section 250, identified in your response
27 to Form Interrogatory No. 12.4.

28

1 **REQUEST FOR PRODUCTION NO. 34:**

2 Any and all writings, as defined by Evidence Code section 250, identified in your response
3 to Form Interrogatory No. 12.5.

4 **REQUEST FOR PRODUCTION NO. 35:**

5 Any and all writings, as defined by Evidence Code section 250, identified in your response
6 to Form Interrogatory No. 12.6.

7 **REQUEST FOR PRODUCTION NO. 36:**

8 Any and all writings, as defined by Evidence Code section 250, which you contend shows
9 or indicates in any way that you manufactured, as that term is used in paragraph 2 of the SAC,
10 any Title 1, centerfire caliber firearm, as that term is used in paragraph 2 of the SAC, other than a
11 prototype or mock-up.

12 **REQUEST FOR PRODUCTION NO. 37:**

13 Any and all writings, as defined by Evidence Code section 250, which you contend shows
14 or indicates in any way that you manufactured, as that term is used in paragraph 2 of the SAC,
15 any Title 1, rimfire caliber firearm, as that term is used in paragraph 2 of the SAC, other than a
16 prototype or mock-up.

17 **REQUEST FOR PRODUCTION NO. 38:**

18 Any and all writings, as defined by Evidence Code section 250, which you contend shows
19 or indicates in any way the existence of any contract, as that term is used in paragraphs 130-135
20 of the SAC, for the purchase, sale and/or transfer of any Title 1, centerfire caliber firearm, as that
21 term is used in paragraph 2 of the SAC.

22 **REQUEST FOR PRODUCTION NO. 39:**

23 Any and all writings, as defined by Evidence Code section 250, which you contend shows
24 or indicates in any way the existence of any contract, as that term is used in paragraphs 130-135
25 of the SAC, for the purchase, sale and/or transfer of any Title 1, rimfire caliber firearm, as that
26 term is used in paragraph 2 of the SAC.

27
28

1 **REQUEST FOR PRODUCTION NO. 40:**

2 Any and all writings, as defined by Evidence Code section 250, which you contend shows
3 or indicates in any way the existence of a relationship between Franklin Armory and customers or
4 prospective customers, as those terms are used in paragraphs 140-141 and 152-153 of the SAC,
5 in relation to any Title 1, centerfire caliber firearm, as that term is used in paragraph 2 of the
6 SAC.

7 **REQUEST FOR PRODUCTION NO. 41:**

8 Any and all writings, as defined by Evidence Code section 250, which you contend shows
9 or indicates in any way the existence of a relationship between Franklin Armory and customers or
10 prospective customers, as those terms are used in paragraphs 140-141 and 152-153 of the SAC,
11 in relation to any Title 1, rimfire caliber firearm, as that term is used in paragraph 2 of the SAC.

12 **REQUEST FOR PRODUCTION NO. 42:**

13 Any and all writings, as defined by Evidence Code section 250, which show, indicate or
14 otherwise relate to deposits, preorders and/or reserved orders or sales, as those terms are used in
15 paragraphs 79, 130, 143 and 159 of the SAC, in relation to any Title 1, centerfire caliber firearm,
16 as that term is used in paragraph 2 of the SAC.

17 **REQUEST FOR PRODUCTION NO. 43:**

18 Any and all writings, as defined by Evidence Code section 250, which show, indicate or
19 otherwise relate to deposits, preorders and/or reserved orders or sales, as those terms are used in
20 paragraphs 79, 130, 143 and 159 of the SAC, in relation to any Title 1, rimfire caliber firearm, as
21 that term is used in paragraph 2 of the SAC.

22 **REQUEST FOR PRODUCTION NO. 44:**

23 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
24 indicate the obtaining of a verification number via the Internet for the intended sale, delivery, or
25 transfer from the Department of Justice, as discussed in Penal Code section 27555, in relation to
26 any Title 1, centerfire caliber firearm, as that term is used in paragraph 2 of the SAC.

27
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1 **REQUEST FOR PRODUCTION NO. 45:**

2 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
3 indicate the obtaining of a verification number via the Internet for the intended sale, delivery, or
4 transfer from the Department of Justice, as discussed in Penal Code section 27555, in relation to
5 any Title 1, rimfire caliber firearm, as that term is used in paragraph 2 of the SAC.

6 **REQUEST FOR PRODUCTION NO. 46:**

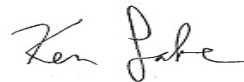
7 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
8 indicate that any Title 1, centerfire caliber firearm, as that term is used in paragraph 2 of the SAC,
9 was shipped to any firearms dealer located in California.

10 **REQUEST FOR PRODUCTION NO. 47:**

11 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
12 indicate that any Title 1, rimfire caliber firearm, as that term is used in paragraph 2 of the SAC,
13 was shipped to any firearms dealer located in California.

14 Dated: May 11, 2023

15 Respectfully submitted,
16 ROB BONTA
17 Attorney General of California
18 DONNA M. DEAN
19 Supervising Deputy Attorney General

20 

21

KENNETH G. LAKE
22 Deputy Attorney General
23 *Attorneys for State of California, acting by
24 and through the California Department of
25 Justice, Former Attorney General Xavier
26 Becerra in his personal capacity only and
27 Attorney General Rob Bonta in his official
28 capacity only*

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DECLARATION OF SERVICE BY ELECTRONIC MAIL

RE: *Franklin Armory, Inc., v. California Department of Justice.*
Case No. 20STCP01747

I declare: I am employed in the City of Los Angeles, County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 300 South Spring Street, Room 1700, Los Angeles, California 90013. On May 11, 2023, I served the documents named below on the parties in this action as follows:

REQUEST FOR PRODUCTION, SET THREE

C.D. Michel
Anna M. Barvir
Jason A. Davis
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802
Email: abarvir@michellawyers.com
CMichel@michellawyers.com
Jason@calgunlawyers.com
Attorneys for Plaintiffs-Petitioners

(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Los Angeles, California. I am readily familiar with the practice of the Office of the Attorney General for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

(BY OVERNIGHT DELIVERY) I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery with the GOLDEN STATE OVERNIGHT courier service.

(BY FACSIMILE) I caused to be transmitted the documents(s) described herein via fax number.

(BY ELECTRONIC MAIL) I caused to be transmitted the documents(s) described herein via electronic mail to the email address(es) listed above.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on May 11, 2023, at Los Angeles, California.

Sandra Dominguez
Declarant

/s/ Sandra Dominguez
Signature

EXHIBIT 2

1 C.D. Michel – SBN 144258
2 Anna M. Barvir – SBN 268728
3 Jason A. Davis – SBN 224250
4 MICHEL & ASSOCIATES, P.C.
5 180 E. Ocean Blvd, Suite 200
6 Long Beach, CA 90802
7 Telephone: (562) 216-4444
8 Facsimile: (562) 216-4445
9 Email: CMichel@michellawyers.com

10 Attorneys for Petitioners-Plaintiffs

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 FRANKLIN ARMORY, INC., and
14 CALIFORNIA RIFLE & PISTOL
15 ASSOCIATION, INCORPORATED

16 Petitioners-Plaintiffs,

17 v.

18 CALIFORNIA DEPARTMENT OF JUSTICE,
19 ROBERT A. BONTA, in his official capacity
20 as Attorney General for the State of California,
21 and DOES 1-10,

22 Respondents-Defendants.

Case No.: 20STCP01747

**PLAINTIFF FRANKLIN ARMORY, INC.’S
RESPONSE TO DEFENDANTS’ REQUEST
FOR PRODUCTION OF DOCUMENTS,
SET THREE**

Action filed: May 27, 2020

23 PROPOUNDING PARTY: Defendants-Respondents

24 RESPONDING PARTY: Plaintiff-Petitioner Franklin Armory, Inc.

25 SET NUMBER: Three

1 Pursuant to California Civil Procedure Code section 2031.260, Plaintiff-Petitioner Franklin
2 Armory, Inc. (“Responding Party” or “Franklin Armory”) hereby responds to Request for Production of
3 Documents, Set Three, propounded by Defendants-Respondents (“Propounding Party”).

4 **RESPONSE TO REQUEST FOR PRODUCTION**

5 **Request for Production No. 26**

6 Any and all writings, as defined by Evidence Code section 250, which you claim supports in any
7 way the allegations of the second amended complaint.

8 **Response to Request for Production No. 26**

9 Objection.

10 1. Responding Party has not yet completed the investigation of the facts and discovery
11 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
12 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
13 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
14 revise each of the responses given as warranted by information learned through other proceedings
15 connected with this action, or otherwise.

16 2. Responding Party also objects to this demand because it fails to describe the documents
17 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
18 subdivision (c)(1).

19 3. Responding Party also objects to this demand on the ground that it is overbroad,
20 oppressive, and unduly burdensome; the burden of producing the requested information “clearly
21 outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.”
22 (Code Civ. Proc., § 2017.020.) Indeed, the demand requires Responding Party to produce “any and all
23 writings” that relate to any allegation in the operative complaint in any way without any limitation in
24 time. Compliance with the request would thus include a laborious search and time-consuming legal and
25 factual analysis of a nearly unlimited universe of documents (including treatises, law review articles,
26 statutes, case law, and other legal research, as well as the review and analysis of countless incidental,
27 secondary, and perhaps irrelevant documents) about Plaintiffs’ claims, including claims that have been
28 dismissed and are no longer at issue. It is per se overbroad, unduly burdensome, oppressive, and

1 harassing. What’s more, this request is so broad that no doubt many responsive documents will be
2 produced in response to legitimate requests.

3 4. Responding Party also objects to this demand on the ground that, when weighed against
4 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
5 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
6 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
7 Indeed, documents responsive to this demand include personal consumer lists/records, customer
8 addresses and credit card information, and vendor records that are protected from disclosure by the
9 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
10 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
11 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of Nev.*
12 *v. Super. Ct.* (1975) 15 Cal.3d 652, 657.) A party seeking information about individuals’ identities must
13 identify a “compelling need to learn the identities.” (*Tien v. Super. Ct. (Tenet Healthcare Corp.)* (2006)
14 139 Cal.App.5th 528, 540.) There is simply no need to access personal identifying information
15 pertaining to Responding Party’s customers considering the posture of this case and the limited
16 information necessary to prove or disprove any element of any remaining claim or defense. For these
17 reasons, Responding Party objects to the disclosure of the private contact information of and private
18 communications with those third parties. At minimum, Responding Party demands that any compelled
19 disclosure follow an opt-out notice procedure under *Belaire-West Landscape, Inc. v. Superior Court*
20 (2007) 149 Cal.App.4th 554, 558-559.

21 5. Responding Party also objects to this request because it is broad enough to include
22 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
23 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
24 doctrine, Responding Party will identify such documents in a privilege log.

25 6. Responding Party also objects to this request because it seeks writings in the possession
26 of, known to, or otherwise equally available to the Propounding Party. Indeed, many (if not most)
27 documents responding to this request are or were within the possession of the Propounding Party or its
28 co-defendants and employees or are matters of public record. Responsive documents in Defendants’

1 possession likely include but are not limited to, internal communications and other writings about the
2 DROS Entry System (“DES”), internal communications and other writings about Franklin Armory or
3 the “Title 1,” JIRA reports and service requests relevant “enhancements” to the DES, communications
4 between DOJ employees and legislative members or their staffers, communications between DOJ
5 employees and the Governor’s office.

6 7. Responding Party also objects to this request because it seeks documents which include
7 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
8 Responding Party’s competitive edge in the firearms industry. (See *Bridgestone Firestone v. Super. Ct.*
9 (1992) 7 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest
10 sufficient to overcome Responding Party’s substantial privacy interest in the responsive documents
11 because the requested information is not necessary to the determination of any unstayed factual or legal
12 issue, including standing. That said, Responding Party will disclose relevant, responsive documents that
13 include proprietary information or trade secrets according to the terms of the Parties’ Stipulated
14 Protective Order, signed on September 7, 2023.

15 Subject to and without waiving the foregoing general or specific objections, Responding Party
16 responds as follows: All documents that Responding Party has already produced to Propounding Party in
17 response to previous discovery requests, as well as all documents produced in response to legitimate
18 requests made in Defendants’ Request for Production of Documents, Set Three, are responsive to this
19 request. In light of the foregoing general and specific objections—especially the extremely broad and
20 oppressive nature of this request and the fact that no doubt many responsive documents will be produced
21 in response to legitimate requests—Responding Party will not respond further to this request at this time.

22 **Request for Production No. 27**

23 Any and all writings, as defined by Evidence Code section 250, created by plaintiff, or any
24 person employed by or acting on of behalf of plaintiff, that relate in any way to the allegations in the
25 second amended complaint.

26 **Response to Request for Production No. 27**

27 Objection.

28 1. Responding Party has not yet completed the investigation of the facts and discovery

1 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
2 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
3 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
4 revise each of the responses given as warranted by information learned through other proceedings
5 connected with this action, or otherwise.

6 2. Responding Party also objects to this demand because it fails to describe the documents
7 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
8 subdivision (c)(1).

9 3. Responding Party also objects to this demand on the ground that it is overbroad,
10 oppressive, and unduly burdensome; the burden of producing the requested information “clearly
11 outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.”
12 (Code Civ. Proc., § 2017.020.) Indeed, the demand requires Responding Party to produce “any and all
13 writings” that relate to any allegation in the operative complaint in any way created by Plaintiff, or any
14 person employed by or acting on Plaintiff’s behalf, without any limitation in time. It is per se overbroad,
15 unduly burdensome, oppressive, and harassing. What’s more, this request is so broad that no doubt
16 many responsive documents will be produced in response to legitimate requests.

