

1 C. D. Michel – SBN 144258  
cmichel@michellawyers.com  
2 Joshua Robert Dale – SBN 209942  
jdale@michellawyers.com  
3 Konstadinos T. Moros – SBN 306610  
kmoros@michellawyers.com  
4 Alexander A. Frank – SBN 311718  
afrank@michellawyers.com  
5 MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Blvd., Suite 200  
6 Long Beach, CA 90802  
Telephone: (562) 216-4444  
7

8 Donald Kilmer-SBN 179986  
Law Offices of Donald Kilmer, APC  
14085 Silver Ridge Road  
9 Caldwell, Idaho 83607  
Telephone: (408) 264-8489  
10 Email: Don@DKLawOffice.com

11 Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED; THE  
15 SECOND AMENDMENT FOUNDATION;  
GUN OWNERS OF AMERICA, INC.;  
16 GUN OWNERS FOUNDATION; GUN  
OWNERS OF CALIFORNIA, INC.;  
17 ERICK VELASQUEZ, an individual;  
CHARLES MESSEL, an individual;  
18 BRIAN WEIMER, an individual;  
CLARENCE RIGALI, an individual;  
19 KEITH REEVES, an individual, CYNTHIA  
GABALDON, an individual; and  
20 STEPHEN HOOVER, an individual,

21 Plaintiffs,

22 v.

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

27 Defendants.  
28

Case No.: 2:23-cv-10169-SPG (ADSx)

**STIPULATION FOR LEAVE TO  
FILE FIRST AMENDED AND  
SUPPLEMENTAL COMPLAINT**

Sherilyn Peace Garnett,  
United States District Judge

Action Filed: December 5, 2023

1 Plaintiffs, along with Defendant Robert Bonta, in his official capacity as  
2 Attorney General of the State of California, Defendants Los Angeles County  
3 Sheriff’s Department and Sheriff Robert Luna, in his official capacity, and  
4 Defendants La Verne Police Department and La Verne Chief of Police Samuel  
5 Gonzalez, in his official capacity (collectively the “Parties”), through their  
6 respective attorneys of record, hereby stipulate and request as follows:

7 WHEREAS Plaintiffs desire to add clarity to some portions of their complaint  
8 in light of the Court’s recent ruling on their motion for preliminary injunction, and;

9 WHEREAS Defendant Coleen Flores is no longer the Chief of Police of the  
10 La Verne Police Department, and Plaintiffs desire to add her successor La Verne  
11 Chief of Police Samuel Gonzalez as a defendant to this action in his official  
12 capacity; and

13 WHEREAS Plaintiffs desire to add additional waiting-time plaintiffs, and;

14 WHEREAS Sherwin David Partowashraf and David Broady, who each wrote  
15 supporting declarations in support of Plaintiffs’ pending motion for preliminary  
16 injunction as members of Plaintiff CRPA, now desire to be plaintiffs themselves,  
17 and;

18 WHEREAS the litigation is in its early stages and discovery has not begun,  
19 and;

20 WHEREAS an amended and supplemental complaint will aid with discovery  
21 so the proper parties can serve and be served with discovery, and;

22 WHEREAS Defendants do not oppose the filing of an amended complaint so  
23 long as they have an appropriate amount of time to review it and prepare their  
24 responsive pleadings;

25 NOW THEREFORE, the Parties stipulate to allowing Plaintiffs leave to file an  
26 amended and supplemental complaint and by this stipulation seek the Court’s leave  
27 and order to do so. A proposed First Amended and Supplemental Complaint with  
28 changes from the original tracked is included as **Exhibit A** to this stipulation. A

1 clean copy of the proposed First Amended and Supplemental Complaint is included  
2 as **Exhibit B**.

3 The Parties also stipulate that Defendants have up to 45 days from the date the  
4 First Amended and Supplemental Complaint is filed to file their responsive  
5 pleadings, and by this stipulation seek the Court’s order setting such deadline.

6

7 **IT IS SO STIPULATED.**

8

9 Dated: September 5, 2024

Respectfully submitted,  
MICHEL & ASSOCIATES, P.C.

