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

11 FRANKLIN ARMORY, INC., et al.,

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]

**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
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Trial Date: August 20, 2024

TABLE OF CONTENTS

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

	Page
Table of Contents	2
Table of Authorities	3
Introduction.....	5
Factual Background	5
I. Initial Requests and Responses	5
II. Subsequent Deposition Notices and Accompanying Requests for Production	7
III. Defendants’ Motion to Compel	8
Argument	8
I. Defendants’ Motion to Compel Is Procedurally Improper and Untimely	8
II. Defendants Cannot Show That Their Claimed Need for the Disclosure of Unredacted Customer Information Outweighs FAI’s Need to Withhold It	8
A. Legal Standard	8
B. The Privacy Rights of FAI’s Customers Weigh Heavily Against Disclosure	9
C. Disclosure Would Reveal Trade Secrets and Cause Competitive Harm to FAI.....	11
D. Defendants’ Claimed Need for Unredacted Documents Lacks Merit and Is Belied by Their Own Actions.....	12
III. If Disclosure Is Ordered, It Must Be Subject to Stringent Protective Measures	14
Conclusion	15

TABLE OF AUTHORITIES

Page(s)

Cases

Belaire-West Landscape, Inc. v. Super. Ct.
(2007) 149 Cal.App.4th 554 9

City & Cnty. of San Francisco v. Super. Ct.
(1951) 37 Cal.2d 227 11

Deputy Dist. Atty. Michele Hanisee v. State of California
L.A. Super. Ct. No. 23STCV07718 10

Hartbrodt v. Burke
(1996) 42 Cal.App.4th 168 11

Morlife, Inc. v. Perry
(1997) 56 Cal.App.4th 1514 11

Pioneer Electronics, Inc. v. Super. Ct.
(2007) 40 Cal.4th 360 14

Puerto v. Super. Ct.
(2008) 158 Cal.App.4th 1242 9

Tien v. Super. Ct.
(2006) 139 Cal.App.4th 528 10, 12

Valley Bank of Nevada v. Super. Ct.
(1975) 15 Cal.3d 652 10

Williams v. Super. Ct.
(Cal. 2017) 3 Cal.5th 531 13

Wilson v. Super. Ct. (Enid)
(1976) 63 Cal.App.3d 825 11

Wilson v. Super. Ct.
(Ct. App. 1976) 63 Cal.App.3d 825 11

Statutes

Cal. Const., art. I, § 1 9

Code Civ. Proc., § 2017.010 9

Code Civ. Proc., § 2017.020 9, 15

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4
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1 **INTRODUCTION**

2 Defendants’ Motion to Compel Production of Unredacted Documents should be denied. This
3 motion impermissibly tries to circumvent discovery deadlines and procedures and obtain unredacted
4 versions of documents produced to them long before any of the notices of deposition at issue were
5 noticed. Defendants requested these documents through a Request for Production of Documents, Set
6 Three, served on May 11, 2023. Plaintiff Franklin Armory, Inc. timely produced documents in response
7 on September 20, 2023, with redactions necessary to protect customer privacy and trade secrets. Having
8 failed to timely move to compel regarding those requests, Defendants improperly seek the same
9 information through deposition notices, disregarding FAI’s clearly stated objections to producing such
10 materials and objection to producing a person most qualified on customer-identifying information.
11 Moreover, Defendants’ motion mischaracterizes the history of the parties’ meet-and-confer efforts and
12 FAI’s discovery responses. Contrary to Defendants’ claims, FAI never agreed to produce the requested
13 unredacted documents, maintained its objections, and properly responded to Defendants’ deposition
14 notices. The Court should deny Defendants’ belated and procedurally improper attempt to obtain
15 sensitive customer information to which they are not entitled.

16 Defendants’ claimed need for the unredacted customer information fails to outweigh the
17 substantial privacy interests of FAI’s customers and the potential competitive harm to FAI. The legal
18 standards require balancing the need for disclosure against the privacy rights of FAI’s customers and the
19 undue burden of production. Here, the privacy rights of FAI’s customers are paramount, particularly
20 given the sensitive nature of firearm ownership and past breaches of trust by the DOJ. The unredacted
21 information sought also constitutes trade secrets that would harm FAI competitively if disclosed.
22 Defendants have not demonstrated and cannot demonstrate a compelling need for this information, and
23 their actions suggest that this motion is more about harassment than legitimate discovery needs. If the
24 Court does order disclosure, stringent protective measures must be implemented to safeguard the
25 sensitive information.