17 4. Responding Party also objects to this demand on the ground that, when weighed against
18 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
19 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
20 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
21 Indeed, documents responsive to this demand include personal consumer lists/records, customer
22 addresses and credit card information, and vendor records that are protected from disclosure by the
23 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
24 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
25 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of*
26 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals’ identities must identify
27 a “compelling need to learn the identities.” (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
28 need to access personal identifying information pertaining to Responding Party’s customers considering

1 the posture of this case and the limited information necessary to prove or disprove any element of any
2 remaining claim or defense. For these reasons, Responding Party objects to the disclosure of the private
3 contact information of and private communications with those third parties. At minimum, Responding
4 Party demands that any compelled disclosure follow an opt-out notice procedure under *Belaire-West*
5 *Landscape, Inc., supra*, 149 Cal.App.4th at pp. 558-559.

6 5. Responding Party also objects to this request because it seeks documents which include
7 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
8 Responding Party's competitive edge in the firearms industry. (See *Bridgestone, supra*, 7 Cal.App.4th
9 1384.) And again, on balance, Propounding Party can establish no interest sufficient to overcome
10 Responding Party's substantial privacy interest in the responsive documents because the requested
11 information is not necessary to the determination of any unstayed factual or legal issue, including
12 standing. That said, Responding Party will disclose relevant, responsive documents that include
13 proprietary information or trade secrets according to the terms of the Parties' Stipulated Protective
14 Order, signed on September 7, 2023.

15 Subject to and without waiving the foregoing general or specific objections, Responding Party
16 responds as follows: All documents that Responding Party has already produced to Propounding Party in
17 response to previous discovery requests, as well as all documents produced in response to legitimate
18 requests made in Defendants' Request for Production of Documents, Set Three, are responsive to this
19 request. In light of the foregoing general and specific objections—especially the extremely broad and
20 oppressive nature of this request and the fact that no doubt many responsive documents will be produced
21 in response to legitimate requests—Responding Party will not respond further to this request at this time.

22 **Request for Production No. 28**

23 Any and all statements or documents, including tape or other mechanical or electronic
24 recordings, as well as videotapes and the like, given or made by individuals which relate to this action
25 in any way or the allegations of the second amended complaint.

26 **Response to Request for Production No. 28**

27 Objection.

28 1. Responding Party has not yet completed the investigation of the facts and discovery

1 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
2 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
3 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
4 revise each of the responses given as warranted by information learned through other proceedings
5 connected with this action, or otherwise.

6 2. Responding Party also objects to this demand because it fails to describe the documents
7 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
8 subdivision (c)(1).

9 3. Responding Party also objects to this demand on the ground that it is overbroad,
10 oppressive, and unduly burdensome; the burden of producing the requested information “clearly
11 outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.”
12 (Code Civ. Proc., § 2017.020.) Indeed, the demand requires Responding Party to produce “any and all
13 writings” that relate to any allegation in the operative complaint in any way without any limitation in
14 time. Compliance with the request would thus include a laborious search and time-consuming legal and
15 factual analysis of a nearly unlimited universe of documents (including treatises, law review articles,
16 statutes, case law, and other legal research, as well as the review and analysis of countless incidental,
17 secondary, and perhaps irrelevant documents) about Plaintiffs’ claims, including claims that have been
18 dismissed and are no longer at issue. It is per se overbroad, unduly burdensome, oppressive, and
19 harassing.

20 Moreover, the request is not limited to content solely attributable to Responding Party. Thus, the
21 request necessarily demands the production of content attributable to literally anyone else in the world
22 without limitation. Such content has not and never has been within the custody, control, or possession of
23 Responding Party and is likely irrelevant to the unstayed legal and factual issues of this litigation. The
24 demand thus requires a laborious search for analysis of trivial and largely irrelevant information. In
25 short, Propounding Party’s demand is oppressive, and its likely benefit is far outweighed by the burden
26 of producing the requested documents. What’s more, this request is so broad that no doubt many
27 responsive documents will be produced in response to legitimate requests.

28 4. Responding Party also objects to this demand on the ground that, when weighed against

1 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
2 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
3 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
4 Indeed, documents responsive to this demand include personal consumer lists/records, customer
5 addresses and credit card information, and vendor records that are protected from disclosure by the
6 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
7 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
8 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of*
9 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals’ identities must identify
10 a “compelling need to learn the identities.” (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
11 need to access personal identifying information pertaining to Responding Party’s customers considering
12 the posture of this case and the limited information necessary to prove or disprove any element of any
13 remaining claim or defense. For these reasons, Responding Party objects to the disclosure of the private
14 contact information of and private communications with those third parties. At minimum, Responding
15 Party demands that any compelled disclosure follow an opt-out notice procedure under *Belaire-West*
16 *Landscape, Inc., supra*, 149 Cal.App.4th at pp. 558-559. Responding Party also objects to this request
17 because it is broad enough to include documents or communications protected by the attorney-expert
18 privilege and work-product doctrine. If Responding Party possesses documents protected by either the
19 attorney-expert privilege or work-product doctrine, Responding Party will identify such documents in a
20 privilege log.

21 5. Responding Party also objects to this request because it seeks writings in the possession
22 of, known to, or otherwise equally available to the Propounding Party. Indeed, many (if not most)
23 documents responding to this request are or were within the possession of the Propounding Party or its
24 co-defendants and employees or are matters of public record. Responsive documents in Defendants’
25 possession likely include but are not limited to, internal communications and other writings about the
26 DROS Entry System (“DES”), internal communications and other writings about Franklin Armory or
27 the “Title 1,” JIRA reports and service requests relevant “enhancements” to the DES, communications
28 between DOJ employees and legislative members or their staffers, communications between DOJ

1 employees and the Governor's office.

2 6. Responding Party also objects to this request because it seeks documents which include
3 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
4 Responding Party's competitive edge in the firearms industry. (See *Bridgestone Firestone, supra*, 7
5 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest sufficient to
6 overcome Responding Party's substantial privacy interest in the responsive documents because the
7 requested information is not necessary to the determination of any unstayed factual or legal issue,
8 including standing. That said, Responding Party will disclose relevant, responsive documents that
9 include proprietary information or trade secrets according to the terms of the Parties' Stipulated
10 Protective Order, signed on September 7, 2023.

11 Subject to and without waiving the foregoing general or specific objections, Responding Party
12 responds as follows: All documents that Responding Party has already produced to Propounding Party in
13 response to previous discovery requests, as well as all documents produced in response to legitimate
14 requests made in Defendants' Request for Production of Documents, Set Three, are responsive to this
15 request.

16 Responding Party has also identified the following online videos posted by Responding Party:

- 17 ▪ <https://www.youtube.com/watch?app=desktop&feature=youtu.be&v=lzfvZ8w0>;
- 18 ▪ <https://www.youtube.com/watch?v=cnpRtPpDsyU>;
- 19 ▪ <https://www.youtube.com/watch?v=ZzxPElMm8us>;
- 20 ▪ <https://www.youtube.com/watch?v=ep1KcaSiOKk>.

21 Responding Party is also producing two additional media files labeled DEF-FA_4333 and DEF-
22 FA-4334.

23 Responding Party has also identified the following online videos posted to the official website
24 archives of the California State Senate and California State Assembly:

- 25 ▪ Senate Floor Session (Aug. 3, 2020), [https://www.senate.ca.gov/media-
26 archive/default?title=&startdate=06%2F01%2F2020&enddate=09%2F01%2F2020](https://www.senate.ca.gov/media-archive/default?title=&startdate=06%2F01%2F2020&enddate=09%2F01%2F2020);
- 27 ▪ Assembly Floor Session (Aug. 3, 2020), [https://www.assembly.ca.gov/media/assembly-floor-
28 session-20200803](https://www.assembly.ca.gov/media/assembly-floor-session-20200803);

- 1 ▪ Assembly Budget Subcommittee No. 6 on Budget Process, Oversight & Program Evaluation
2 (June 26, 2020), [https://www.assembly.ca.gov/media/assembly-budget-subcommittee-6-
3 budget-process-oversight-program-evaluation-20200626](https://www.assembly.ca.gov/media/assembly-budget-subcommittee-6-budget-process-oversight-program-evaluation-20200626); and
- 4 ▪ Senate Budget & Fiscal Review Committee Hearing (June 24, 2020),
5 [https://www.senate.ca.gov/media-
6 archive/default?title=&startdate=06%2F01%2F2020&enddate=09%2F01%2F2020](https://www.senate.ca.gov/media-archive/default?title=&startdate=06%2F01%2F2020&enddate=09%2F01%2F2020),

7 In light of the foregoing general and specific objections—especially the extremely broad and
8 oppressive nature of this request and the fact that no doubt many responsive documents will be produced
9 in response to legitimate requests—Responding Party cannot respond further to this request at this time.

10 **Request for Production No. 29**

11 Any and all correspondence, email, memoranda, or notes, that relate in any way to the
12 allegations in the second amended complaint, including but not limited to damages claimed by plaintiff.

13 **Response to Request for Production No. 29**

14 Objection.

15 1. Responding Party has not yet completed the investigation of the facts and discovery
16 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
17 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
18 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
19 revise each of the responses given as warranted by information learned through other proceedings
20 connected with this action, or otherwise.

21 2. Responding Party also objects to this demand because it fails to describe the documents
22 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
23 subdivision (c)(1).

24 3. Responding Party also objects to this demand on the ground that it is overbroad,
25 oppressive, and unduly burdensome; the burden of producing the requested information “clearly
26 outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.”
27 (Code Civ. Proc., § 2017.020.) Indeed, the demand requires Responding Party to produce “any and all
28 writings” that relate to any allegation in the operative complaint in any way without any limitation in

1 time. Compliance with the request would thus include a laborious search and time-consuming legal and
2 factual analysis of a nearly unlimited universe of documents (including treatises, law review articles,
3 statutes, case law, and other legal research, as well as the review and analysis of countless incidental,
4 secondary, and perhaps irrelevant documents) about Plaintiffs' claims, including claims that have been
5 dismissed and are no longer at issue. It is per se overbroad, unduly burdensome, oppressive, and
6 harassing.

7 Moreover, the request is not limited to content solely attributable to Responding Party. Thus, the
8 request necessarily demands the production of content attributable to literally anyone else in the world
9 without limitation. Such content has not and never has been within the custody, control, or possession of
10 Responding Party and is likely irrelevant to the unstayed legal and factual issues of this litigation. The
11 demand thus requires a laborious search for analysis of trivial and largely irrelevant information. In
12 short, Propounding Party's demand is oppressive, and its likely benefit is far outweighed by the burden
13 of producing the requested documents. What's more, this request is so broad that no doubt many
14 responsive documents will be produced in response to legitimate requests.

15 4. Responding Party also objects to this demand on the ground that, when weighed against
16 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
17 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
18 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
19 Indeed, documents responsive to this demand include personal consumer lists/records, customer
20 addresses and credit card information, and vendor records that are protected from disclosure by the
21 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
22 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
23 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of*
24 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals' identities must identify
25 a "compelling need to learn the identities." (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
26 need to access personal identifying information pertaining to Responding Party's customers considering
27 the posture of this case and the limited information necessary to prove or disprove any element of any
28 remaining claim or defense. For these reasons, Responding Party objects to the disclosure of the private

1 contact information of and private communications with those third parties. At minimum, Responding
2 Party demands that any compelled disclosure follow an opt-out notice procedure under *Belair-West*
3 *Landscape, Inc., supra*, 149 Cal.App.4th at pp. 558-559.

4 5. Responding Party also objects to this request because it is broad enough to include
5 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
6 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
7 doctrine, Responding Party will identify such documents in a privilege log.

8 6. Responding Party also objects to this request because it seeks writings in the possession
9 of, known to, or otherwise equally available to the Propounding Party. Indeed, many (if not most)
10 documents responding to this request are or were within the possession of the Propounding Party or its
11 co-defendants and employees or are matters of public record. Responsive documents in Defendants'
12 possession likely include but are not limited to, internal communications and other writings about the
13 DROS Entry System ("DES"), internal communications and other writings about Franklin Armory or
14 the "Title 1," JIRA reports and service requests relevant "enhancements" to the DES, communications
15 between DOJ employees and legislative members or their staffers, communications between DOJ
16 employees and the Governor's office.

17 7. Responding Party also objects to this request because it seeks documents which include
18 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
19 Responding Party's competitive edge in the firearms industry. (See *Bridgestone Firestone, supra*, 7
20 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest sufficient to
21 overcome Responding Party's substantial privacy interest in the responsive documents because the
22 requested information is not necessary to the determination of any unstayed factual or legal issue,
23 including standing. That said, Responding Party will disclose relevant, responsive documents that
24 include proprietary information or trade secrets according to the terms of the Parties' Stipulated
25 Protective Order, signed on September 7, 2023.

26 Subject to and without waiving the foregoing general or specific objections, Responding Party
27 responds as follows: All documents that Responding Party has already produced to Propounding Party in
28 response to previous discovery requests, as well as all documents produced in response to legitimate

1 requests made in Defendants’ Request for Production of Documents, Set Three, are responsive to this
2 request. In light of the foregoing general and specific objections—especially the extremely broad and
3 oppressive nature of this request and the fact that no doubt many responsive documents will be produced
4 in response to legitimate requests—Responding Party will not respond further to this request at this time.

5 **Request for Production No. 30**

6 Any and all writings, as defined by Evidence Code section 250, which support or otherwise
7 relate to any loss or damage described in your response to Form Interrogatory No. 7.1.

8 **Response to Request for Production No. 30**

9 Objection.

10 1. Responding Party objects to this demand because it is not relevant to any claim or
11 defense and is not reasonably calculated to lead to the discovery of relevant, admissible, evidence.
12 Responding Party does not allege property damage in this action and described no such “loss or
13 damage” in response to any interrogatory, including Form Interrogatory No. 7.1.

14 2. Responding Party also objects to this demand because it fails to describe the documents
15 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
16 subdivision (c)(1). Propounding Party has served more than one set of Form Interrogatories on
17 Responding Party and other parties previously named in this action. This demand fails to identify which
18 set of Form Interrogatories or responses is being referenced.

19 In fulfilling its duty to respond in good faith as best it can, for purposes of this request,
20 Responding Party will interpret “your response to Form Interrogatory No. 7.1” to mean “Responding
21 Party’s response to Defendants’ Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
22 Interrogatory No. 7.1.”