10

11

/s/ Konstadinos Moros

12

KONSTADINOS MOROS  
*Attorneys for Plaintiffs*

13

14

15 Dated: September 5, 2024

ROB BONTA  
Attorney General of California  
MARK R. BECKINGTON  
Supervising Deputy Attorney General  
JANE E. REILLEY  
Deputy Attorney General

16

17

18

/s/ Christina R.B. Lopez

19

CHRISTINA R.B. LÓPEZ  
Deputy Attorney General  
*Attorneys for Defendant Robert Bonta*

20

21

22 Dated: September 5, 2024

WILMER CUTLER PICKERING  
HALE AND DORR LLP

23

24

/s/ Ryan Chabot

25

RYAN CHABOT  
*Attorneys for Defendants Los Angeles  
County Sheriff’s Department and Sheriff  
Robert Luna*

26

27

28

1 Dated: September 5, 2024

JONES MAYER

2

/s/ Bruce A. Lindsay

3

4

BRUCE A. LINDSAY  
MONICA CHOI ARREDONDO  
*Attorneys for Defendants La Verne  
Police Department and La Verne Chief of  
Police Colleen Flores*

5

6

7

**ATTESTATION OF E-FILED SIGNATURES**

8

9

10

11

12

I, Konstadinos Moros, am the ECF User whose ID and password are being used to file this STIPULATION FOR LEAVE TO FILE FIRST AMENDED AND SUPPLEMENTAL COMPLAINT. In compliance with Central District of California L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers and have concurred in this filing.

13

14

Dated: September 5, 2024

s/ Konstadinos Moros  
Konstadinos Moros

15

16

17

18

19

20

21

22

23

24

25

26

27

28

# **EXHIBIT A**

1 C. D. Michel – SBN 144258  
cmichel@michellawyers.com  
2 Joshua Robert Dale – SBN 209942  
jdale@michellawyers.com  
3 Konstadinos T. Moros – SBN 306610  
kmoros@michellawyers.com  
4 Alexander A. Frank – SBN 311718  
afrank@michellawyers.com  
5 MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Blvd., Suite 200  
6 Long Beach, CA 90802  
Telephone: (562) 216-4444  
7

8 Attorneys for Plaintiffs California Rifle & Pistol Association, Incorporated, Gun  
Owners of America, Inc., Gun Owners Foundation, Gun Owners of California, Inc.,  
9 Erick Velasquez, Sherwin David Partowashraf, Charles Messel, Brian Weimer,  
Jung Yun, Albert Medalla, Clarence Rigali, Keith Reeves, Cynthia Gabaldon,  
David Broady, and Stephen Hoover  
10

11 *Additional Counsel listed on the next page.*

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED;  
15 THE SECOND AMENDMENT  
FOUNDATION; GUN OWNERS OF  
AMERICA, INC.; GUN OWNERS  
16 FOUNDATION; GUN OWNERS OF  
CALIFORNIA, INC.; ERICK  
17 VELASQUEZ, an individual; CHARLES  
MESSEL, an individual; BRIAN  
18 WEIMER, an individual; CLARENCE  
RIGALI, an individual; KEITH  
19 REEVES, an individual, and CYNTHIA  
GABALDON, an individual; STEPHEN  
20 HOOVER, an individual,

21 Plaintiffs,

22 v.

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

28 Defendants.

**CASE NO:**

**FIRST AMENDED AND  
SUPPLEMENTAL COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

**42 U.S.C. §§ 1983 & 1988**

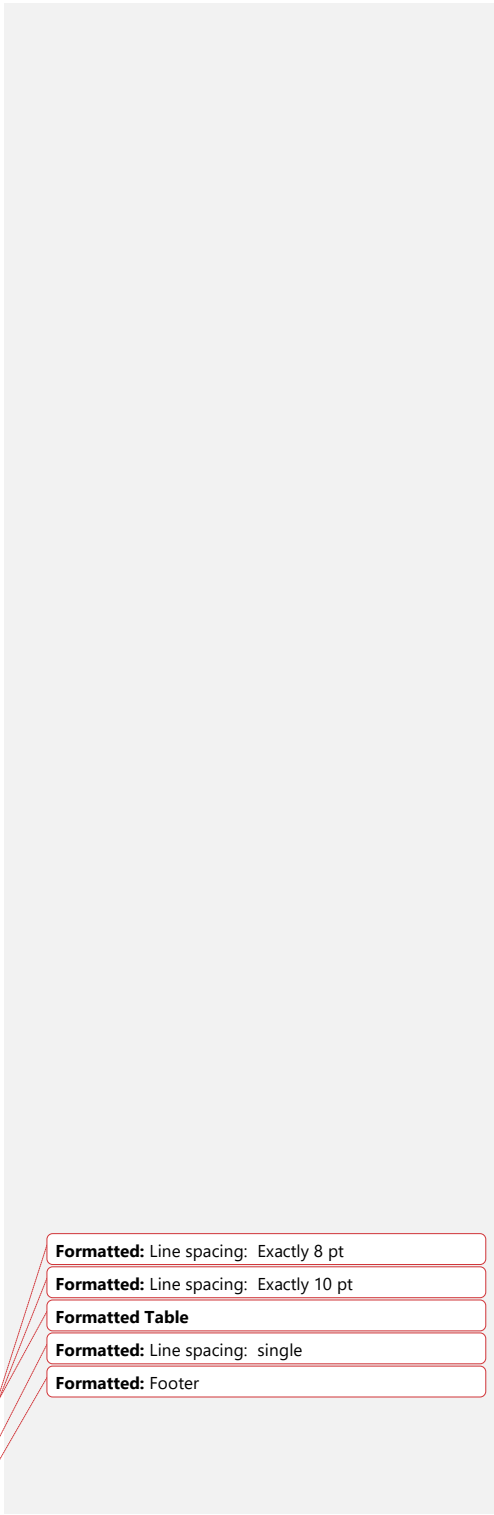
Style Definition: Default Paragraph Font