26 **FACTUAL BACKGROUND**

27 **I. INITIAL REQUESTS AND RESPONSES**

28 On May 11, 2023, Defendants served FAI with Request for Production of Documents, Set Three,

1 which included requests for the documents that would later become the subject of this motion. These
2 requests sought, among other things, customer lists and identifying information for individuals who had
3 placed deposits on FAI's Title 1® firearm. (Barvir Decl., ¶ 2, Ex. 1.) These requests included:

4 **RFP No. 38:** Any and all writings, as defined by Evidence Code section
5 250, which you contend show or indicate in any way the existence of any
6 contract, as that term is used in paragraphs 130-135 of the SAC, for the
purchase, sale, and/or transfer of any Title 1, centerfire caliber firearm, as
that term is used in paragraph 2 of the SAC.

7 **RFP No. 39:** Any and all writings, as defined by Evidence Code section
8 250, which you contend show or indicate in any way the existence of any
9 contract, as that term is used in paragraphs 130-135 of the SAC, for the
purchase, sale, and/or transfer of any Title 1, rimfire caliber firearm, as
that term is used in paragraph 2 of the SAC.

10 **RFP No. 40:** Any and all writings, as defined by Evidence Code section
11 250, which you contend show or indicate in any way the existence of a
12 relationship between Franklin Armory and customers or prospective
13 customers, as those terms are used in paragraphs 140-141 and 152-153 of
the SAC, in relation to any Title 1, centerfire caliber firearm, as that term
is used in paragraph 2 of the SAC.

14 **RFP No. 41:** Any and all writings, as defined by Evidence Code section
15 250, which you contend show or indicate in any way the existence of a
16 relationship between Franklin Armory and customers or prospective
customers, as those terms are used in paragraphs 140-141 and 152-153 of
the SAC, in relation to any Title 1, rimfire caliber firearm, as that term is
used in paragraph 2 of the SAC.

17 **RFP No. 42:** Any and all writings, as defined by Evidence Code section
18 250, which show, indicate, or otherwise relate to deposits, preorders,
19 and/or reserved orders or sales, as those terms are used in paragraphs 79,
130, 143, and 159 of the SAC, in relation to any Title 1, centerfire caliber
firearm, as that term is used in paragraph 2 of the SAC.

20 **RFP No. 43:** Any and all writings, as defined by Evidence Code section
21 250, which show, indicate, or otherwise relate to deposits, preorders,
22 and/or reserved orders or sales, as those terms are used in paragraphs 79,
130, 143, and 159 of the SAC, in relation to any Title 1, rimfire caliber
firearm, as that term is used in paragraph 2 of the SAC.

23 FAI served objections, responses, and responsive documents to these requests on September 20,
24 2023, raising various objections including privacy and trade secret protection. (Barvir Decl., ¶ 3, Ex. 2.)
25 The documents produced included redactions to customer names and other identifying information,
26 which were necessary to protect the privacy and confidentiality of FAI's customers as explained in
27 detail in FAI's objections. (Barvir Decl., ¶ 3, Ex. 2.) In short, the redactions were made to respect the
28 privacy interests of third-party nonlitigants, given the sensitive nature of the information included and

1 the customers’ distrust in the state government to safeguard their private information, especially in light
2 of previous breaches by the DOJ.

3 Still, Defendants insisted on obtaining unredacted versions. (Barvir Decl., ¶ 4.) The parties thus
4 engaged in extensive meet-and-confer communications regarding the redacted documents. (Barvir Decl.,
5 ¶¶ 4-5.) Although FAI granted Defendants an extension to move to compel, Defendants ultimately failed
6 to file such a motion by the extended deadline of February 22, 2024. (Barvir Decl., ¶ 4.) As a result, any
7 right Defendants may have had to challenge the redactions was waived.