23 3. Responding Party objects to this demand for the same reasons the underlying Form
24 Interrogatory (i.e., Form Interrogatory No. 7.1) is objectionable. Responding Party restates those
25 objections here:

26 a. Responding Party objects on the grounds of relevance under California Code of
27 Civil Procedure § 2017.010 because it expressly seeks information regarding claims of damage to
28 property. The remaining claims in this case, specifically Tortious Interference with Contract, Intentional

1 Interference with Prospective Economic Advantage, and Negligent Interference with Prospective
2 Economic Advantage, do not implicate property damage, but rather loss of sales/profits, reputational
3 damage, and similar other damages. Consequently, any information or response elicited by this demand
4 would not be relevant to the claims or defenses at issue, nor would it be reasonably calculated to lead to
5 the discovery of admissible evidence. Moreover, the overbroad nature of this demand places an undue
6 burden on the Responding Party in violation of § 2017.010.

7 b. Responding Party also objects to the extent that the use of the term “INCIDENT,”
8 as defined in Section 4, is vague and ambiguous to the point of being nonsensical in the context of the
9 present litigation. No singular, readily identifiable “INCIDENT” underpins the claims asserted in the
10 operative complaint. Instead, the claims stem from a prolonged, years-long pattern of alleged
11 misconduct within the DOJ, culminating in the enactment of statewide legislation. In the absence of a
12 defined or contextual understanding of “INCIDENT” in relation to this case, furnishing a meaningful
13 response becomes not only unduly burdensome but practically impossible. What’s more, because of the
14 indeterminate nature of the term “INCIDENT” in the context of this litigation, this demand is largely
15 irrelevant to the claims and defenses at issue, and it is not reasonably calculated to lead to the discovery
16 of admissible evidence under Code of Civil Procedure § 2017.010. Importantly, Propounding Party
17 objected to this very term in its Responses to Franklin Armory, Inc.’s Form Interrogatories, Set Two,
18 served on Responding Party on October 1, 2021, citing similar concerns about its vagueness and
19 overbreadth.

20 Subject to and without waiving the foregoing general or specific objections, Responding Party
21 responds as follows: After performing a diligent search and reasonable inquiry into the matter,
22 Responding Party has no responsive documents in its care, custody, or control, because such documents
23 do not exist.

24 **Request for Production No. 31**

25 Any and all writings, as defined by Evidence Code section 250, identified in your response to
26 Form Interrogatory No. 9.2.

27 **Response to Request for Production No. 31**

28 Objection.

1 1. Responding Party has not yet completed the investigation of the facts and discovery
2 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
3 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
4 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
5 revise each of the responses given as warranted by information learned through other proceedings
6 connected with this action, or otherwise.

7 2. Responding Party also objects to this demand because it fails to describe the documents
8 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
9 subdivision (c)(1). Propounding Party has served more than one set of Form Interrogatories on
10 Responding Party and other parties previously named in this action. This demand fails to identify which
11 set of Form Interrogatories or responses is being referenced.

12 In fulfilling its duty to respond in good faith as best it can, for purposes of this request,
13 Responding Party will interpret “your response to Form Interrogatory No. 9.2” to mean “Responding
14 Party’s response to Defendants’ Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
15 Interrogatory No. 9.2.”

16 3. Responding Party objects to this demand for the same reasons the underlying Form
17 Interrogatory (i.e., Form Interrogatory No. 9.2) is objectionable. Responding Party restates those
18 objections here:

19 a. Responding Party objects to this demand on the ground that it is intrusive,
20 oppressive, and unduly burdensome insofar as the burden of producing the requested information
21 “clearly outweighs the likelihood that the information sought will lead to the discovery of admissible
22 evidence” that is relevant to the needs of this case at this posture in the litigation. (Code Civ. Proc., §
23 2017.020, subd. (a).) Indeed, this request demands that Responding Party specifically identify, by name,
24 address and telephone number, every single person or business with whom Plaintiff entered into a
25 contract and/or economic relationship for the sale of a “Title 1” firearm. There are tens of thousands of
26 open orders for Franklin Armory centerfire Title 1 firearms and all the relevant information can be
27 obtained from summary reports produced in response to Defendants’ Request for Production of
28 Documents, Set Three, (see DEF-FA 0606-1080). And the personal identifying information of every one

1 of Responding Party’s customers is of extremely limited relevance to any element of any remaining
2 claim or defense, including damages. This demand is per se overbroad and unduly burdensome, clearly
3 exceeding the bounds of proportional discovery.

4 b. Responding Party also objects to this demand on the ground that, when weighed
5 against its probative value as to the material issues of this litigation, the demand constitutes an
6 unreasonable invasion of privacy and a significant intrusion upon the rights of Responding Party’s
7 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
8 Indeed, information responsive to this demand includes the name, address, and telephone number of
9 every single person or business who placed an order for a Title 1 firearm. This information is protected
10 from disclosure by the constitutional right of privacy of both Responding Party and its third-party
11 customers. Similarly, third-party firearm dealers have a privacy interest in their desire to sell firearms
12 and which firearms they desire to sell. A party to an action may assert the privacy rights of third parties.
13 (See Valley Bank of Nev., supra, 15 Cal.3d at p. 657.) And a party seeking information about
14 individuals’ identities must identify a “compelling need to learn the identities.” (Tien, supra, 139
15 Cal.App.5th at p. 540.) There is simply no need to access personal identifying information pertaining to
16 Responding Party’s customers considering the posture of this case and the limited information necessary
17 to prove or disprove any element of any remaining claim or defense. For these reasons, Responding
18 Party objects to the disclosure of the private contact information of those third parties.

19 While Propounding Party might arguably have an interest in disclosure if it were seeking
20 information related to completed firearms transactions (though, in that case, the Propounding Party
21 would already have access to registration and background check records responsive to such a request),
22 the demand is broad enough to seek documents about the desire or intention of third parties to complete
23 firearm transactions that have not been and, because of Propounding Party’s conduct complained of in
24 this lawsuit, cannot be completed. For these reasons, Responding Party wholly objects to the disclosure
25 of the private contact information of those third parties. At minimum, Responding Party demands that
26 any compelled disclosure follow an opt-out notice procedure under Belaire-West Landscape, Inc., supra,
27 149 Cal.App.4th at pp. 558-559.

28 c. Responding Party also objects to this demand to the extent that the use of the term

1 “INCIDENT,” as defined in Section 4, is vague and ambiguous to the point of being nonsensical in the
2 context of the present litigation. No singular, readily identifiable “INCIDENT” underpins the claims
3 asserted in the operative complaint. Instead, the claims stem from a prolonged, years-long pattern of
4 alleged misconduct within the DOJ, culminating in the enactment of statewide legislation. In the absence
5 of a defined or contextual understanding of “INCIDENT” in relation to this case, furnishing a
6 meaningful response becomes not only unduly burdensome but practically impossible. What’s more,
7 because of the indeterminate nature of the term “INCIDENT” in the context of this litigation, this
8 demand is largely irrelevant to the claims and defenses at issue, and it is not reasonably calculated to
9 lead to the discovery of admissible evidence under Code of Civil Procedure § 2017.010. Importantly,
10 Propounding Party objected to this very term in its Responses to Franklin Armory, Inc.’s Form
11 Interrogatories, Set Two, served on Responding Party on October 1, 2021, citing similar concerns about
12 its vagueness and overbreadth.

13 Subject to and without waiving the foregoing general or specific objections, Responding Party
14 responds as follows:

15 Responding Party has identified the following responsive documents in its possession, custody,
16 and control: DEF-FA_606-1102, DEF-FA_1107-1133, DEF-FA_1358-1359, DEF-FA_1484-
17 4174, DEF-FA_4189-4277, DEF-FA_4280-4418.

18 **Request for Production No. 32**

19 Any and all writings, as defined by Evidence Code section 250, identified in your response to
20 Form Interrogatory No. 12.3.

21 **Response to Request for Production No. 32**

22 Objection.

23 1. Responding Party has not yet completed the investigation of the facts and discovery
24 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
25 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
26 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
27 revise each of the responses given as warranted by information learned through other proceedings
28 connected with this action, or otherwise.

1 2. Responding Party also objects to this demand because it fails to describe the documents
2 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
3 subdivision (c)(1). Propounding Party has served more than one set of Form Interrogatories on
4 Responding Party and other parties previously named in this action. This demand fails to identify which
5 set of Form Interrogatories or responses is being referenced.

6 In fulfilling its duty to respond in good faith as best it can, for purposes of this request,
7 Responding Party will interpret “your response to Form Interrogatory No. 12.3” to mean “Responding
8 Party’s response to Defendants’ Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
9 Interrogatory No. 12.3.”

10 3. Responding Party also objects to this demand because Responding Party identified no
11 documents in response to Defendants’ Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
12 Interrogatory No. 12.3.

13 4. Responding Party objects to this demand for the same reasons the underlying Form
14 Interrogatory (i.e., Form Interrogatory No. 12.3) is objectionable. Responding Party restates those
15 objections here:

16 a. Responding Party objects to the term “written or recorded statement” in this
17 demand as being vague, ambiguous, and overbroad to the extent that it may encompass formal discovery
18 mechanisms such as depositions. Specifically, to the extent that “written or recorded INCIDENT”
19 includes depositions, Propounding Party is equally aware of such proceedings, and Responding Party
20 objects on that basis.

21 b. Responding Party also objects to this request because it is broad enough to
22 include information protected by the attorney-expert privilege and work-product doctrine.

23 c. Responding Party also objects to this demand to the extent that the use of the term
24 “INCIDENT,” as defined in Section 4, is vague and ambiguous to the point of being nonsensical in the
25 context of the present litigation. No singular, readily identifiable “INCIDENT” underpins the claims
26 asserted in the operative complaint. Instead, the claims stem from a prolonged, years-long pattern of
27 alleged misconduct within the DOJ, culminating in the enactment of statewide legislation. In the absence
28 of a defined or contextual understanding of “INCIDENT” in relation to this case, furnishing a

1 meaningful response becomes not only unduly burdensome but practically impossible. What’s more,
2 because of the indeterminate nature of the term “INCIDENT” in the context of this litigation, this
3 demand is largely irrelevant to the claims and defenses at issue, and it is not reasonably calculated to
4 lead to the discovery of admissible evidence under Code of Civil Procedure § 2017.010. Importantly,
5 Propounding Party objected to this very term in its Responses to Franklin Armory, Inc.’s Form
6 Interrogatories, Set Two, served on Responding Party on October 1, 2021, citing similar concerns about
7 its vagueness and overbreadth.

8 Subject to and without waiving the foregoing general or specific objections, Responding Party
9 responds as follows: After performing a diligent search and reasonable inquiry into the matter,
10 Responding Party has no responsive documents in its care, custody, or control, because such documents
11 do not exist.

12 **Request for Production No. 33**

13 Any and all writings, as defined by Evidence Code section 250, identified in your response to
14 Form Interrogatory No. 12.4.

15 **Response to Request for Production No. 33**

16 Objection.

17 1. Responding Party has not yet completed the investigation of the facts and discovery
18 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
19 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
20 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
21 revise each of the responses given as warranted by information learned through other proceedings
22 connected with this action, or otherwise.

23 2. Responding Party also objects to this demand because it fails to describe the documents
24 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
25 subdivision (c)(1). Propounding Party has served more than one set of Form Interrogatories on
26 Responding Party and other parties previously named in this action. This demand fails to identify which
27 set of Form Interrogatories or responses is being referenced.

28 3. Responding Party also objects to this demand because Responding Party identified no

1 documents in response to Defendants’ Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
2 Interrogatory No. 12.4.

3 In fulfilling its duty to respond in good faith as best it can, for purposes of this request,
4 Responding Party will interpret “your response to Form Interrogatory No. 12.4” to mean “Responding
5 Party’s response to Defendants’ Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
6 Interrogatory No. 12.4.”

7 4. Responding Party also objects to this demand because Responding Party identified no
8 documents in response to Defendants’ Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
9 Interrogatory No. 12.4.

10 5. Responding Party objects to this demand for the same reasons the underlying Form
11 Interrogatory (i.e., Form Interrogatory No. 12.4) is objectionable. Responding Party restates those
12 objections here:

13 a. Responding Party objects to this request because it is broad enough to include
14 information protected by the attorney-expert privilege and work-product doctrine.

15 b. Responding Party also objects to this demand to the extent that the use of the term
16 “INCIDENT,” as defined in Section 4, is vague and ambiguous to the point of being nonsensical in the
17 context of the present litigation. No singular, readily identifiable “INCIDENT” underpins the claims
18 asserted in the operative complaint. Instead, the claims stem from a prolonged, years-long pattern of
19 alleged misconduct within the DOJ, culminating in the enactment of statewide legislation. In the absence
20 of a defined or contextual understanding of “INCIDENT” in relation to this case, furnishing a
21 meaningful response becomes not only unduly burdensome but practically impossible. What’s more,
22 because of the indeterminate nature of the term “INCIDENT” in the context of this litigation, this
23 demand is largely irrelevant to the claims and defenses at issue, and it is not reasonably calculated to
24 lead to the discovery of admissible evidence under Code of Civil Procedure § 2017.010. Importantly,
25 Propounding Party objected to this very term in its Responses to Franklin Armory, Inc.’s Form
26 Interrogatories, Set Two, served on Responding Party on October 1, 2021, citing similar concerns about
27 its vagueness and overbreadth.

28 Subject to and without waiving the foregoing general or specific objections, Responding Party

1 responds as follows: After performing a diligent search and reasonable inquiry into the matter,
2 Responding Party has no responsive documents in its care, custody, or control, because such documents
3 do not exist.

4 **Request for Production No. 34**

5 Any and all writings, as defined by Evidence Code section 250, identified in your response to
6 Form Interrogatory No. 12.5.

7 **Response to Request for Production No. 34**

8 Objection.

9 1. Responding Party has not yet completed the investigation of the facts and discovery
10 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
11 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
12 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
13 revise each of the responses given as warranted by information learned through other proceedings
14 connected with this action, or otherwise.