Formatted: Right

Formatted Table

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

Donald Kilmer-SBN 179986  
Law Offices of Donald Kilmer, APC  
14085 Silver Ridge Road  
Caldwell, Idaho 83607  
Telephone: (408) 264-8489  
Email: [Don@DKLawOffice.com](mailto:Don@DKLawOffice.com)  
Attorney for Plaintiff The Second Amendment Foundation



- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 NOW COME Plaintiffs California Rifle & Pistol Association, Incorporated,  
2 The Second Amendment Foundation, Gun Owners of America, Inc., Gun Owners  
3 Foundation, Gun Owners of California, Inc., Erick Velasquez, Sherwin David  
4 Partowashraf, Charles Messel, Brian Weimer, Jung Yun, Albert Medalla, Clarence  
5 Rigali, Keith Reeves, Cynthia Gabaldon, David Broady, and Stephen Hoover and,  
6 through their respective counsel, bring this action against Defendants Los Angeles  
7 County Sheriff’s Department, Sheriff Robert Luna in his official capacity as Los  
8 Angeles County Sheriff, La Verne Police Department, former La Verne Chief of  
9 Police ~~Colleen Flores~~, current La Verne Chief of Police Samuel Gonzalez,  
10 California Attorney General Robert Bonta in his official capacity, and Does 1-10,  
11 inclusive, and make the following supplemental and amended allegations:

12 **INTRODUCTION**

13 1. This action challenges the constitutionality of carry permit issuance  
14 policies and laws that make it extremely difficult, if not outright impossible or  
15 impermissibly time consuming, for Plaintiffs to obtain permits to carry a concealed  
16 firearm in public and therefore to exercise their right to be armed in public, as  
17 guaranteed by the Second Amendment’s text “bear arms,” and as recognized by the  
18 Supreme Court in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct.  
19 2111 (2022).

20 2. The main policies that Plaintiffs target here are: 1) Defendants’ failure  
21 to timely process carry permit applications, 2) the grossly excessive fees  
22 Defendants are charging to process permit applications and satisfy various permit  
23 requirements, 3) the use of highly subjective suitability criteria in evaluating  
24 applicants, and 4) the refusal to honor permits issued by other states- and/or accept  
25 applications for permits from non-residents. These practices and policies, some of  
26 which are enabled by state law, violate the Second and Fourteenth Amendments.

27 3. Some Constitutional rights have a preliminary step required before  
28 their exercise, such as permitting (e.g., parades, demonstrations) or registration

Formatted: Line spacing: Exactly 8 pt  
Formatted: Line spacing: Exactly 10 pt  
Formatted Table  
Formatted: Line spacing: single  
Formatted: Footer



1 (e.g., voting, lobbying). But the administration of such permits or registration  
2 requirements may not be so onerous as to exclude whole demographics due to  
3 expense or subjectivity, nor may it force them to wait inordinate amounts of time.<sup>1</sup>

4 4. In anticipation of bad-faith efforts to obstruct its ruling in recalcitrant  
5 jurisdictions, the *Bruen* Court expressly invited challenges such as this one, noting  
6 that, “**because any permitting scheme can be put toward abusive ends, we do**  
7 **not rule out constitutional challenges to shall-issue regimes where, for**  
8 **example, lengthy wait times in processing license applications or exorbitant**  
9 **fees deny ordinary citizens their right to public carry.”** *Id.* (emphasis added).

10 5. The policies that Plaintiffs challenge have gone far beyond “abus[ing]”  
11 constitutional rights. Defendants have flat-out denied Plaintiffs their rights to be  
12 armed outside of their homes by establishing an onerous permitting regime replete  
13 with exorbitant poll tax-like fees, egregious wait times lasting well over a year, and  
14 nefarious discretionary requirements designed to flout the Supreme Court’s  
15 precedents.