8 **II. SUBSEQUENT DEPOSITION NOTICES AND ACCOMPANYING REQUESTS FOR PRODUCTION**

9 On December 27, 2023, Defendants served a notice of deposition for Franklin Armory’s Person
10 Most Qualified (“PMQ Notice”), scheduled for February 15, 2024. (Barvir Decl., ¶ 6, Ex. 3.) This PMQ
11 Notice included document requests that were substantively identical to those in the earlier Request for
12 Production, Set Three (specifically, Category Nos. 2, 3, 4, 5, 6, 7, 8, and 9). (Barvir Decl., ¶ 6, Ex. 3.)
13 Defendants also served notices of deposition for Ms. Joann Ignatich, Mr. David Gockel, and Ms. Karin
14 Jacobson, each containing identical document requests. (Barvir Decl., ¶ 7.)

15 In response to the PMQ Notice, counsel for FAI emailed counsel for Defendants on February 8,
16 2024, stating that Mr. Gockel was only qualified to testify about Subject Matter Nos. 1 and 4,
17 identifying Mr. Jay Jacobson, Mr. Gockel, Ms. Jacobson, Ms. Ignatich, and other employees as those
18 most qualified to testify to other subjects. (Barvir Decl., ¶ 8.) Despite this, Defendants initially chose
19 only to proceed with Mr. Gockel’s deposition, which took place on April 22, 2024. (Barvir Decl., ¶ 10.)
20 They would not decide to depose Ms. Jacobson until June 18, 2024. (Barvir Decl., ¶ 10.) And they have
21 yet to pursue the deposition of Ms. Ignatich or the PMQ deposition of Mr. Jacobson. (Barvir Decl.,
22 ¶ 10.)

23 FAI’s counsel’s February 8 email also stated that FAI would not produce a witness to testify
24 about documents revealing the names, addresses, phone numbers, or email addresses of any individual
25 or business entity who made a deposit or purchase relative to any Title 1® firearm (i.e., Subject Matter
26 No. 6). (Barvir Decl., ¶ 9.) Defendants did not object or respond to this decision. (Barvir Decl., ¶ 9.) FAI
27 expressly reiterated this objection in a timely formal response and objection to Defendants’ PMQ
28 deposition. (Barvir Decl., ¶ 11.)

1 **III. DEFENDANTS’ MOTION TO COMPEL**

2 Defendants’ current motion seeks to compel the production of unredacted versions of the very
3 same documents they already requested, already received, and failed to timely move to compel. Now,
4 more than three months after failing to timely move to compel in response to their Request for
5 Production, and over four months after being explicitly told that FAI would not produce a witness to
6 testify about customer-identifying information, Defendants bring this motion to compel production of
7 unredacted documents pursuant to their deposition notices.

8 **ARGUMENT**

9 **I. DEFENDANTS’ MOTION TO COMPEL IS PROCEDURALLY IMPROPER AND UNTIMELY**

10 Defendants’ motion to compel should be denied as procedurally improper and untimely.
11 Defendants are trying to circumvent the discovery process and revive a lapsed opportunity to challenge
12 FAI’s objections to producing unredacted customer information. Under Section 2031.310, subdivision
13 (c), Defendants had 45 days from September 20, 2023, to move to compel production of the records
14 requested. By mutual agreement, this deadline was extended several times to February 22, 2024. (Barvir
15 Decl., ¶ 4.) Defendants did not move to compel by this date. At this point, any dispute over the
16 production of unredacted documents in response to the Request for Production, Set Three, was resolved.

17 Now, more than three months after failing to bring a timely motion to compel production of
18 unredacted documents, Defendants seek the same information through deposition notices. This is a
19 transparent attempt to circumvent the discovery process and revive a lapsed opportunity to challenge
20 FAI’s objections. Moreover, FAI explicitly informed Defendants on February 8, 2024, that it would not
21 produce anyone for Subject Matter No. 6 in the PMQ deposition notice, which sought testimony about
22 customer identifying information. (Barvir Decl., ¶ 9.) Defendants did not respond. (Barvir Decl., ¶ 9.)
23 Defendants’ belated attempt to compel production of unredacted versions of documents they already have
24 in their possession should be rejected as procedurally improper and untimely.