15 2. Responding Party also objects to this demand because it fails to describe the documents
16 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
17 subdivision (c)(1). Propounding Party has served more than one set of Form Interrogatories on
18 Responding Party and other parties previously named in this action. This demand fails to identify which
19 set of Form Interrogatories or responses is being referenced.

20 3. Responding Party also objects to this demand because Responding Party identified no
21 documents in response to Defendants' Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
22 Interrogatory No. 12.5.

23 In fulfilling its duty to respond in good faith as best it can, for purposes of this request,
24 Responding Party will interpret "your response to Form Interrogatory No. 12.5" to mean "Responding
25 Party's response to Defendants' Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
26 Interrogatory No. 12.5."

27 4. Responding Party also objects to this demand because Responding Party identified no
28 documents in response to Defendants' Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form

1 Interrogatory No. 12.5.

2 5. Responding Party objects to this demand for the same reasons the underlying Form
3 Interrogatory (i.e., Form Interrogatory No. 12.5) is objectionable. Responding Party restates those
4 objections here:

5 a. Responding Party objects to this request because it is broad enough to include
6 information protected by the attorney-expert privilege and work-product doctrine.

7 b. Responding Party objects to this demand on the grounds that the terms “diagram,”
8 “reproduction,” and “model” are vague and/or ambiguous and lack specificity in the context of this
9 litigation.

10 c. Responding Party also objects to this demand to the extent that the use of the term
11 “INCIDENT,” as defined in Section 4, is vague and ambiguous to the point of being nonsensical in the
12 context of the present litigation. No singular, readily identifiable “INCIDENT” underpins the claims
13 asserted in the operative complaint. Instead, the claims stem from a prolonged, years-long pattern of
14 alleged misconduct within the DOJ, culminating in the enactment of statewide legislation. In the absence
15 of a defined or contextual understanding of “INCIDENT” in relation to this case, furnishing a
16 meaningful response becomes not only unduly burdensome but practically impossible. What’s more,
17 because of the indeterminate nature of the term “INCIDENT” in the context of this litigation, this
18 demand is largely irrelevant to the claims and defenses at issue, and it is not reasonably calculated to
19 lead to the discovery of admissible evidence under Code of Civil Procedure § 2017.010. Importantly,
20 Propounding Party objected to this very term in its Responses to Franklin Armory, Inc.’s Form
21 Interrogatories, Set Two, served on Responding Party on October 1, 2021, citing similar concerns about
22 its vagueness and overbreadth.

23 Subject to and without waiving the foregoing general or specific objections, Responding Party
24 responds as follows: After performing a diligent search and reasonable inquiry into the matter,
25 Responding Party has no responsive documents in its care, custody, or control, because such documents
26 do not exist.

27 **Request for Production No. 35**

28 Any and all writings, as defined by Evidence Code section 250, identified in your response to

1 Form Interrogatory No. 12.6.

2 **Response to Request for Production No. 35**

3 Objection.

4 1. Responding Party has not yet completed the investigation of the facts and discovery
5 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
6 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
7 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
8 revise each of the responses given as warranted by information learned through other proceedings
9 connected with this action, or otherwise.

10 2. Responding Party also objects to this demand because it fails to describe the documents
11 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
12 subdivision (c)(1). Propounding Party has served more than one set of Form Interrogatories on
13 Responding Party and other parties previously named in this action. This demand fails to identify which
14 set of Form Interrogatories or responses is being referenced.

15 In fulfilling its duty to respond in good faith as best it can, for purposes of this request,
16 Responding Party will interpret “your response to Form Interrogatory No. 12.6” to mean “Responding
17 Party’s response to Defendants’ Form Interrogatories to Plaintiff Franklin Armory, Set Two, Form
18 Interrogatory No. 12.6.”

19 3. Responding Party objects to this demand for the same reasons the underlying Form
20 Interrogatory (i.e., Form Interrogatory No. 12.6) is objectionable. Responding Party restates those
21 objections here:

22 a. Responding Party objects to this demand to the extent that the use of the term
23 “INCIDENT,” as defined in Section 4, is vague and ambiguous to the point of being nonsensical in the
24 context of the present litigation. No singular, readily identifiable “INCIDENT” underpins the claims
25 asserted in the operative complaint. Instead, the claims stem from a prolonged, years-long pattern of
26 alleged misconduct within the DOJ, culminating in the enactment of statewide legislation. In the absence
27 of a defined or contextual understanding of “INCIDENT” in relation to this case, furnishing a
28 meaningful response becomes not only unduly burdensome but practically impossible. What’s more,

1 because of the indeterminate nature of the term “INCIDENT” in the context of this litigation, this
2 demand is largely irrelevant to the claims and defenses at issue, and it is not reasonably calculated to
3 lead to the discovery of admissible evidence under Code of Civil Procedure § 2017.010. Importantly,
4 Propounding Party objected to this very term in its Responses to Franklin Armory, Inc.’s Form
5 Interrogatories, Set Two, served on Responding Party on October 1, 2021, citing similar concerns about
6 its vagueness and overbreadth.

7 This objection notwithstanding, in fulfilling its duty to respond in good faith as best it can,
8 Responding Party will interpret “INCIDENT” to refer to conduct by the California Department of
9 Justice concerning its Dealer’s Record of Sale Entry System (“DES”) as it relates to Franklin Armory’s
10 centerfire Title 1 series of firearms and other “firearms with undefined subtypes.”

11 b. Responding Party objects to this demand on the grounds that the term “report” is
12 vague and/or ambiguous and lacks specificity in the context of this litigation.

13 c. Responding Party objects to this demand on the ground that it is overbroad,
14 oppressive, and unduly burdensome; the burden of producing the requested information “clearly
15 outweighs the likelihood that the information sought will lead to the discovery of admissible evidence.”
16 (Code Civ. Proc., § 2017.020.) Indeed, this demand requires Responding Party to determine whether any
17 PERSON made a “report” about the INCIDENT—which, as has been explained, includes a prolonged,
18 years-long pattern of alleged misconduct within the DOJ, culminating in the enactment of statewide
19 legislation—and to specifically identify any such report without any limitation in time. Compliance with
20 the request would thus include a laborious search and time-consuming analysis of a nearly unlimited
21 universe of documents. It is per se overbroad, unduly burdensome, oppressive, and harassing.

22 Moreover, the request is not limited to “reports” solely attributable to Responding Party or those
23 acting on Responding Party’s behalf. Thus, the request necessarily demands the identification and
24 production of writings attributable to literally anyone else in the world without limitation. Such content
25 has not and never has been within the custody, control, or possession of Responding Party and is likely
26 irrelevant to the unstayed legal and factual issues of this litigation. The demand thus requires a laborious
27 search for analysis of trivial and largely irrelevant information. In short, Propounding Party’s demand is
28 oppressive, and its likely benefit is far outweighed by the burden of producing the requested documents.

1 What's more, this request is so broad that no doubt many responsive documents will be produced in
2 response to legitimate requests.

3 d. Responding Party also objects to this request because it is broad enough to
4 include information protected by the attorney-expert privilege and work-product doctrine.

5 e. Responding Party also objects to this demand because it seeks information in the
6 possession of, known to, or otherwise equally available to the Propounding Party. Indeed, the allegations
7 about the "INCIDENT" largely pertain to Propounding Party's own conduct and communications—
8 including conduct and communications that Responding Party neither observed nor was a party to. For
9 instance, Propounding Party maintains, operates, directs policy regarding, and makes changes to the
10 DES, which inherently grants them unique access to information relevant to this request, including
11 reports made to the Propounding party itself. And to the extent this request seeks information that is not
12 a matter of public record, Responding Party does not possess this information, and it has no duty to
13 conduct this expansive third-party discovery on behalf of Propounding Party.

14 Subject to and without waiving the foregoing general or specific objections, Responding Party
15 responds as follows: Responding Party has already produced to Propounding Party, through its
16 responses to previous discovery requests, copies of the following responsive documents in Responding
17 Party's possession, custody, and control.

- 18 ▪ Email from Jay Jacobson, President, Franklin Armory, Inc., to firearms.bureau@doj.ca.gov
19 Re: Attention Operator 211 (Oct. 21, 2019) [DEF-FA_99-106];
- 20 ▪ Letter from Jason Davis, Attorney, The Davis Law Firm, to Xavier Becerra, Attorney
21 General, California Department of Justice (Oct. 24, 2019) [Second Amended Complaint, Ex.
22 C; DEF-FA_1242-1247];
- 23 ▪ Government Tort Claim Sent to Attorney General Becerra [Declaration of Jason Davis in
24 Support of Opposition to Defendants' Motion for Judgment on the Pleadings, Ex. 3; DEF-
25 FA_1171-1181];
- 26 ▪ Letter from P. Patty Li, Deputy Attorney General, to Jason Davis, Attorney, The Davis Law
27 Firm (Jan. 8, 2020) [Declaration of Jason Davis in Support of Opposition to Defendants'
28 Motion for Judgment on the Pleadings, Ex. 3; DEF-FA_1164-1181, DEF-FA_4255-4271].

1 Responding Party has identified the following additional responsive documents in its possession,
2 custody, and control: DEF-FA_4221-4253, DEF-FA_4260-4272, DEF-FA_4274-4277, DEF-
3 FA_4280-4328, DEF-FA_4330-4331.

4 **Request for Production No. 36**

5 Any and all writings, as defined by Evidence Code section 250, which you contend shows or
6 indicates in any way that you manufactured, as that term is used in paragraph 2 of the SAC, any Title 1,
7 centerfire caliber firearm, as that term is used in paragraph 2 of the SAC, other than a prototype or
8 mock-up.

9 **Response to Request for Production No. 36**

10 Objection.

11 1. Responding Party has not yet completed the investigation of the facts and discovery
12 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
13 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
14 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
15 revise each of the responses given as warranted by information learned through other proceedings
16 connected with this action, or otherwise.

17 2. Responding Party objects to this demand because it fails to describe the documents
18 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
19 subdivision (c)(1).

20 3. Responding Party also objects to this demand on the ground that, when weighed against
21 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
22 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
23 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
24 Indeed, documents responsive to this demand include personal consumer lists/records, customer
25 addresses and credit card information, and vendor records that are protected from disclosure by the
26 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
27 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
28 desire to sell. A party to an action may assert the privacy rights of third parties. (See *Valley Bank of*

1 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals’ identities must identify
2 a “compelling need to learn the identities.” (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
3 need to access personal identifying information pertaining to Responding Party’s customers considering
4 the posture of this case and the limited information necessary to prove or disprove any element of any
5 remaining claim or defense.

6 While Propounding Party might arguably have an interest in disclosure if it were seeking
7 information related to *completed* firearms transactions (though, in that case, the Propounding Party
8 would already have access to registration and background check records responsive to such a request),
9 the demand is broad enough to seek documents about the desire or intention of third parties to complete
10 firearm transactions that *have not been* and, because of Propounding Party’s conduct complained of in
11 this lawsuit, *cannot be* completed. For these reasons, Responding Party wholly objects to the disclosure
12 of the private contact information of and private communications with those third parties. At minimum,
13 Responding Party demands that any compelled disclosure follow an opt-out notice procedure under
14 *Belaire-West Landscape, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554, 558-559.

15 4. Responding Party also objects to this request because it is broad enough to include
16 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
17 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
18 doctrine, Responding Party will identify such documents in a privilege log.

19 5. Responding Party also objects to this request because it seeks documents which include
20 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
21 Responding Party’s competitive edge in the firearms industry. (See *Bridgestone Firestone v. Super. Ct.*
22 (1992) 7 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest
23 sufficient to overcome Responding Party’s substantial privacy interest in the responsive documents
24 because the requested information is not necessary to the determination of any unstayed factual or legal
25 issue, including standing. That said, Responding Party will disclose relevant, responsive documents that
26 include proprietary information or trade secrets according to the terms of the Parties’ Stipulated
27 Protective Order, signed on September 7, 2023.

28 Subject to and without waiving the foregoing general or specific objections, Responding Party

1 responds as follows:

2 Responding Party has identified the following responsive documents in its possession, custody,
3 and control: DEF-FA_606-1166, DEF-FA_1170-1209, DEF-FA_1231-1247, DEF-FA_1276-
4 1359, DEF-FA_1484-4174, DEF-FA_4189-4277, DEF-FA_4280-4435.

5 **Request for Production No. 37**

6 Any and all writings, as defined by Evidence Code section 250, which you contend shows or
7 indicates in any way that you manufactured, as that term is used in paragraph 2 of the SAC, any Title 1,
8 rimfire caliber firearm, as that term is used in paragraph 2 of the SAC, other than a prototype or mock-
9 up.

10 **Response to Request for Production No. 37**

11 Objection.

12 1. Responding Party has not yet completed the investigation of the facts and discovery
13 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
14 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
15 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
16 revise each of the responses given as warranted by information learned through other proceedings
17 connected with this action, or otherwise.

18 2. Responding Party objects to this demand because it fails to describe the documents
19 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
20 subdivision (c)(1).

21 3. Responding Party also objects to this demand on the ground that, when weighed against
22 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
23 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
24 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
25 Indeed, documents responsive to this demand include personal consumer lists/records, customer
26 addresses and credit card information, and vendor records that are protected from disclosure by the
27 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
28 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they

1 desire to sell. A party to an action may assert the privacy rights of third parties. (See *Valley Bank of*
2 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals’ identities must identify
3 a “compelling need to learn the identities.” (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
4 need to access personal identifying information pertaining to Responding Party’s customers considering
5 the posture of this case and the limited information necessary to prove or disprove any element of any
6 remaining claim or defense.

7 While Propounding Party might arguably have an interest in disclosure if it were seeking
8 information related to *completed* firearms transactions (though, in that case, the Propounding Party
9 would already have access to registration and background check records responsive to such a request),
10 the demand is broad enough to seek documents about the desire or intention of third parties to complete
11 firearm transactions that *have not been* and, because of Propounding Party’s conduct complained of in
12 this lawsuit, *cannot be* completed. For these reasons, Responding Party wholly objects to the disclosure
13 of the private contact information of and private communications with those third parties. At minimum,
14 Responding Party demands that any compelled disclosure follow an opt-out notice procedure under
15 *Belaire-West Landscape, Inc. v. Superior Court* (2007) 149 Cal.App.4th 554, 558-559.