16 6. This suit challenges whether Defendants are engaged in a permit  
17 process that subjects applicants seeking to lawfully carry for self-defense in  
18 California by the only manner allowed under law—with a concealed carry weapons  
19 permit (“CCW permit”) issued by a local jurisdiction, to excessive wait times,  
20

21 <sup>1</sup> It has long been established that a State may not impose a penalty upon  
22 those who exercise a right guaranteed by the Constitution. *Frost & Frost Trucking*  
23 *Co. v. Railroad Comm’n of California*, 271 U.S. 583, 593-94 (1926).  
24 “Constitutional rights would be of little value if they could be . . . indirectly denied”  
25 (*Smith v. Allwright*, 321 U.S. 649, 664 (1944)), or “manipulated out of existence.”  
26 *Gomillion v. Lightfoot*, 364 U.S. 339, 345 (1960). “Significantly, the Twenty-  
27 Fourth Amendment does not merely insure that the franchise shall not be ‘denied’  
28 by reason of failure to pay the poll tax; it expressly guarantees that the right to vote  
shall not be ‘denied or abridged’ for that reason.” *Harman v. Forssenius*, 380 U.S.  
528, 540 (1965) (citation omitted). Thus, like the Fifteenth Amendment, the  
Twenty-Fourth “nullifies sophisticated as well as simple-minded modes” of  
impairing the right guaranteed. *Lane v. Wilson*, 307 U.S. 268, 275 (1939). “‘It hits  
onerous procedural requirements which effectively handicap exercise of the  
franchise by those claiming the constitutional immunity.’” *Harman*, 380 U.S. at  
540-41 (citations omitted), quoting *Lane*, at 275.

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 exorbitant fees, and suitability criteria that are unnecessary, burdensome, and  
2 subjective; and whether those permit processes violate the right to bear arms in  
3 public as explained by the Supreme Court in *Bruen*. -Examples abound.

4 7. For starters, Los Angeles County Sheriff’s Department (“LASD”)  
5 admits that it takes “a year to a year and a half” to process CCW applications.

6 8. While the La Verne Police Department’s (“LVPD”) permit application  
7 processing wait time is not as severe as LASD’s, its application process is cost  
8 prohibitive. Applicants pay ~~between~~approximately \$900 ~~to \$1100~~ depending on the  
9 varying costs that third parties charge for the mandatory training course and live  
10 scan services. And even after obtaining a permit, LVPD even charges over \$500 for  
11 renewal applications every two years (\$250 per year to exercise an enumerated  
12 right).

13 9. In stark contrast, applicants in other California counties can avoid high  
14 local-municipality fees by applying with their county’s sheriff’s department instead  
15 of the city where they reside, as California law provides — But LASD Sheriff Luna  
16 has refused to process CCW permit applications for Los Angeles County residents  
17 who live in one of that county’s many distinct “non-contract” municipalities.

18 10. Because La Verne is a “non-contract” city, residents who want to  
19 exercise their right to carry have no alternative; they must pay LVPD’s exorbitant  
20 fees if they wish to lawfully carry a concealed firearm.

21 11. Additionally, both LASD and LVPD impose subjective permit-  
22 issuance criteria, in open defiance of *Bruen* which rejected such unmoored  
23 standards for determining who gets the privilege of exercising an enumerated right  
24 For example, LVPD subjects applicants to an invasive psychological examination.  
25 This absurd policy is an outlier, even in California.

26 12. Yet under Senate Bill 2 (“SB 2”), effective January 2024, issuing  
27 authorities that opt to require the psychological exam may charge the applicant the  
28 actual cost of the exam. Whereas under prior law, that expense was capped at \$150,

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 and left the issuing authority responsible for paying the balance if it chose to  
2 require an examination, now the full cost will be borne by the applicant.

3 13. LASD’s adopted policies in issuing and renewing CCW permits also  
4 include impermissible subjective criteria, including punishing victims of crimes.

5 14. Even if Plaintiffs wanted to avoid delay, expense, and suitability  
6 requirements from LASD and LVPD by simply obtaining a carry permit from  
7 another state, as some of these Plaintiffs have done, California does not honor  
8 permits issued by *any* other state.

9 15. In fact, nonresidents have no way to lawfully carry firearms in  
10 California, even if they are willing to apply to a California issuing authority for a  
11 permit, because California law does not permit in-state issuing authorities to issue  
12 permits to nonresidents.