25 **II. DEFENDANTS CANNOT SHOW THAT THEIR CLAIMED NEED FOR THE DISCLOSURE OF**
26 **UNREDACTED CUSTOMER INFORMATION OUTWEIGHS FAI’S NEED TO WITHHOLD IT**

27 **A. Legal Standard**

28 Under California law, discovery is broad, but it is not unlimited. The Code of Civil Procedure

1 allows for discovery of any non-privileged information that is relevant to the subject matter of the action
2 and reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc.,
3 § 2017.010.)¹ But courts must balance the need for discovery against privacy rights and undue burdens.
4 (§§ 2017.020, 2031.030, subd. (c)(1).) Defendants’ demand that FAI turn over unredacted copies of
5 documents in response to Category Nos. 1-6 of the PMQ Notice and substantively identical witness
6 deposition notices, when weighed against its probative value, constitutes an unreasonable invasion of
7 privacy and a significant intrusion upon the rights of FAI’s customers and distributors who are not
8 parties to this litigation. Indeed, Defendants’ motion demand the production of thousands of pages of
9 unredacted documents exposing the sensitive identifying information of FAI’s customers, including
10 sales orders, customer addresses and credit card information, and vendor records that are protected from
11 disclosure by the constitutional right of privacy. Therefore, even if the Court considers Defendants’
12 untimely motion on its merits, it should deny the request because Defendants have not proved, *and*
13 *cannot prove*, that their purported need for the disclosure of unredacted customer information outweighs
14 the interests of FAI (and its customers) in safeguarding it.

15 **B. The Privacy Rights of FAI’s Customers Weigh Heavily Against Disclosure**

16 Defendants’ motion should be denied because the privacy rights of FAI’s customers protect their
17 identifying information from disclosure. The California Constitution explicitly recognizes privacy as an
18 inalienable right (Cal. Const., art. I, § 1), and this protection extends to personal information in business
19 records. (See *Belaire-West Landscape, Inc. v. Super. Ct.* (2007) 149 Cal.App.4th 554, 557 [“The
20 constitutional right to privacy protects an individual’s reasonable expectation of privacy against a
21 serious invasion.”].) To be sure, *Puerto v. Superior Court* (2008) 158 Cal.App.4th 1242, 1250,
22 acknowledges that “our discovery system is founded on the understanding that parties use discovery to
23 obtain names and contact information for possible witnesses as the starting point for further
24 investigations.” But it also explains that “the right to discovery is not absolute, *particularly where issues*
25 *of privacy are involved.*” (*Ibid.*, italics added.) When privacy rights are implicated, “California courts
26 balance the public need against the weight of the right.” (*Ibid.*) This “requires a careful evaluation of the
27

28 ¹ Statutory references are to the Code of Civil Procedure unless otherwise indicated.

1 privacy right asserted, the magnitude of the imposition on that right, and the interests militating for and
2 against any intrusion on privacy.” (*Ibid.*) “[T]he more sensitive the nature of the personal information
3 that is sought to be discovered, the more substantial the showing of the need for the discovery that will
4 be required before disclosure will be permitted.” (*Tien v. Super. Ct.* (2006) 139 Cal.App.4th 528, 539
5 (hereinafter “*Tien*”).) This is a highly fact-specific balancing test and, in this case, it strongly favors non-
6 disclosure.

7 In this case, the privacy interests at stake are particularly significant. The unredacted documents
8 sought by Defendants contain sensitive personal information of FAI’s customers, including names,
9 addresses, phone numbers, and potentially credit card information. (Barvir Decl., ¶ 3.) They also reveal
10 these individuals’ status as firearm owners or prospective owners, a fact many would consider intensely
11 private. Indeed, FAI’s customers have little trust in the state government to safeguard their private
12 information. And any promises not to misuse their information will no doubt be met with well-deserved
13 skepticism—especially following the DOJ’s careless public leak of the addresses of tens of thousands of
14 gun-owning Californians who have applied for CCW permits, including judges, prosecutors, and other
15 public officials. (Associated Press, *Failure of Officials to Follow Policy Caused California Gun*
16 *Owners’ Data Leak*, The Guardian (Dec. 1, 2022) <[https://www.theguardian.com/us-](https://www.theguardian.com/us-news/2022/dec/01/california-justice-department-gun-owner-data-leak-error)
17 [news/2022/dec/01/california-justice-department-gun-owner-data-leak-error](https://www.theguardian.com/us-news/2022/dec/01/california-justice-department-gun-owner-data-leak-error)> (as of June 28, 2024). See
18 also *Deputy Dist. Atty. Michele Hanisee v. State of California*, L.A. Super. Ct. No. 23STCV07718.) The
19 potential for harm from disclosure to Defendants is not speculative. On the contrary, the DOJ’s
20 disclosure of CCW applicants’ personal information demonstrates the real risks faced by gun owners
21 when their private information is released to Defendants. This context heightens the privacy interests at
22 stake and underlines the need for robust protection.