16 4. Responding Party also objects to this request because it is broad enough to include
17 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
18 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
19 doctrine, Responding Party will identify such documents in a privilege log.

20 5. Responding Party also objects to this request because it seeks documents which include
21 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
22 Responding Party’s competitive edge in the firearms industry. (See *Bridgestone Firestone v. Super. Ct.*
23 (1992) 7 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest
24 sufficient to overcome Responding Party’s substantial privacy interest in the responsive documents
25 because the requested information is not necessary to the determination of any unstayed factual or legal
26 issue, including standing. That said, Responding Party will disclose relevant, responsive documents that
27 include proprietary information or trade secrets according to the terms of the Parties’ Stipulated
28 Protective Order, signed on September 7, 2023.

1 Subject to and without waiving the foregoing general or specific objections, Responding Party
2 responds as follows:

3 Responding Party has identified the following responsive documents in its possession, custody,
4 and control: DEF-FA_606-1166, DEF-FA_1170-1209, DEF-FA_1231-1247, DEF-FA_1276-
5 1359, DEF-FA_1484-4174, DEF-FA_4189-4279, DEF-FA_4299, DEF-FA_4217, DEF-
6 FA_4280-4418

7 **Request for Production No. 38**

8 Any and all writings, as defined by Evidence Code section 250, which you contend shows or
9 indicates in any way the existence of any contract, as that term is used in paragraphs 130-135 of the
10 SAC, for the purchase, sale and/or transfer of any Title 1, centerfire caliber firearm, as that term is used
11 in paragraph 2 of the SAC.

12 **Response to Request for Production No. 38**

13 Objection.

14 1. Responding Party has not yet completed the investigation of the facts and discovery
15 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
16 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
17 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
18 revise each of the responses given as warranted by information learned through other proceedings
19 connected with this action, or otherwise.

20 2. Responding Party objects to this demand because it fails to describe the documents
21 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
22 subdivision (c)(1).

23 3. Responding Party also objects to this demand on the ground that it is intrusive,
24 oppressive, and unduly burdensome insofar as the burden of producing the requested information
25 “clearly outweighs the likelihood that the information sought will lead to the discovery of admissible
26 evidence” that is relevant to the needs of this case at this posture in the litigation. (Code Civ. Proc., §
27 2017.020.) Indeed, the demand requires Responding Party to produce all manner of needless material,
28 including Sales Orders and credit card receipts, to establish the existence of a contract between

1 Responding Party and third parties for the sale of firearms at issue in this litigation. Considering there
2 are tens of thousands of open orders for Franklin Armory centerfire Title 1 firearms and all the relevant
3 information can be obtained from summary reports already produced (see DEF-FA 0606-1080), this
4 demand is per se oppressive, unduly burdensome, and harassing.

5 4. Responding Party also objects to this demand on the ground that, when weighed against
6 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
7 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
8 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
9 Indeed, documents responsive to this demand include personal consumer lists/records, customer
10 addresses and credit card information, and vendor records that are protected from disclosure by the
11 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
12 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
13 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of*
14 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals' identities must identify
15 a "compelling need to learn the identities." (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
16 need to access personal identifying information pertaining to Responding Party's customers considering
17 the posture of this case and the limited information necessary to prove or disprove any element of any
18 remaining claim or defense.

19 While Propounding Party might arguably have an interest in disclosure if it were seeking
20 information related to *completed* firearms transactions (though, in that case, the Propounding Party
21 would already have access to registration and background check records responsive to such a request),
22 the demand is broad enough to seek documents about the desire or intention of third parties to complete
23 firearm transactions that *have not been* and, because of Propounding Party's conduct complained of in
24 this lawsuit, *cannot be* completed. For these reasons, Responding Party wholly objects to the disclosure
25 of private communications with its customers and distributors. At minimum, Responding Party demands
26 that any compelled disclosure follow an opt-out notice procedure under *Belair-West Landscape, Inc.,*
27 *supra*, 149 Cal.App.4th at pp. 558-559.

28 5. Responding Party also objects to this request because it is broad enough to include

1 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
2 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
3 doctrine, Responding Party will identify such documents in a privilege log.

4 6. Responding Party also objects to this request because it seeks documents which include
5 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
6 Responding Party's competitive edge in the firearms industry. (See *Bridgestone Firestone v. Super. Ct.*
7 (1992) 7 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest
8 sufficient to overcome Responding Party's substantial privacy interest in the responsive documents
9 because the requested information is not necessary to the determination of any unstayed factual or legal
10 issue, including standing. That said, Responding Party will disclose relevant, responsive documents that
11 include proprietary information or trade secrets according to the terms of the Parties' Stipulated
12 Protective Order, signed on September 7, 2023

13 Subject to and without waiving the foregoing general or specific objections, Responding Party
14 responds as follows:

15 Responding Party has identified the following responsive documents in its possession, custody,
16 and control: DEF-FA_606-1097, DEF-FA_1107-1133, DEF-FA_1171-1181, DEF-FA_1242-
17 1249, DEF-FA_1484-4174, DEF-FA_4220, DEF-FA_4254-4272, DEF-FA_4274-4277, DEF-
18 FA_4280-4298.

19 **Request for Production No. 39**

20 Any and all writings, as defined by Evidence Code section 250, which you contend shows or
21 indicates in any way the existence of any contract, as that term is used in paragraphs 130-135 of the
22 SAC, for the purchase, sale and/or transfer of any Title 1, rimfire caliber firearm, as that term is used in
23 paragraph 2 of the SAC.

24 **Response to Request for Production No. 39**

25 Objection.

26 1. Responding Party has not yet completed the investigation of the facts and discovery
27 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
28 analysis, and discovery could lead to additions, changes, and/or variations with respect to these

1 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
2 revise each of the responses given as warranted by information learned through other proceedings
3 connected with this action, or otherwise.

4 2. Responding Party objects to this demand because it fails to describe the documents
5 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
6 subdivision (c)(1).

7 3. Responding Party objects to this demand on the ground that, when weighed against its
8 probative value as to the material issues of this litigation, the demand constitutes an unreasonable
9 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
10 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
11 Indeed, documents responsive to this demand include personal consumer lists/records, customer
12 addresses and credit card information, and vendor records that are protected from disclosure by the
13 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
14 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
15 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of*
16 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals' identities must identify
17 a "compelling need to learn the identities." (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
18 need to access personal identifying information pertaining to Responding Party's customers considering
19 the posture of this case and the limited information necessary to prove or disprove any element of any
20 remaining claim or defense. For these reasons, Responding Party objects to the disclosure of the private
21 contact information of and private communications with its customers and distributors. At minimum,
22 Responding Party demands that any compelled disclosure follow an opt-out notice procedure under
23 *Belaire-West Landscape, Inc., supra*, 149 Cal.App.4th at pp. 558-559.

24 4. Responding Party also objects to this request because it is broad enough to include
25 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
26 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
27 doctrine, Responding Party will identify such documents in a privilege log.

28 5. Responding Party also objects to this request because it seeks documents which include

1 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
2 Responding Party's competitive edge in the firearms industry. (See *Bridgestone Firestone v. Super. Ct.*
3 (1992) 7 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest
4 sufficient to overcome Responding Party's substantial privacy interest in the responsive documents
5 because the requested information is not necessary to the determination of any unstayed factual or legal
6 issue, including standing. That said, Responding Party will disclose relevant, responsive documents that
7 include proprietary information or trade secrets according to the terms of the Parties' Stipulated
8 Protective Order, signed on September 7, 2023.

9 Subject to and without waiving the foregoing general or specific objections, Responding Party
10 responds as follows:

11 Responding Party has identified the following responsive documents in its possession, custody,
12 and control: DEF-FA_606-1166, DEF-FA_1170-1209, DEF-FA_1231-1247, DEF-FA_1276-
13 1359, DEF-FA_1484-4174, DEF-FA_4189-4279, DEF-FA_4217, DEF-FA_4299, DEF-
14 FA_4280-4418.

15 **Request for Production No. 40**

16 Any and all writings, as defined by Evidence Code section 250, which you contend shows or
17 indicates in any way the existence of a relationship between Franklin Armory and customers or
18 prospective customers, as those terms are used in paragraphs 140-141 and 152-153 of the SAC, in
19 relation to any Title 1, centerfire caliber firearm, as that term is used in paragraph 2 of the SAC.

20 **Response to Request for Production No. 40**

21 Objection.

22 1. Responding Party has not yet completed the investigation of the facts and discovery
23 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
24 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
25 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
26 revise each of the responses given as warranted by information learned through other proceedings
27 connected with this action, or otherwise.

28 2. Responding Party objects to this demand because it fails to describe the documents

1 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
2 subdivision (c)(1).

3 3. Responding Party also objects to this demand on the ground that it is intrusive,
4 oppressive, and unduly burdensome insofar as the burden of producing the requested information
5 “clearly outweighs the likelihood that the information sought will lead to the discovery of admissible
6 evidence” that is relevant to the needs of this case at this posture in the litigation. (Code Civ. Proc., §
7 2017.020.) Indeed, the demand requires Responding Party to produce all manner of needless material,
8 including Sales Orders and credit card receipts, to establish the existence of a contract between
9 Responding Party and third parties for the sale of firearms at issue in this litigation. Considering there
10 are tens of thousands of open orders for Franklin Armory centerfire Title 1 firearms and all the relevant
11 information can be obtained from summary reports already produced (see DEF-FA 0606-1080), this
12 demand is per se oppressive, unduly burdensome, and harassing.

13 4. Responding Party also objects to this demand on the ground that, when weighed against
14 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
15 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
16 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
17 Indeed, documents responsive to this demand include personal consumer lists/records, customer
18 addresses and credit card information, and vendor records that are protected from disclosure by the
19 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
20 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
21 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of*
22 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals’ identities must identify
23 a “compelling need to learn the identities.” (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
24 need to access personal identifying information pertaining to Responding Party’s customers considering
25 the posture of this case and the limited information necessary to prove or disprove any element of any
26 remaining claim or defense.

27 While Propounding Party might arguably have an interest in disclosure if it were seeking
28 information related to *completed* firearms transactions (though, in that case, the Propounding Party

1 would already have access to registration and background check records responsive to such a request),
2 the demand is broad enough to seek documents about the desire or intention of third parties to complete
3 firearm transactions that *have not been* and, because of Propounding Party's conduct complained of in
4 this lawsuit, *cannot be* completed. For these reasons, Responding Party wholly objects to the disclosure
5 of the private contact information of and private communications with those third parties. At minimum,
6 Responding Party demands that any compelled disclosure follow an opt-out notice procedure under
7 *Belaire-West Landscape, Inc., supra*, 149 Cal.App.4th at pp. 558-559.

8 5. Responding Party also objects to this request because it is broad enough to include
9 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
10 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
11 doctrine, Responding Party will identify such documents in a privilege log.

12 6. Responding Party also objects to this request because it seeks documents which include
13 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
14 Responding Party's competitive edge in the firearms industry. (See *Bridgestone Firestone v. Super. Ct.*
15 (1992) 7 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest
16 sufficient to overcome Responding Party's substantial privacy interest in the responsive documents
17 because the requested information is not necessary to the determination of any unstayed factual or legal
18 issue, including standing. That said, Responding Party will disclose relevant, responsive documents that
19 include proprietary information or trade secrets according to the terms of the Parties' Stipulated
20 Protective Order, signed on September 7, 2023.

21 Subject to and without waiving the foregoing general or specific objections, Responding Party
22 responds as follows:

23 Responding Party has identified the following responsive documents in its possession, custody,
24 and control: DEF-FA_606-1097, DEF-FA_1107-1133, DEF-FA_1171-1181, DEF-FA_1242-
25 1249, DEF-FA_1484-4174, DEF-FA_4220, DEF-FA_4254-4272, DEF-FA_4274-4277, DEF-
26 FA_4280-4298.

27 **Request for Production No. 41**

28 Any and all writings, as defined by Evidence Code section 250, which you contend shows or

1 indicates in any way the existence of a relationship between Franklin Armory and customers or
2 prospective customers, as those terms are used in paragraphs 140-141 and 152-153 of the SAC, in
3 relation to any Title 1, rimfire caliber firearm, as that term is used in paragraph 2 of the SAC.

4 **Response to Request for Production No. 41**

5 Objection.

6 1. Responding Party has not yet completed the investigation of the facts and discovery
7 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
8 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
9 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
10 revise each of the responses given as warranted by information learned through other proceedings
11 connected with this action, or otherwise.

12 2. Responding Party objects to this demand because it fails to describe the documents
13 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
14 subdivision (c)(1).

15 3. Responding Party also objects to this demand on the ground that, when weighed against
16 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
17 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
18 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
19 Indeed, documents responsive to this demand include personal consumer lists/records, customer
20 addresses and credit card information, and vendor records that are protected from disclosure by the
21 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
22 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
23 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of*
24 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals' identities must identify
25 a "compelling need to learn the identities." (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
26 need to access personal identifying information pertaining to Responding Party's customers considering
27 the posture of this case and the limited information necessary to prove or disprove any element of any
28 remaining claim or defense. For these reasons, Responding Party objects to the disclosure of the private

1 contact information of and private communications with those third parties. At minimum, Responding
2 Party demands that any compelled disclosure follow an opt-out notice procedure under *Belaire-West*
3 *Landscape, Inc., supra*, 149 Cal.App.4th at pp. 558-559.

4 4. Responding Party also objects to this request because it is broad enough to include
5 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
6 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
7 doctrine, Responding Party will identify such documents in a privilege log.

8 5. Responding Party also objects to this request because it seeks documents which include
9 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
10 Responding Party's competitive edge in the firearms industry. (See *Bridgestone Firestone v. Super. Ct.*
11 (1992) 7 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest
12 sufficient to overcome Responding Party's substantial privacy interest in the responsive documents
13 because the requested information is not necessary to the determination of any unstayed factual or legal
14 issue, including standing. That said, Responding Party will disclose relevant, responsive documents that
15 include proprietary information or trade secrets according to the terms of the Parties' Stipulated
16 Protective Order, signed on September 7, 2023.