13 16. This is plainly unconstitutional under both *Bruen* and the precedent  
14 established in *Obergefell v. Hodges*, 576 U.S. 644, 648 (2015). If California must  
15 honor a broad right to marry, which is unenumerated, then it must also honor the  
16 right to carry firearms, which is enumerated.

17 17. Separately from Plaintiffs’ Second Amendment claim, the United  
18 States Supreme Court has consistently held that regulations and classifications that  
19 impose a penalty or an impermissible burden on the right to travel violate the Equal  
20 Protection Clause of the Fourteenth Amendment, unless absolutely necessary to  
21 promote a compelling government interest. *Saenz v. Roe*, 526 U.S. 489 (1999);  
22 *Shapiro v. Thompson*, 394 U.S. 618 (1969). Accordingly, California’s policy of  
23 denying out-of-state residents the ability to lawfully exercise their constitutionally  
24 protected right to be armed in public for self-defense inhibits the free interstate  
25 passage of citizens and violates equal protection doctrines by treating Americans  
26 differently merely on account of their state of residency.

27 18. Furthermore, the Privileges and Immunities Clause of Article IV, § 2  
28 of the United States Constitution provides that “The Citizens of each State shall be

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 entitled to all privileges and immunities of Citizens in the several States.” The  
2 Privileges and Immunities Clause bars discrimination against citizens of other states  
3 based on their status as a citizen of another state. *Toomer v. Witsell*, 334 U.S. 385  
4 (1948).

5 19. Plaintiffs seek to enjoin Defendants’ flagrantly unconstitutional  
6 practices and uphold Plaintiffs’ Second Amendment rights.

7 **PARTIES**

8 **Plaintiffs**

9 20. The individual Plaintiffs are ordinary, law-abiding, adult residents of  
10 either Los Angeles County or the City of La Verne, who have applied for CCW  
11 permits but have not received them, or have been dissuaded or prevented from  
12 applying due to the high fees or the psychological examination requirement.

13 21. The associational Plaintiffs are non-profit organizations dedicated to  
14 the preservation of the Second Amendment and other enumerated constitutional  
15 rights, which. These associational Plaintiffs use their resources and economies of  
16 scale to ensure the broadest possible protection for their members and supporters by  
17 bringing suits on behalf of individual plaintiffs — who are also members — who  
18 would otherwise lack the financial resources and litigation experience to bring cases  
19 like this themselves. The associational Plaintiffs are representing their members and  
20 supporters who reside in Los Angeles County or La Verne and have either: (1)  
21 already applied for a CCW permit and are faced with a lengthy wait time; (2) would  
22 apply for a permit if not for the high fees and psychological examination  
23 requirement; and/or (3) have CCW permits that were issued by other states and  
24 wish to have their permits honored when they visit California. The associational  
25 Plaintiffs thus bring this action to vindicate their members’ and supporters’ Second  
26 Amendment rights to publicly bear arms for self-defense, including the rights of the  
27 members and supporters of the associational Plaintiffs, ~~to do so~~ who might  
28 otherwise lack an opportunity for legal representation due to the lack of resources.

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1           22. The associational Plaintiffs also have members and supporters in other  
 2 states who have CCW permits in those states, and wish to have their permits  
 3 honored when they visit California. Plaintiffs thus bring this action to vindicate  
 4 their own Second Amendment rights to publicly bear arms for self-defense, or the  
 5 rights of their members and supporters to do so. While the associational Plaintiffs  
 6 seek general injunctions on behalf of all similarly-situated Californians the  
 7 challenged laws and practices affect, they also specifically seek relief on all claims  
 8 as to each and every one of their members and supporters who might otherwise lack  
 9 the litigation experience and resources of the associational Plaintiffs.

10           23. All individual Plaintiffs are natural persons and citizens of the United  
 11 States and are eligible to possess firearms under state and federal law, and currently  
 12 own at least one firearm. Each individual Plaintiff desires to carry a firearm in  
 13 public for lawful self-defense and would do so, but for the challenged statutes,  
 14 policies, and practices.

15           24. All individual Plaintiffs are members of the associational Plaintiffs  
 16 California Rifle & Pistol Association, Incorporated, The Second Amendment  
 17 Foundation, and Gun Owners of America, Inc.

18           ~~24-25.~~ Plaintiff Erick Velasquez is a resident of Los Angeles County,  
 19 ~~California,~~ and a law-abiding citizen of the United States. ~~He is a member of~~  
 20 ~~Plaintiff California Rifle & Pistol Association, Incorporated (“CRPA”).~~ Mr.  
 21 Velasquez had a CCW permit issued pursuant to California Penal Code Section  
 22 26150 by Los Angeles County Sheriff’s Department. He carried a handgun daily for  
 23 two years, without any incident.