23 Moreover, the customers’ expectation of privacy in this context is both subjectively and
24 objectively reasonable. As noted in *Valley Bank of Nevada v. Superior Court*, customers providing
25 information to banks reasonably expect that information “will be utilized by the [business] only for
26 internal banking purposes.” (*Valley Bank of Nevada v. Super. Ct.* (1975) 15 Cal.3d 652, 657.) The same
27 principle applies here. FAI’s customers reasonably expected their information would be used solely for
28 the purpose of their firearm purchases, not disclosed to third parties or the government.

1 Defendants contend, however, that FAI has waived privilege over customer information by
2 asserting claims based on these relationships. (Mot., p. 5, discussing *Hartbrodt v. Burke* (1996) 42
3 Cal.App.4th 168; *City & Cnty. of San Francisco v. Super. Ct.* (1951) 37 Cal.2d 227; *Wilson v. Super. Ct.*
4 (*Enid*) (1976) 63 Cal.App.3d 825) The argument must fail. FAI did not—and cannot—waive the
5 constitutional right to privacy of its customers who are not party to this litigation. The cases Defendants
6 cite are not relevant because the issue of third-party privacy is not central to those cases. The distinction
7 is crucial. Indeed, *all* three cases on which Defendants rely concern plaintiffs objecting to discovery
8 requests to prevent the disclosure of their *own* information. In *Hartbrodt*, the plaintiff refused to produce
9 a recorded conversation between the plaintiff and the defendant. (42 Cal.App.4th at p. 169.) In *Wilson*,
10 the plaintiff refused to provide copies of her own tax returns. (*Wilson v. Superior Ct.* (Ct. App. 1976) 63
11 Cal.App.3d 825.) And in *San Francisco*, a doctor who had examined the plaintiff refused to testify on
12 the grounds that he was solely an agent of the plaintiff’s attorneys. (37 Cal.2d at p. 231.)

13 In short, these cases are about plaintiffs seeking to withhold discoverable information about
14 themselves while, at the same time, hiding behind that non-disclosure to their advantage. To be sure,
15 *litigants* may not have their cake and eat it, too. But that isn’t what is happening here. The individuals
16 who placed deposits for Title 1® firearms are not parties. They are third-party nonlitigants with
17 constitutionally protected privacy interests that FAI is bound to respect. And the compelled disclosure of
18 their personal information—especially to the DOJ—threatens those paramount interests.

19 **C. Disclosure Would Reveal Trade Secrets and Cause Competitive Harm to FAI**

20 Apart from the privacy concerns of FAI’s customers, the unredacted customer information
21 sought by Defendants constitutes trade secrets, the disclosure of which would cause competitive harm to
22 FAI. Under California law, customer lists can qualify as trade secrets when they contain information that
23 is not readily ascertainable to competitors and has independent economic value. (*Morlife, Inc. v. Perry*
24 (1997) 56 Cal.App.4th 1514, 1521, 66.) The customer lists at issue easily meet this definition. They
25 contain detailed information about individuals interested in purchasing specific firearms, including their
26 contact information and purchasing history. This information has been developed by FAI through
27 considerable time, effort, and expense. If disclosed, this information could be used by competitors to
28 directly target FAI’s customers, causing significant competitive harm.