17 Subject to and without waiving the foregoing general or specific objections, Responding Party
18 responds as follows:

19 Responding Party has identified the following responsive documents in its possession, custody,
20 and control: DEF-FA_606-1166, DEF-FA_1170-1209, DEF-FA_1231-1247, DEF-FA_1276-
21 1359, DEF-FA_1484-4174, DEF-FA_4189-4279, DEF-FA_4217, DEF-FA_4299, DEF-
22 FA_4280-4418.

23 **Request for Production No. 42**

24 Any and all writings, as defined by Evidence Code section 250, which show, indicate, or
25 otherwise relate to deposits, preorders and/or reserved orders or sales, as those terms are used in
26 paragraphs 79, 130, 143 and 159 of the SAC, in relation to any Title 1, centerfire caliber firearm, as that
27 term is used in paragraph 2 of the SAC.

28 ///

1 **Response to Request for Production No. 42**

2 Objection.

3 1. Responding Party has not yet completed the investigation of the facts and discovery
4 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
5 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
6 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
7 revise each of the responses given as warranted by information learned through other proceedings
8 connected with this action, or otherwise.

9 2. Responding Party objects to this demand because it fails to describe the documents
10 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
11 subdivision (c)(1).

12 3. Responding Party also objects to this demand on the ground that it is intrusive,
13 oppressive, and unduly burdensome insofar as the burden of producing the requested information
14 “clearly outweighs the likelihood that the information sought will lead to the discovery of admissible
15 evidence” that is relevant to the needs of this case at this posture in the litigation. (Code Civ. Proc., §
16 2017.020.) Indeed, the demand requires Responding Party to produce all manner of needless and
17 excessive content that “indicate or otherwise relate to deposits, preorders and/or reserved orders or
18 sales” between Responding Party and other third parties at issue in this litigation. This is per se
19 oppressive, unduly burdensome, and harassing. What’s more, this request is so broad and duplicative of
20 previous requests that no doubt many responsive documents will be produced in response to legitimate
21 requests.

22 4. Responding Party also objects to this demand on the ground that, when weighed against
23 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
24 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
25 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
26 Indeed, documents responsive to this demand include personal consumer lists/records, customer
27 addresses and credit card information, and vendor records that are protected from disclosure by the
28 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-

1 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
2 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of*
3 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals’ identities must identify
4 a “compelling need to learn the identities.” (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
5 need to access personal identifying information pertaining to Responding Party’s customers considering
6 the posture of this case and the limited information necessary to prove or disprove any element of any
7 remaining claim or defense.

8 While Propounding Party might arguably have an interest in disclosure if it were seeking
9 information related to completed firearms transactions (though, in that case, the Propounding Party
10 would already have access to registration and background check records responsive to such a request),
11 the demand is broad enough to seek documents about the desire or intention of third parties to complete
12 firearm transactions that *have not been* and, because of Propounding Party’s conduct complained of in
13 this lawsuit, *cannot be* completed. For these reasons, Responding Party wholly objects to the disclosure
14 of the private contact information of and private communications with those third parties. At minimum,
15 Responding Party demands that any compelled disclosure follow an opt-out notice procedure under
16 *Belaire-West Landscape, Inc., supra*, 149 Cal.App.4th at pp. 558-559.

17 5. Responding Party also objects to this request because it is broad enough to include
18 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
19 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
20 doctrine, Responding Party will identify such documents in a privilege log.

21 6. Responding Party also objects to this request because it seeks documents which include
22 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
23 Responding Party’s competitive edge in the firearms industry. (*See Bridgestone Firestone v. Super. Ct.*
24 (1992) 7 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest
25 sufficient to overcome Responding Party’s substantial privacy interest in the responsive documents
26 because the requested information is not necessary to the determination of any unstayed factual or legal
27 issue, including standing. That said, Responding Party will disclose relevant, responsive documents that
28 include proprietary information or trade secrets according to the terms of the Parties’ Stipulated

1 Protective Order, signed on September 7, 2023.

2 Subject to and without waiving the foregoing general or specific objections, Responding Party
3 responds as follows: Subject to and without waiving the foregoing general or specific objections,
4 Responding Party responds as follows:

5 Responding Party has identified the following responsive documents in its possession, custody,
6 and control: DEF-FA_606-1097, DEF-FA_1107-1133, DEF-FA_1171-1181, DEF-FA_1242-
7 1249, DEF-FA_1484-4174, DEF-FA_4220, DEF-FA_4254-4272, DEF-FA_4274-4277, DEF-
8 FA_4280-4298.

9 **Request for Production No. 43**

10 Any and all writings, as defined by Evidence Code section 250, which show, indicate, or
11 otherwise relate to deposits, preorders and/or reserved orders or sales, as those terms are used in
12 paragraphs 79, 130, 143 and 159 of the SAC, in relation to any Title 1, rimfire caliber firearm, as that
13 term is used in paragraph 2 of the SAC.

14 **Response to Request for Production No. 43**

15 Objection.

16 1. Responding Party has not yet completed the investigation of the facts and discovery
17 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
18 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
19 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
20 revise each of the responses given as warranted by information learned through other proceedings
21 connected with this action, or otherwise.

22 2. Responding Party objects to this demand because it fails to describe the documents
23 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
24 subdivision (c)(1).

25 3. Responding Party also objects to this demand on the ground that, when weighed against
26 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
27 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
28 customers and distributors (who are not party to this litigation) under the state and federal constitutions.

1 Indeed, documents responsive to this demand include personal consumer lists/records, customer
2 addresses and credit card information, and vendor records that are protected from disclosure by the
3 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
4 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
5 desire to sell. A party to an action may assert the privacy rights of third parties. (*See Valley Bank of*
6 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals' identities must identify
7 a "compelling need to learn the identities." (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
8 need to access personal identifying information pertaining to Responding Party's customers considering
9 the posture of this case and the limited information necessary to prove or disprove any element of any
10 remaining claim or defense. For these reasons, Responding Party objects to the disclosure of the private
11 contact information of and private communications with those third parties. At minimum, Responding
12 Party demands that any compelled disclosure follow an opt-out notice procedure under *Belaire-West*
13 *Landscape, Inc., supra*, 149 Cal.App.4th at pp. 558-559.

14 4. Responding Party also objects to this request because it is broad enough to include
15 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
16 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
17 doctrine, Responding Party will identify such documents in a privilege log.

18 5. Responding Party also objects to this request because it seeks documents which include
19 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
20 Responding Party's competitive edge in the firearms industry. (*See Bridgestone Firestone v. Super. Ct.*
21 *(1992) 7 Cal.App.4th 1384.*) And again, on balance, Propounding Party can establish no interest
22 sufficient to overcome Responding Party's substantial privacy interest in the responsive documents
23 because the requested information is not necessary to the determination of any unstayed factual or legal
24 issue, including standing. That said, Responding Party will disclose relevant, responsive documents that
25 include proprietary information or trade secrets according to the terms of the Parties' Stipulated
26 Protective Order, signed on September 7, 2023.

27 Subject to and without waiving the foregoing general or specific objections, Responding Party
28 responds as follows:

1 Responding Party has identified the following responsive documents in its possession, custody,
2 and control: DEF-FA_606-1166, DEF-FA_1170-1209, DEF-FA_1231-1247, DEF-FA_1276-
3 1359, DEF-FA_1484-4174, DEF-FA_4189-4279, DEF-FA_4217, DEF-FA_4299, DEF-
4 FA_4280-4418.

5 **Request for Production No. 44**

6 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
7 indicate the obtaining of a verification number via the Internet for the intended sale, delivery, or transfer
8 from the Department of Justice, as discussed in Penal Code section 27555, in relation to any Title 1,
9 centerfire caliber firearm, as that term is used in paragraph 2 of the SAC.

10 **Response to Request for Production No. 44**

11 Objection.

12 1. Responding Party has not yet completed the investigation of the facts and discovery
13 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
14 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
15 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
16 revise each of the responses given as warranted by information learned through other proceedings
17 connected with this action, or otherwise.

18 2. Responding Party also objects to this request because it is broad enough to include
19 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
20 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
21 doctrine, Responding Party will identify such documents in a privilege log.

22 3. Responding Party also objects to this request because it seeks writings in the possession
23 of, known to, or otherwise equally available to the Propounding Party. Indeed, on its face, the request
24 seeks documentation showing that the DOJ—one of the Propounding Parties itself—issued a
25 “verification number via the Internet for the intended sale, delivery, or transfer” of any centerfire “Title
26 1.” Because the DOJ itself issues such numbers pursuant to section 27555, Responding Party must
27 assume the DOJ already has the documentation it seeks via this demand, raising the inference that the
28 demand is meant merely to harass and annoy Responding Party.

1 Subject to and without waiving the foregoing general or specific objections, Responding Party
2 responds as follows: After performing a diligent search and reasonable inquiry into the matter,
3 Responding Party has no responsive documents in its care, custody, or control, because no such
4 documents exist.

5 All Franklin Armory centerfire “Title 1” firearms are made to order. Such firearms were, at all
6 times relevant to this litigation, barred from being transferred due to the alleged defects in the DES and
7 the DOJ’s failure to provide alternative means of processing such transfers. Thus, Franklin Armory’s
8 customers seeking to purchase a centerfire “Title 1” could not have their information submitted to the
9 DOJ in order to receive a verification number from the DOJ via the Internet for the intended sale,
10 delivery, or transfer. Because a principal allegation of this lawsuit is that then-lawful transfers of
11 Franklin Armory “Title 1” firearms could not be processed through the DES because of Defendants’
12 allegedly unlawful conduct complained of in this lawsuit, Responding Party cannot respond further to
13 this demand for production because no such documents exist.

14 **Request for Production No. 45**

15 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
16 indicate the obtaining of a verification number via the Internet for the intended sale, delivery, or transfer
17 from the Department of Justice, as discussed in Penal Code section 27555, in relation to any Title 1,
18 rimfire caliber firearm, as that term is used in paragraph 2 of the SAC.

19 **Response to Request for Production No. 45**

20 Objection.

21 1. Responding Party has not yet completed the investigation of the facts and discovery
22 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
23 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
24 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
25 revise each of the responses given as warranted by information learned through other proceedings
26 connected with this action, or otherwise.

27 2. Responding Party also objects to this request because it is broad enough to include
28 documents or communications protected by the attorney-expert privilege and work-product doctrine. If

1 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
2 doctrine, Responding Party will identify such documents in a privilege log.

3 3. Responding Party also objects to this request because it seeks writings in the possession
4 of, known to, or otherwise equally available to the Propounding Party. Indeed, on its face, the request
5 seeks documentation showing that the DOJ—one of the Propounding Parties itself—issued a
6 “verification number via the Internet for the intended sale, delivery, or transfer” of any rimfire “Title 1.”
7 Because the DOJ itself issues such numbers pursuant to section 27555, Responding Party must assume
8 the DOJ already has the documentation it seeks via this demand, raising the inference that the demand is
9 meant merely to harass and annoy Responding Party.

10 Subject to and without waiving the foregoing general or specific objections, Responding Party
11 responds as follows:

12 Responding Party has identified the following responsive document in its possession, custody,
13 and control: DEF-FA_4279.

14 **Request for Production No. 46**

15 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
16 indicate that any Title 1, centerfire caliber firearm, as that term is used in paragraph 2 of the SAC, was
17 shipped to any firearms dealer located in California.

18 **Response to Request for Production No. 46**

19 Objection.

20 1. Responding Party has not yet completed the investigation of the facts and discovery
21 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
22 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
23 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
24 revise each of the responses given as warranted by information learned through other proceedings
25 connected with this action, or otherwise.

26 2. Responding Party also objects to this demand because it fails to describe the documents
27 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,
28 subdivision (c)(1).

1 3. Responding Party also objects to this demand on the ground that, when weighed against
2 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
3 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
4 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
5 Indeed, documents responsive to this demand include personal consumer lists/records, customer
6 addresses and credit card information, and vendor records that are protected from disclosure by the
7 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
8 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
9 desire to sell. A party to an action may assert the privacy rights of third parties. (See *Valley Bank of*
10 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals’ identities must identify
11 a “compelling need to learn the identities.” (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
12 need to access personal identifying information pertaining to Responding Party’s customers considering
13 the posture of this case and the limited information necessary to prove or disprove any element of any
14 remaining claim or defense. For these reasons, Responding Party objects to the disclosure of the private
15 contact information of and private communications with those third parties. At minimum, Responding
16 Party demands that any compelled disclosure follow an opt-out notice procedure under *Belaire-West*
17 *Landscape, supra*, 149 Cal.App.4th at pp. 558-559.

18 4. Responding Party also objects to this request because it is broad enough to include
19 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
20 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
21 doctrine, Responding Party will identify such documents in a privilege log.

22 5. Responding Party also objects to this request because it seeks documents which include
23 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
24 Responding Party’s competitive edge in the firearms industry. (See *Bridgestone Firestone, supra*, 7
25 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest sufficient to
26 overcome Responding Party’s substantial privacy interest in the responsive documents because the
27 requested information is not necessary to the determination of any unstayed factual or legal issue,
28 including standing. That said, Responding Party will disclose relevant, responsive documents that

1 include proprietary information or trade secrets according to the terms of the Parties' Stipulated
2 Protective Order, signed on September 7, 2023.

3 Subject to and without waiving the foregoing general or specific objections, Responding Party
4 responds as follows: After performing a diligent search and reasonable inquiry into the matter,
5 Responding Party has no responsive documents in its care, custody, or control, because no such
6 documents exist.