24           ~~25-26.~~ On April 10, 2023, Mr. Velasquez submitted his CCW permit renewal  
 25 application with Los Angeles County Sheriff’s Department, expecting a simple  
 26 process and quick approval given there had been no issues the last two years.

27           ~~26-27.~~ Then, on May 3, 2023, Mr. Velasquez was the unfortunate victim of a  
 28 crime. A burglar broke into his vehicle and stole three handguns, along with other

Formatted: Line spacing: Exactly 8 pt  
 Formatted: Line spacing: Exactly 10 pt  
 Formatted Table  
 Formatted: Line spacing: single  
 Formatted: Footer

1 valuables. The handguns were stored in a range bag in the locked trunk of the car,  
2 in compliance with California Penal Code section 25610(a)(1).

3 27-28. Mr. Velasquez promptly called the police to report the theft. An officer  
4 from the Vernon Police Department arrived at the scene and took a report, which  
5 noted that Mr. Velasquez was eager to have the thief brought to justice. But as of  
6 this date, the perpetrator has not been found.

7 28-29. On August 23, 2023, Defendant Luna denied Mr. Velasquez’s renewal  
8 application. As a reason for denial, the letter had the box for “other” but provided  
9 no further explanation for the denial. –Seeking clarity, Mr. Velasquez eventually  
10 communicated with LASD Sergeant Berner, who explained that the theft of the  
11 firearms was the reason for the denial. Mr. Velasquez asked how he could appeal,  
12 but Sergeant Berner told him there was no appeal process. He encouraged Mr.  
13 Velasquez to apply again with the City of Downey instead, as they might not have  
14 similar restrictions.

15 30. While California Penal Code sections 26202(a)(5) and 26202(a)(9)  
16 were not yet in effect when Mr. Velasquez’s permit was denied, to the extent  
17 Defendants argue that those sections prevent them from issuing him a CCW permit  
18 now, he contends they are unconstitutional as applied to him.

19 31. Plaintiff Sherwin David Partowashraf is a resident of Los Angeles  
20 County and a law-abiding citizen. After waiting over a year and a half on his  
21 application, on October 3, 2023, the application for a CCW permit was denied by  
22 LASD. Even though California law requires a reason for the denial be given, the  
23 reasoning for the denial was nothing more than a checkmark next to “other”.

24 32. Mr. Partowashraf would come to learn that he was denied a permit  
25 because a former girlfriend had filed for a temporary restraining order against him  
26 the prior year, after an attempt to extort him had failed.

27 33. At the time, Mr. Partowashraf complied with the law and turned in his  
28 firearms to the police to be held while the temporary restraining order was in effect.

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

Following a hearing, the temporary restraining order was promptly dissolved and the request for a restraining order was discharged.

34. Mr. Partowashraf then had to go through a tedious process to get his firearms back, involving him submitting requests for each firearm to the California Department of Justice for them to run background checks so he could have them returned to him. After being approved, he scheduled a time to pick up the firearms and received them without further trouble. The California DOJ has thus itself confirmed Mr. Partowashraf is not dangerous. If law enforcement thought he was still dangerous, they could have filed for a gun violence restraining order under California Penal Code section 18100, but they did not do so.

35. Mr. Partowashraf contends that his rights should not be denied because of a dissolved temporary restraining order, especially following the Supreme Court’s ruling in Rahimi.

36. While California Penal Code section 26202(a)(3) was not yet in effect when Mr. Partowashraf’s permit was denied, to the extent Defendants argue that it prevents them from issuing him a CCW permit now, he contends it is unconstitutional as applied to him.

~~29-37.~~ Plaintiff Charles Messel is a resident of Los Angeles County, ~~and~~ a law-abiding citizen, ~~and a member of Plaintiff CRPA~~. Mr. Messel submitted his CCW permit application to LASD on July 1, 2022. Having heard nothing by April 2023, he contacted the department to inquire about his application.

~~30-38.~~ The response he received stated: “We were several months behind in opening and entering applications in our tracking system. Although you applied earlier, your application wasn’t entered into our tracking system until 11/2/22. We are currently working on applications that went into our tracking system in July of 2022. Thank you for your patience.”