1 Moreover, the disclosure of this information could have a severe chilling effect on FAI's
2 business, particularly given the unique privacy concerns of its customer base. Gun owners tend to be
3 extremely privacy-conscious due to concerns about potential government overreach, social stigma, and
4 security risks associated with firearm ownership. If customers believe their personal information may be
5 subject to disclosure in litigation, many will likely forgo purchases altogether. This chilling effect
6 extends beyond just the specific customers whose information is demanded to be revealed in this case.
7 News of such a disclosure would likely spread quickly within the firearms community, likely tarnishing
8 FAI's reputation in the field and leading to a broad-based erosion of customer trust. In the current
9 political climate, many firearm owners fear ending up on what they perceive as a "government list" of
10 gun owners. Disclosure to a state agency like the DOJ, even in litigation, could seem like an
11 unacceptable risk.

12 **D. Defendants' Claimed Need for Unredacted Documents Lacks Merit and Is Belied by**
13 **Their Own Actions**

14 Given the heightened third-party privacy concerns and the significant potential for competitive
15 harm to FAI, Defendants must show an exceptionally compelling need for this information—a burden
16 they cannot meet. (See *Tien, supra*, 139 Cal.App.4th at p. 539.) Indeed, Defendants' purported need for
17 this information—when they have already received thousands of sales orders redacted only as to
18 identifying information—is minimal and it is undercut by Defendants' own actions here. This Court
19 should thus deny Defendants' motion.

20 First, Defendants claim they need unredacted information to verify that the depositors are "real
21 person[s] with ... real address[es] in California." (Mot., p. 3.) This argument is specious at best. FAI has
22 produced thousands of pages of redacted customer lists and sales records. (Barvir Decl., ¶ 3.) That these
23 business records exist, absent any evidence of fraud, establishes the existence of real customers. And
24 Defendants have provided no basis for their apparent suspicion that these records are fabricated. What's
25 more, the information requested is of limited use to Defendants, who could not use it to refute FAI's
26 allegations that it stood to gain an economic advantage without speaking to every one of the thousands
27 of deposit-paying customers. Furthermore, Defendants have had these documents since the fall of 2023.
28 It is only now, at the last minute, that they are seeking contact information for thousands of individuals.

1 This delay raises questions about the urgency and sincerity of their request. The mere objective of
2 establishing an economic relationship, which is already glaringly evident, does not warrant providing the
3 sweeping information Defendants seek. If they truly wanted to verify the sales or confirm that the buyers
4 are “real person[s],” FAI long ago identified retailers that sought to order Title 1® firearms (SAC,
5 ¶¶ 99-102; Barvir Decl., ¶ 13), and FAI offered to notify its customers to identify others willing to be
6 known at this stage (Barvir Decl., ¶ 12, Ex. 5). Defendants never tried to question the retailers identified
7 in operative complaint and in written discovery, nor did they take FAI up on its offer to help identify
8 willing purchasers. (Barvir Decl., ¶ 12.) Their inaction in taking discovery on the individuals they
9 already know about further suggests that their demand for unredacted information is not genuinely
10 aimed at verifying customer identities.

11 Second, while identifying potential witnesses is indeed a fundamental function of the discovery
12 process, *Williams v. Superior Court* (Cal. 2017) 3 Cal.5th 531, this does not justify the wholesale
13 disclosure of personal customer information. The redacted documents already provided offer ample
14 information for Defendants to understand the nature and scope of the alleged damages. (See, e.g., Barvir
15 Decl., Ex. 3.) If Defendants wish to depose specific customers, they can request FAI to contact those
16 individuals to seek their consent for disclosure of their information as FAI already offered to do. (Barvir
17 Decl., ¶ 11.)

18 Finally, Defendants’ claim that they require unredacted customer lists to verify the legitimacy of
19 deposits is fundamentally undermined by their own actions. On April 26, 2024, Defendants moved for
20 summary judgment, revealing their belief that they have enough evidence to prevail in this case without
21 the unredacted customer information they now claim is essential to their case. This sequence of events
22 exposes the disingenuous nature of Defendants’ current claims. If verifying the legitimacy of deposits
23 was truly critical to their case, Defendants could not have proceeded to summary judgment without this
24 information. Their motion to compel, coming weeks after their summary judgment filing, appears to be
25 more of a fishing expedition than a legitimate request for necessary evidence. The timing of this motion
26 not only contradicts Defendants’ claims of necessity but also undermines any assertion of “good cause”
27 for compelling production of these sensitive documents. If this information were as central to the case as
28

1 Defendants now claim, it should have featured prominently in their summary judgment motion. Its
2 absence there belies its supposed importance.