7 All Franklin Armory centerfire "Title 1" firearms are made to order. Such firearms were, at all
8 times relevant to this litigation, barred from being transferred due to the alleged defects in the DES and
9 the DOJ's failure to provide alternative means of processing such transfers. Thus, Franklin Armory
10 placed all reservations, sales, orders, and shipments on hold until transfers could be lawfully processed,
11 and the firearms delivered. Because a principal allegation of this lawsuit is that the Title 1 could not and
12 cannot be distributed to the public because of Defendants' allegedly unlawful conduct complained of in
13 this lawsuit, Responding Party cannot respond further to this demand for production because no such
14 documents exist.

15 **Request for Production No. 47**

16 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
17 indicate that any Title 1, rimfire caliber firearm, as that term is used in paragraph 2 of the SAC, was
18 shipped to any firearms dealer located in California.

19 **Response to Request for Production No. 47**

20 Objection.

21 1. Responding Party has not yet completed the investigation of the facts and discovery
22 relating to this case. It is anticipated that further factual investigation, legal research, factual and legal
23 analysis, and discovery could lead to additions, changes, and/or variations with respect to these
24 objections and responses. Responding Party thus reserves the right to amend, supplement, or otherwise
25 revise each of the responses given as warranted by information learned through other proceedings
26 connected with this action, or otherwise.

27 2. Responding Party also objects to this demand because it fails to describe the documents
28 sought with reasonable particularity in violation of Code of Civil Procedure section 2031.030,

1 subdivision (c)(1).

2 3. Responding Party also objects to this demand on the ground that, when weighed against
3 its probative value as to the material issues of this litigation, the demand constitutes an unreasonable
4 invasion of privacy and a significant intrusion upon the rights of both Responding Party and its
5 customers and distributors (who are not party to this litigation) under the state and federal constitutions.
6 Indeed, documents responsive to this demand include personal consumer lists/records, customer
7 addresses and credit card information, and vendor records that are protected from disclosure by the
8 constitutional right of privacy of both Responding Party and its third-party customers. Similarly, third-
9 party firearm dealers have a privacy interest in their desire to sell firearms and which firearms they
10 desire to sell. A party to an action may assert the privacy rights of third parties. (See *Valley Bank of*
11 *Nev., supra*, 15 Cal.3d at p. 657.) A party seeking information about individuals' identities must identify
12 a "compelling need to learn the identities." (*Tien, supra*, 139 Cal.App.5th at p. 540.) There is simply no
13 need to access personal identifying information pertaining to Responding Party's customers considering
14 the posture of this case and the limited information necessary to prove or disprove any element of any
15 remaining claim or defense. For these reasons, Responding Party objects to the disclosure of the private
16 contact information of and private communications with those third parties. At minimum, Responding
17 Party demands that any compelled disclosure follow an opt-out notice procedure under *Belaire-West*
18 *Landscape, supra*, 149 Cal.App.4th at pp. 558-559.

19 4. Responding Party also objects to this request because it is broad enough to include
20 documents or communications protected by the attorney-expert privilege and work-product doctrine. If
21 Responding Party possesses documents protected by either the attorney-expert privilege or work-product
22 doctrine, Responding Party will identify such documents in a privilege log.

23 5. Responding Party also objects to this request because it seeks documents which include
24 trade secrets proprietary to Responding Party. To divulge such information would adversely affect
25 Responding Party's competitive edge in the firearms industry. (See *Bridgestone Firestone, supra*, 7
26 Cal.App.4th 1384.) And again, on balance, Propounding Party can establish no interest sufficient to
27 overcome Responding Party's substantial privacy interest in the responsive documents because the
28 requested information is not necessary to the determination of any unstayed factual or legal issue,

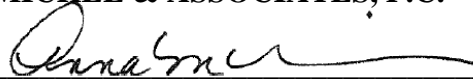
1 including standing. That said, Responding Party will disclose relevant, responsive documents that
2 include proprietary information or trade secrets according to the terms of the Parties' Stipulated
3 Protective Order, signed on September 7, 2023.

4 Subject to and without waiving the foregoing general or specific objections, Responding Party
5 responds as follows:

6 Responding Party has identified the following responsive documents in its possession, custody,
7 and control: DEF-FA_606-1166, DEF-FA_1170-1209, DEF-FA_1231-1247, DEF-FA_1276-
8 1359, DEF-FA_1484-4174, DEF-FA_4189-4279, DEF-FA_4217, DEF-FA_4299, DEF-
9 FA_4280-4418.

10
11 Date: September 20, 2023

MICHEL & ASSOCIATES, P.C.



Anna M. Barvir
Attorneys for Petitioners-Plaintiffs

1 VERIFICATION

2 I, Jay Jacobson, declare as follows:

3 I am the President of Franklin Armory, Inc., and I am authorized to make this verification for and
4 on its behalf.

5 I declare that I have read the foregoing PLAINTIFF FRANKLIN ARMORY, INC.'S
6 RESPONSE TO DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS, SET THREE,
7 in the matter of *Franklin Armory, Inc., et al. v. California Department of Justice, et al.*, and I know its
8 contents. I declare that the information stated therein is either true of my own knowledge or is based on
9 information and belief, and as to those matters, I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct.

12 Executed on September 20, 2023, at MENDEN, Nevada.

13
14 
15 Jay Jacobson

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I
5 am over the age eighteen (18) years and am not a party to the within action. My business address is 180
6 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On September 20, 2023, I served the foregoing document(s) described as

8 **PLAINTIFF FRANKLIN ARMORY, INC.’S RESPONSE TO DEFENDANTS’ REQUEST FOR
9 PRODUCTION OF DOCUMENTS, SET THREE**

10 on the interested parties in this action by placing
11 [] the original
12 [X] a true and correct copy
13 thereof by the following means, addressed as follows:

14 Kenneth G. Lake
15 Deputy Attorney General
16 Email: Kenneth.Lake@doj.ca.gov
17 Andrew Adams
18 Email: Andrew.Adams@doj.ca.gov
19 California Department of Justice
20 300 South Spring Street, Suite 1702
21 Los Angeles, CA 90013
22 *Attorney for Respondents-Defendants*

23 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic mail. Said
24 transmission was reported and completed without error.

25 X (STATE) I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct.

27 Executed on September 20, 2023, at Long Beach, California.

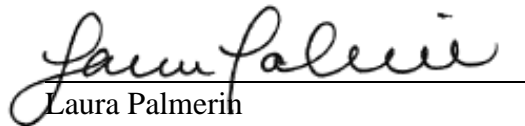
28 
Laura Palmerin

EXHIBIT 3

1 ROB BONTA
Attorney General of California
2 DONNA M. DEAN
Supervising Deputy Attorneys General
3 KENNETH G. LAKE (STATE BAR 144313)
ANDREW F. ADAMS (STATE BAR 275109)
4 Deputy Attorneys General
300 South Spring Street
5 Los Angeles, CA 90013
Telephone: (213) 269-6525
6 Facsimile: (916) 731-2120
E-mail: Kenneth.Lake@doj.ca.gov
7 *Attorneys for State of California, acting by and
through the California Department
8 of Justice, Former Attorney General Xavier
Becerra in his personal capacity only and Attorney
9 General Rob Bonta in his official capacity only*

10
11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES
14

15 **FRANKLIN ARMORY, INC., ET AL.,**
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Plaintiffs-Petitioners,
17
v.
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19 **CALIFORNIA DEPARTMENT OF**
JUSTICE ET AL.,
20
Respondents-Defendants.
21
22
23
24

Case No. 20STCP01747

**NOTICE OF DEPOSITION OF
FRANKLIN ARMORY'S PERSON(S)
MOST QUALIFIED**

25 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

26 **PLEASE TAKE NOTICE** that on February 15, 2024, at 10:00 a.m., defendants will take
27 the deposition of Franklin Armory's person(s) most qualified, pursuant to Code of Civil
28

1 Procedure section 2025.230, before a certified shorthand reporter. The matters on which
2 examination is requested are as follows:

3 1. The person most qualified to testify upon matters relating to any and all writings, as
4 defined by Evidence Code section 250, which supports or otherwise relates to any claimed losses,
5 damages or lost profits in this action.

6 2. The person most qualified to testify upon matters relating to any and all writings, as
7 defined by Evidence Code section 250, which shows, indicates or otherwise relates in any way to
8 any deposit made or placed relative to any Title 1 firearm, as that term is used in paragraph 2 of
9 the SAC.

10 3. The person most qualified to testify upon matters relating to any and all writings, as
11 defined by Evidence Code section 250, which shows, indicates or otherwise relates in any way to
12 any deposit involving a request for a refund relative to any Title 1 firearm, as that term is used in
13 paragraph 2 of the SAC.

14 4. The person most qualified to testify upon matters relating to any and all writings, as
15 defined by Evidence Code section 250, which shows, indicates, constitutes or otherwise relates in
16 any way to any sales orders relative to any Title 1 firearm, as that term is used in paragraph 2 of
17 the SAC.

18 5. The person most qualified to testify upon matters relating to any and all writings, as
19 defined by Evidence Code section 250, which shows, indicates, constitutes or otherwise relates in
20 any way to any invoices relative to any Title 1 firearm, as that term is used in paragraph 2 of the
21 SAC.

22 6. The person most qualified to testify upon matters relating to any and all writings, as
23 defined by Evidence Code section 250, which shows, indicates, includes or otherwise relates in
24 any way to the names, addresses, phone numbers and/or email addresses of any individual or
25 business entity who placed or made a deposit or purchase relative to any Title 1 firearm, as that
26 term is used in paragraph 2 of the SAC.

27 7. The person most qualified to testify upon matters relating to any and all writings, as
28 defined by Evidence Code section 250, which shows or indicates in any way the existence of any

1 contract, as that term is used in paragraphs 130-135 of the second amended complaint (SAC), for
2 the purchase, sale and/or transfer of any Title 1 firearm, as that term is used in paragraph 2 of the
3 SAC.

4 8. The person most qualified to testify upon matters relating to any and all writings, as
5 defined by Evidence Code section 250, which shows or indicates in any way the existence of a
6 relationship between Franklin Armory and customers or prospective customers, as those terms are
7 used in paragraphs 140-141 and 152-153 of the SAC, in relation to any Title 1 firearm, as that
8 term is used in paragraph 2 of the SAC.

9 9. The person most qualified to testify upon matters relating to any and all writings, as
10 defined by Evidence Code section 250, which show, indicate or otherwise relate to deposits,
11 preorders and/or reserved orders or sales, as those terms are used in paragraphs 79, 130, 143 and
12 159 of the SAC, in relation to any Title 1 firearm, as that term is used in paragraph 2 of the SAC.

13 10. The person most qualified to testify upon matters relating to any and all writings, as
14 defined by Evidence Code section 250, which show or otherwise indicate the obtaining of a
15 verification number via the Internet for the intended sale, delivery, or transfer from the
16 Department of Justice, as discussed in Penal Code section 27555, in relation to any Title 1
17 firearm, as that term is used in paragraph 2 of the SAC.

18 11. The person most qualified to testify upon matters relating to any and all writings, as
19 defined by Evidence Code section 250, which show or otherwise indicate that any Title 1 firearm,
20 as that term is used in paragraph 2 of the SAC, was shipped to any firearms dealer located in
21 California.

22 This deposition will take place via remote means to be coordinated by Kennedy Court
23 Reporters. Information required for online access to this deposition will be provided by
24 defendants and/or Kennedy Court Reporters by email prior to the day of the deposition.

25 If for any reason the taking of the deposition is not completed on that date, the taking of the
26 deposition will be continued from day to day, excluding Sundays and holidays, until completed.
27 The deposition will be taken pursuant to Code of Civil Procedure section 2025.010 et seq. The
28 deposition will be video recorded.

1 **PLEASE TAKE FURTHER NOTICE** that the deponent is requested to produce all of the
2 following items, documents and/or writings, as defined by Evidence section 250, that relate in any
3 way to this action:

4 **CATEGORY NO. 1:**

5 Any and all writings, as defined by Evidence Code section 250, which supports or
6 otherwise relates to any claimed losses, damages or lost profits in this action.

7 **CATEGORY NO. 2:**

8 Any and all writings, as defined by Evidence Code section 250, which shows, indicates or
9 otherwise relates in any way to any deposit made or placed relative to any Title 1 firearm, as that
10 term is used in paragraph 2 of the SAC.

11 **CATEGORY NO. 3:**

12 Any and all writings, as defined by Evidence Code section 250, which shows, indicates or
13 otherwise relates in any way to any deposit involving a request for a refund relative to any Title 1
14 firearm, as that term is used in paragraph 2 of the SAC.

15 **CATEGORY NO. 4:**

16 Any and all writings, as defined by Evidence Code section 250, which shows, indicates,
17 constitutes or otherwise relates in any way to any sales orders relative to any Title 1 firearm, as
18 that term is used in paragraph 2 of the SAC.

19 **CATEGORY NO. 5:**

20 Any and all writings, as defined by Evidence Code section 250, which shows, indicates,
21 constitutes or otherwise relates in any way to any invoices relative to any Title 1 firearm, as that
22 term is used in paragraph 2 of the SAC.

23 **CATEGORY NO. 6:**

24 Any and all writings, as defined by Evidence Code section 250, which shows, indicates,
25 includes or otherwise relates in any way to the names, addresses, phone numbers and/or email
26 addresses of any individual or business entity who placed or made a deposit or purchase relative
27 to any Title 1 firearm, as that term is used in paragraph 2 of the SAC.

28

1 **CATEGORY NO. 7:**

2 Any and all writings, as defined by Evidence Code section 250, which shows or indicates in
3 any way the existence of any contract, as that term is used in paragraphs 130-135 of the second
4 amended complaint (SAC), for the purchase, sale and/or transfer of any Title 1 firearm, as that
5 term is used in paragraph 2 of the SAC.

6 **CATEGORY NO. 8:**

7 Any and all writings, as defined by Evidence Code section 250, which shows or indicates in
8 any way the existence of a relationship between Franklin Armory and customers or prospective
9 customers, as those terms are used in paragraphs 140-141 and 152-153 of the SAC, in relation to
10 any Title 1 firearm, as that term is used in paragraph 2 of the SAC.