~~31-39.~~ As of the filing of this action, Mr. Messel ~~has had~~ still not been issued a permit or received further communications about his application’s status from

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 LASD. More than 17 months ~~have elapsed since his initial application, had elapsed~~  
 2 since his initial application. Following the filing of this action and the filing of a  
 3 preliminary injunction to compel LASD to issue Mr. Messel a permit, only then did  
 4 LASD finally process his application, nearly two years after he had submitted his  
 5 application.

6 32.40. Plaintiff Brian Weimer is a resident of Los Angeles County, ~~and a~~  
 7 ~~law-abiding citizen, and a member of Plaintiff CRPA.~~ Mr. Weimer is employed by  
 8 Los Angeles County as a firefighter on Catalina Island.

9 33.41. Like Mr. Messel, Mr. Weimer applied for a CCW permit with LASD  
 10 and still has not been issued one. Mr. Weimer applied in January 2023, over ~~nine~~  
 11 ~~months~~ a year ago, but still has not been issued a permit or a denial. His  
 12 constitutional right to carry a firearm for self-defense has been denied to him.

13 42. Plaintiff Jung Yun is a resident of Los Angeles County and a law-  
 14 abiding citizen. Mr. Yun applied for his CCW permit with LASD in September of  
 15 2022. When he last followed up on December 6, 2023, he received a response  
 16 saying that his application had not even been assigned to an investigator yet, and no  
 17 further timeline was provided. Finally, on August 27, 2024, he received an initial  
 18 telephonic interview and was told he would get additional instructions in  
 19 approximately two months.

20 43. Plaintiff Albert Medalla is a resident of Los Angeles County and a  
 21 law-abiding citizen. He works the graveyard shift at Cedars-Sinai Medical Center  
 22 as an ultrasound technologist. Due to rising crime in his area, he desires to be able  
 23 to carry a firearm for self-defense. He applied for his CCW permit with LASD on  
 24 October 31, 2023. His initial interview is not scheduled to occur until August 11,  
 25 2025.

26 34.44. Plaintiff Clarence Rigali is a resident of La Verne, ~~and~~ a law-abiding  
 27 citizen, ~~and a member of CRPA.~~ Mr. Rigali is 60 years old and disabled. He was a  
 28 Union Millwright from 1981 until 2003, when he was injured in a serious power

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer



1 plant accident. He possesses a Utah CCW permit, which required a criminal  
2 background check to obtain.

3 ~~35.45.~~ Mr. Rigali lives in a senior citizen mobile home park. Given his fixed  
4 income, the unreasonable and unjustifiable ~~approximately~~ \$900 ~~to \$1100~~ in fees  
5 and costs to apply for and obtain a La Verne CCW permit exceeds his modest  
6 means and that has prevented him even from applying for a permit. -He has been  
7 priced out of his constitutional rights.

8 ~~36.46.~~ Mr. Rigali also objects to the psychological exam LVPD requires,  
9 which is an unconstitutional suitability determination. When he sustained his work-  
10 related injury in 2003, a protracted lawsuit ensued following that injury, and Mr.  
11 Rigali was sent to several antagonistic psychologists for examination as the defense  
12 tried to disprove his injuries and claim he was a malinger. That horrible experience  
13 has made Mr. Rigali especially apprehensive about subjecting himself to another  
14 such exam, let alone as a precondition to exercising an enumerated right. ~~Further,~~  
15 ~~LVPD requires that applicants undergo psychological exams not locally, but in San~~  
16 ~~Bernardino, 35 miles away. Such a travel requirement is burdensome for all~~  
17 ~~applicants, but particularly so for Mr. Rigali given his disability.~~

18 ~~37.47.~~ Plaintiff Keith Reeves is a resident of La Verne, ~~and~~ a law-abiding  
19 citizen, ~~and a member of both Plaintiff The Second Amendment Foundation and~~  
20 ~~CRPA.,.~~ He is a certified NRA pistol instructor and a range safety officer. He has  
21 CCW permits issued by both Arizona and Utah, which are honored by several states  
22 but not California. Both of Mr. Reeves’ permits required a criminal background  
23 check to obtain.

24 ~~38.48.~~ Mr. Reeves applied for a CCW permit in January 2014, and was  
25 denied in May 2015 because he was deemed to lack sufficient “good cause,” a  
26 criterion the Supreme Court struck down in *Bruen* seven years later. Post-*Bruen*,  
27 Mr. Reeves wishes to reapply for a permit, but cannot afford to do so due to the  
28 excessive application and issuance fees charged by LVPD.

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1           39-49. Mr. Reeves also refuses to subject himself to an unconstitutional  
 2 psychological exam. Once the unconstitutional requirements are removed or  
 3 invalidated, he will apply for a permit without delay, but has refrained from doing  
 4 so due to the challenged restrictions.