3 In sum, Defendants' claimed need for unredacted documents lacks legal and factual merit and is
4 contradicted by their own litigation strategy. In light of all this, it seems that Defendants are demanding
5 the information merely to harass and annoy FAI and its customers and not for any legitimate litigation
6 purpose, so the balance of interests necessarily favors nondisclosure. Defendants' motion to compel
7 should be denied.

8 **III. IF DISCLOSURE IS ORDERED, IT MUST BE SUBJECT TO STRINGENT PROTECTIVE MEASURES**

9 If this Court finds that Defendants have established enough of an interest in seeing the
10 unredacted documents, FAI respectfully asks this Court to condition any disclosure on robust safeguards
11 to protect the privacy rights of FAI's customers.

12 First, this Court should implement a notice and opt-out procedure for affected customers before
13 any disclosure occurs. Relevant case law supports FAI's request. For instance, in *Pioneer Electronics,*
14 *Inc. v. Superior Court* (2007) 40 Cal.4th 360, a class action was brought alleging that Pioneer sold
15 defective DVD players. To identify the class, the class representative wanted to know who else had
16 complained about the defect. (*Id.* at p. 371.) Unlike the identities of those wishing to buy a firearm, it is
17 hard to imagine any serious harm in disclosing the identities of purchasers of broken DVD players. After
18 all, they were potential class members who could *benefit* from the litigation; any privacy interest was
19 minimal. Even so, the California Supreme Court upheld the trial court's notice and opt-out procedure.
20 (*Id.* at p. 375.) If even purchasers of faulty DVD players have enough privacy interest in their contact
21 information and buying habits to justify protective measures, FAI's customers do, too.

22 Further, given the DOJ's documented history of mishandling confidential gun owner data, this
23 Court should impose one or more of the following protective measures:

- 24 1. Limited Access: Access to unredacted documents should be strictly limited to
25 Defendants' counsel of record and their expert(s), with no direct access for other DOJ employees
26 or representatives.
- 27 2. In-Person Review Only: Review of unredacted documents should be conducted solely in
28 person at Defendants' counsel's offices, with no copies permitted to leave the premises.

1 3. Prohibition on Reproduction: The Court should expressly prohibit any reproduction,
2 copying, or imaging of the unredacted documents.

3 4. Destruction Protocol: If production is permitted, upon termination of this litigation, all
4 unredacted documents should be immediately destroyed, with counsel required to submit a
5 declaration confirming compliance.

6 5. Non-Disclosure Agreement: All individuals with access to unredacted documents should
7 be required to sign a comprehensive non-disclosure agreement, which should include personal
8 liability for unauthorized disclosure.

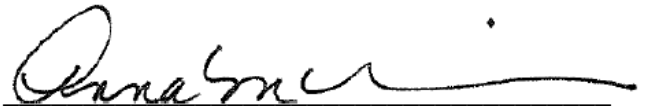
9 These added safeguards align with this Court's authority under Section 2017.020,
10 subdivision (a), to limit discovery to protect against undue burden, expense, or invasion of privacy
11 rights. By implementing these protective measures alongside a notice and opt-out procedure, the Court
12 can balance the competing interests of discovery and privacy while mitigating the risks associated with
13 disclosure of sensitive customer information.

14 **CONCLUSION**

15 Balancing the privacy interests of FAI's customers, the protection of FAI's trade secrets, and the
16 undue burden of production against the limited relevance of the requested information, this Court should
17 deny Defendants' motion to compel. If this Court does order production, FAI respectfully asks that it be
18 subject to a notice and opt-out procedure to safeguard privacy rights.

19 Date: June 28, 2024

MICHEL & ASSOCIATES, P.C.

20 

21 Anna M. Barvir
22 Attorneys for Petitioner-Plaintiff

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

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

**PLAINTIF’S OPPOSITION TO DEFENDANTS’ MOTION TO COMPEL
PRODUCTION OF UNREDACTED DOCUMENTS**

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

Kenneth G. Lake
Deputy Attorney General
Email: Kenneth.Lake@doj.ca.gov
Andrew Adams
Email: Andrew.Adams@doj.ca.gov
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Attorney for Respondents-Defendants

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

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

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



Laura Palmerin