11 **CATEGORY NO. 9:**

12 Any and all writings, as defined by Evidence Code section 250, which show, indicate or
13 otherwise relate to deposits, preorders and/or reserved orders or sales, as those terms are used in
14 paragraphs 79, 130, 143 and 159 of the SAC, in relation to any Title 1 firearm, as that term is
15 used in paragraph 2 of the SAC.

16 **CATEGORY NO. 10:**

17 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
18 indicate the obtaining of a verification number via the Internet for the intended sale, delivery, or
19 transfer from the Department of Justice, as discussed in Penal Code section 27555, in relation to
20 any Title 1 firearm, as that term is used in paragraph 2 of the SAC.

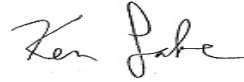
21 **CATEGORY NO. 11:**

22 Any and all writings, as defined by Evidence Code section 250, which show or otherwise
23 indicate that any Title 1 firearm, as that term is used in paragraph 2 of the SAC, was shipped to
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1 any firearms dealer located in California.

2 Dated: December 27, 2023

Respectfully submitted,
ROB BONTA
Attorney General of California
DONNA M. DEAN
Supervising Deputy Attorney General

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KENNETH G. LAKE
Deputy Attorney General
8 *Attorneys for State of California, acting by*
9 *and through the California Department of*
10 *Justice, Former Attorney General Xavier*
11 *Becerra in his personal capacity only and*
12 *Attorney General Rob Bonta in his official*
13 *capacity only*

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1 DECLARATION OF SERVICE

2 RE: *Franklin Armory, Inc., v. California Department of Justice.*
3 Case No. 20STCP01747

4 I declare: I am employed in the City of Los Angeles, County of Los Angeles, State
5 of California. I am over the age of 18 years and not a party to the within action. My business
6 address is 300 South Spring Street, Room 1700, Los Angeles, California 90013. On December
7 27, 2023, I served the documents named below on the parties in this action as follows:

8 NOTICE OF DEPOSITION OF FRANKLIN ARMORY'S PERSON MOST QUALIFIED

9 C.D. Michel
10 Anna M. Barvir
11 MICHEL & ASSOCIATES, P.C.
12 180 E. Ocean Blvd., Suite 200
13 Long Beach, CA 90802
14 abarvir@michellawyers.com
15 sbrady@michellawyers.com
16 lpalmerin@michellawyers.com

17 *Attorneys for Plaintiff*

18 (BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in
19 the United States mail at Los Angeles, California. I am readily familiar with the practice of
20 the Office of the Attorney General for collection and processing of correspondence for
21 mailing, said practice being that in the ordinary course of business, mail is deposited in the
22 United States Postal Service the same day as it is placed for collection.

23 (BY OVERNIGHT DELIVERY) I placed a true copy thereof enclosed in a sealed envelope,
24 in the internal mail system of the Office of the Attorney General, for overnight delivery with
25 the GOLDEN STATE OVERNIGHT courier service.

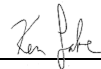
26 (BY FACSIMILE) I caused to be transmitted the documents(s) described herein via fax
27 number.

28 (BY ELECTRONIC MAIL) I caused to be transmitted the documents(s) described herein
via electronic mail to the email address(es) listed above.

(STATE) I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

(FEDERAL) I declare under penalty of perjury under the laws of the State of California and
the United States of America that the above is true and correct.

Executed on December 27, 2023.



Kenneth G. Lake

EXHIBIT 4

From: Anna M. Barvir

Sent: Thursday, February 8, 2024 6:17 PM

To: Kenneth Lake <Kenneth.Lake@doj.ca.gov>

Cc: Andrew Adams <Andrew.Adams@doj.ca.gov>; Tiffany Cheuvront <tcheuvront@michellawyers.com>; jason <jason@calgunlawyers.com>; Laura Palmerin <lpalmerin@michellawyers.com>

Subject: Franklin Armory v. California DOJ

Ken,

Welcome back! I hope you had a restful time of healing from your medical procedure and that you are well on your way to full recovery. Not to overwhelm you, but we do have some odds and ends to address before next week.

Confirming Noticed Depositions

Before you went on leave, you noticed the depositions of FAI employees, David Gockel (2/12), Karin Jacobson (2/13), and JoAnn Ignatich (2/14). You indicated that we could discuss rescheduling any of those depositions, if necessary, upon your return. We have confirmed that Ms. Jacobson and Ms. Ignatich are available on the dates you noticed.

Mr. Gockel, however, is traveling for work during the week of February 12, as well as much of the following week. We are still trying to pin down dates that both Mr. Gockel and our office are available, but I will let you know as soon as I can.

Deposition of Person Most Qualified

We have reviewed the Defendants' list of subject matters for the Deposition of the Person Most Qualified with our client, and together, we identified the person most qualified to testify about each subject. See below:

Subject Matter No. 1: David Gockel

Subject Matter No. 2: Karin Jacobson

Subject Matter No. 3: JoAnn Ignatich

Subject Matter No. 4: David Gockel

Subject Matter No. 5: Kassandra Parra

Subject Matter No. 6: Regarding the contact information of FAI's Title 1 customers and prospective customers, we maintain our objection to turning over or responding to requests for the sensitive information of FAI's customers and retailers without a court order. If this request is seeking the PMQ to testify about the existence of documents that include such information, we can identify that person. But to the extent this subject is requesting the PMQ to testify about the contact information itself, we object to this subject matter.

Subject Matter No. 7: Jay Jacobson

Subject Matter No. 8: Jay Jacobson

Subject Matter No. 9: Karin Jacobson

Subject Matter No. 10: Kassandra Parra

Subject Matter No. 11: Jay Jacobson

David, JoAnn, and Karin already have depositions coming up, and we think it would be sensible to handle both their witness depo and the PMQ portion on the same day. Let me know if you agree.

Jay has already been deposed. We are willing to produce him for those subjects he is most qualified to testify about, but only to the extent that he has not already been questioned about those matters. I do know that he is available on 2/12 and 2/16. If that is too soon, let me know and I will get a few more dates from him.

Kassandra has no deposition already on the calendar. She is available most Tuesdays and Thursdays.


Rescheduling Deposition of Blake Graham

While you were away, Blake Graham was identified as a witness. We had noticed his deposition for January 31, 2024, but Andrew requested that we wait till your return. And we obliged. Please provide some dates that you are available to defend the Graham depo, so that we may re-serve the subpoena.

Feel free to call or email me at your convenience if you'd like to discuss further.

Regards,

Anna

<p>Anna M. Barvir Partner</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4453 Main: (562) 216-4444 Fax: (562) 216-4445 Email: ABarvir@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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This email is confidential and legally privileged. If you received this email by mistake, you are on notice of its status. Please do not copy it, use it for any purposes, or disclose it to anyone. That could violate state and Federal privacy laws. Please notify us by reply email and then delete this message. Please get in touch with us at (562) 216-4444 if you need assistance.

EXHIBIT 5

SENIOR PARTNER
C. D. Michel*

PARTNERS
Anna M. Barvir
Matthew D. Cubeiro
Joshua Robert Dale**
W. Lee Smith

* Also admitted in Texas and the District
of Columbia
** Also admitted in Nevada



ASSOCIATES
Tiffany D. Chevront
Alexander A. Frank
Konstadinos T. Moros

OF COUNSEL
Sean A. Brady
Jason A. Davis
Joseph Di Monda
Scott M. Franklin
Michael W. Price

writer's direct contact:
562-216-4453
ABarvir@michellawyers.com

April 26, 2024

VIA EMAIL (Andrew.Adams@doj.ca.gov)

Mr. Andrew F. Adams
Deputy Attorney General
California Department of Justice
300 S. Spring Street, Suite 1702
Los Angeles, CA 90013-1230

**Re: *Franklin Armory, Inc., et al. v. Department of Justice, et al.*
Meet and Confer Re: Defendants' Request for Unredacted Sales Orders**

Andrew,

I write in response to your meet-and-confer email of April 22, 2024, and your request that we reconsider our objection to producing unredacted copies of sales orders and other documents that include customer names, addresses, and other sensitive identifying information. We have reviewed the cases you cited in your recent email, but for the reasons laid out below and in our previous objections, we cannot agree to produce the unredacted documents without a court order.

First, while *Puerto v. Superior Court* acknowledges the truism that "our discovery system is founded on the understanding that parties use discovery to obtain names and contact information for possible witnesses as the starting point for further investigations," it also explains that "the right to discovery is not absolute, *particularly where issues of privacy are involved.*" (158 Cal.App.4th 1242, 1250, italics added.) When privacy rights are implicated, "California courts balance the public need against the weight of the right." (*Ibid.*) This "requires a careful evaluation of the privacy right asserted, the magnitude of the imposition on that right, and the interests militating for and against any intrusion on privacy." (*Ibid.*) This is a highly fact-specific balancing test, and it is our position that, in this case, it strongly favors non-disclosure.

The other cases you cite are not all that relevant because the issue of third-party privacy is not central to either case. *Hartbrodt v. Burke* and *Fremont Indemnity Co. v. Superior Court* both concern plaintiffs objecting to discovery requests on Fifth Amendment grounds. In *Hartbrodt*, the plaintiff refused to produce a recorded conversation between the plaintiff and the defendant. In *Fremont*, the plaintiff refused to sit for a deposition in a case against his insurer to recover for a fire loss where arson was the suspected cause. These cases are about plaintiffs seeking to withhold discoverable information about themselves while, at the same time, hiding behind that non-disclosure to their advantage. To be

sure, *litigants* may not have their cake and eat it, too. But that isn't what is happening here. The individuals who placed deposits for Title 1 firearms are not parties to this action. They are third-party nonlitigants with constitutionally and statutorily protected privacy interests that my client is bound to respect—even though disclosure would tend to make it easier for my client to present parts of its case.

As we've discussed before, Franklin Armory's customers have little trust in the state government to safeguard their private information. Any promises not to misuse their information will no doubt fall on deaf ears—especially following your client's careless disclosure of the addresses of tens of thousands of Californians with CCW permits. Given the sensitive information subject to potential disclosure, and the DOJ's history of leaking such information to the public, the customers' privacy interests are certainly implicated.

My client is also bound by the California Consumer Privacy Act, which the DOJ's website helpfully informs us includes “[t]he right [for consumers] to know about the personal information a business collects about them and how it is used and shared.” (See <https://oag.ca.gov/privacy/ccpa>.) While the Act contains exemptions for exercising or defending legal claims, such exception would presumably not relieve our client of the basic obligation to give its customers the chance to object to the sharing of their information.

Turning to the Defendants' need for the material, the information requested is of limited use to the Defendants, who could not use it to refute Plaintiff's allegation that they stood to gain a future economic advantage without speaking to every one of the thousands of deposit-paying customers. The mere objective of establishing an economic relationship, which is already glaringly evident, does not warrant providing the sweeping information you request. If Defendants want to “verify the sales, or talk to any of the supposed buyers,” Plaintiff long ago identified retailers that sought to order Title 1s. And Plaintiff is prepared to notify its customers to identify others willing to be known at this stage. But we oppose wholesale disclosure of thousands of customers' names, addresses, phone numbers, credit card numbers, and the like.

In short, while the interest in third-party privacy is particularly high here, the Defendants' need for this information—when they have already received thousands of sales orders redacted only as to identifying information—appears to be minimal. Perhaps you could elaborate on why the Defendants need the identities and contact information of every customer to make their case; that may help us understand how it could have probative value that we aren't grasping. Failing that, it seems you are only demanding it to harass and annoy Franklin Armory or its customers, so the balance of interests favors nondisclosure.

Finally, even if the Defendants could establish enough of an interest in seeing the unredacted documents, “before a court can make such a determination, it must afford the parties whose privacy rights are at issue an opportunity to present their views.” (*Doe 2 v. Super. Ct.* (2005) 132 Cal.App.4th 1504, 1520.) As we have repeatedly stated in our objections to Defendants' discovery requests, Plaintiff will insist on a notice and opt-out procedure. This, too, is supported by the relevant case law. For instance, in *Pioneer Electronics, Inc. v. Superior Court* (2007) 40 Cal.4th 360, a class action was brought alleging that Pioneer sold defective DVD players. To identify and grow the class, the class representative wanted to know who else had complained about the defect. Unlike the identities of those wishing to buy a firearm, it's hard to imagine any serious harm in divulging the identities of the

Andrew F. Adams

April 25, 2024

Page 3 of 3

complaining purchasers of broken DVD players. After all, they were potential class members who could *benefit* from the litigation; any privacy interest was minimal. Even so, the California Supreme Court upheld the trial court's notice and opt-out procedure. If even purchasers of faulty DVD players have enough privacy interest in their contact information and buying habits to justify protective measures, certainly Franklin Armory's customers do, too.

At this point, we believe the parties are at an impasse and that further discussions about this issue would not likely be fruitful. That said, should you have any further questions or concerns, please do not hesitate to reach out to me. You can always contact me by email at abarvir@michellawyers.com or by phone at (562) 216-4453.

Thank you,
Michel & Associates, P.C.



Anna M. Barvir

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I
5 am over the age eighteen (18) years and am not a party to the within action. My business address is 180
6 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On June 28, 2024, I served the foregoing document(s) described as

8 **DECLARATION OF ANNA M. BARVIR IN SUPPORT OF PLAINTIFF’S OPPOSITION TO
9 DEFENDANTS’ MOTION TO COMPEL PRODUCTION OF UNREDACTED
10 DOCUMENTS**

11 on the interested parties in this action by placing
12 [] the original
13 [X] a true and correct copy
14 thereof by the following means, addressed as follows:

15 Kenneth G. Lake
16 Deputy Attorney General
17 Email: Kenneth.Lake@doj.ca.gov
18 Andrew Adams
19 Email: Andrew.Adams@doj.ca.gov
20 California Department of Justice
21 300 South Spring Street, Suite 1702
22 Los Angeles, CA 90013
23 *Attorney for Respondents-Defendants*

24 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic
25 transmission through One Legal. Said transmission was reported and completed without error.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing is
27 true and correct.

28 Executed on June 28, 2024, at Long Beach, California.



Laura Palmerin