

Case No. 24-4050

In the United States Court of Appeals
for the Ninth Circuit

JUNIOR SPORTS MAGAZINES INC., et al.,
Plaintiffs-Appellants,

v.

ROB BONTA,
in his official capacity as Attorney General of the State of California,
Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California
Case No. 2:22-cv-04663-CAS-JC

APPELLANTS' MOTION TO FILE A REPLACEMENT BRIEF

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August 22, 2024

MOTION TO FILE REPLACEMENT BRIEF

On July 30, 2024, Appellants Junior Sports Magazines Inc., Raymond Brown, California Youth Shooting Sports Association, Inc., Redlands California Youth Clay Shooting Sports, Inc., California Rifle & Pistol Association, Incorporated, The CRPA Foundation, Gun Owners of California, and Second Amendment Foundation filed Appellants' Opening Brief in this matter. As required by Circuit Rule 28-2.7, Appellants indicated that “[a]n addendum reproducing relevant constitutional and statutory provisions [was] bound with th[e] brief.” A.O.B. 1. On August 20, 2024, however, counsel for the State notified Appellants that the referenced addendum was missing from their opening brief. Barvir Decl. ¶ 2. Appellants reviewed a conformed copy of their filed brief and discovered that, due to a clerical error, the referenced addendum had not been affixed to the end of the brief. Barvir Decl. ¶ 2. Appellants immediately notified the clerk of court of the omission and subsequently sent a copy of the referenced addendum to opposing counsel for their review. Barvir ¶¶ 2-3.

To correct their inadvertent error, Appellants hereby request leave to file the replacement Appellants' Opening Brief submitted together with this motion and ask this Court to treat the brief as timely filed from its original filing date. The proposed replacement brief includes a copy of the referenced addendum, but no other substantive changes. Barvir Decl. ¶ 4. And the addendum is identical to the addendum to the opening brief filed in the first appeal of this matter, which concerned the very same constitutional and statutory provisions at issue here. Barvir Decl. ¶ 4.

Date: August 22, 2024

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir

Anna M. Barvir

*Attorneys for Plaintiffs-Appellants Junior Sports
Magazines, Inc., Raymond Brown, California
Youth Shooting Sports Association, Inc., Redlands
California Youth Clay Shooting Sports, Inc.,
California Rifle & Pistol Association,
Incorporated, The CRPA Foundation, and Gun
Owners of California, Inc.*

Date: August 22, 2024

LAW OFFICES OF DONALD KILMER, APC.

s/ Donald Kilmer

Donald Kilmer

*Attorney for Plaintiff-Appellant Second
Amendment Foundation*

DECLARATION OF ANNA M. BARVIR

I, Anna M. Barvir, declare:

1. I am an attorney at the law firm Michel & Associates, P.C., attorneys of record for Plaintiffs-Appellants in this action. I am an attorney licensed to practice law in the State of California and before this Court. I am counsel of record in the above-captioned matter, and I have personal knowledge of the matters stated below.

2. On August 20, 2024, I received an email from Ms. Gabrielle Boutin, counsel for Defendants-Appellees, notifying me that the addendum to Appellants' opening brief was missing and requested a copy of the referenced addendum. I reviewed a conformed copy of the filed brief and discovered, for the first time, that due to a clerical error, the addendum was indeed missing.

3. Having received no notice of deficiency regarding the brief, I directed my paralegal to immediately inform the Clerk of the Court of the omission and request instructions for corrective action.

4. On August 21, 2024, I also sent a copy of the addendum to Ms. Boutin for her reference.

5. A copy of the proposed replacement brief, including the addendum of constitutional provisions and statutes, is attached hereto. Except for the date, no other changes have been made to the brief. The proposed addendum is identical to the addendum to the opening brief filed in the first appeal of this matter, which concerned the same constitutional and statutory provisions at issue here.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Temescal Valley, California, on August 22, 2024.

s/ Anna M. Barvir
Anna M. Barvir
Declarant

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2024, an electronic PDF of MOTION TO FILE A REPLACEMENT BRIEF was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Dated: August 22, 2024

Respectfully submitted,

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir

Anna M. Barvir

Attorneys for Plaintiffs-Appellants