5           40-50. Plaintiff Cynthia Gabaldon is a resident of La Verne, ~~and~~ a law-  
 6 abiding citizen, ~~and a member of Plaintiff CRPA.~~ She has trained with firearms  
 7 for most of her life.

8           41-51. Encouraged by the Supreme Court’s ruling in *Bruen*, Mrs. Gabaldon  
 9 decided it was time to obtain a CCW permit. Unfortunately, the exorbitant fees  
 10 LVPD charges have dissuaded her from applying. Mrs. Gabaldon is self-employed  
 11 and has a son in college. Given her limited income and her expenses, she cannot  
 12 afford LVPD’s excessive fees to exercise an enumerated right. Mrs. Gabaldon also  
 13 objects to subjecting herself to a psychological examination.

14           52. Plaintiff David Broady is a resident of Nevada and a law-abiding  
 15 citizen. He is a retired California prosecutor, last working as a Senior Deputy  
 16 District Attorney for the Placer County DA’s office from 1995 to 2020. Before that,  
 17 he worked in the Riverside County DA’s office from 1991 to 1995.

18           53. Mr. Broady had California CCW permits in Riverside County and later  
 19 Placer County, from the early 1990s until 2020 when he moved to Nevada. Since  
 20 then he has had a Nevada CCW permit, but cannot obtain a California CCW permit.  
 21 California does not honor his Nevada permit.

22           54. This is a problem for Mr. Broady because he still frequently visits  
 23 California as he owns property in this state and has family here. He also remains an  
 24 active member of the California Bar. He joins this lawsuit against California  
 25 Attorney General Rob Bonta for Mr. Bonta’s enforcement of a complete prohibition  
 26 on the right to carry against citizens from other states.

27           55. Mr. Broady, for himself and on behalf of other nonresidents who have  
 28 out-of-state CCW permits, as well as on behalf of the members and supporters of

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

the associations who live outside of California, seeks to have his Nevada permit honored by the State of California.

~~42.56.~~ Plaintiff Stephen Hoover is a resident of Florida, and a law-abiding citizen. He is a PhD candidate at the Center for Complex Systems and Brain Sciences in the Charles E. Schmidt College of Science at Florida Atlantic University. He owns firearms and has a Florida-issued CCW permit. ~~He is also a member of Plaintiff CRPA and The Second Amendment Foundation.~~

~~43.57.~~ Mr. Hoover spent a significant amount of time in California in the summer of 2023 and plans to return for work and leisure purposes in the near future.

~~44.58.~~ While he was in California, he sought to obtain a California CCW permit from the Monterey County Sheriff’s Department, as California would not honor his Florida CCW permit, but he still desired to be able to exercise his right to carry for self-defense. Yet in spite of otherwise meeting the criteria for eligibility, his application was denied because he was deemed ineligible for a CCW permit under Penal Code ~~Section~~ section 26150(a)(3), as he is not a resident of the county he applied in, nor a resident of California.

~~45.59.~~ Mr. Hoover joins this lawsuit against California Attorney General Rob Bonta for Mr. Bonta’s enforcement of a complete prohibition on the right to carry against citizens from other states.

~~46.60.~~ Plaintiff The Second Amendment Foundation (“SAF”) is a non-profit membership organization. It is incorporated under the laws of the state of Washington and was founded in 1974. SAF has over 720,000 members and supporters nationwide, including thousands of members in California. SAF is dedicated to promoting a better understanding of the nation’s constitutional heritage and tradition of privately owning, possessing, and carrying firearms, through educational and legal action programs designed to better inform the public. SAF is a pioneer and innovator in defending the right to keep and bear arms, through its

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 publications and public education programs like the Gun Rights Policy Conference.  
 2 SAF also incurs significant expenses to sponsor public interest litigation to defend  
 3 its interests and to disseminate information to like-minded individuals. SAF  
 4 members who want CCW permits but reside in Los Angeles County or La Verne  
 5 are subject to lengthy wait times, exorbitant fees, and unconstitutionally subjective  
 6 permit issuance criteria that violate the U.S. Constitution. SAF’s policies  
 7 specifically include the dedication of its resources, litigation experience, and  
 8 economies of scale for the purpose of representing people who would otherwise  
 9 lack the means and access to resources to successfully bring lawsuits to compel  
 10 state and local governments to comply with the Constitution, as intended by the  
 11 Fourteenth Amendment, its enforcement provisions, and Congressional statutes  
 12 enabling the enforcement of the Constitution by private actors. See: 42 U.S.C.  
 13 section 1983, 1988.

14 47.61. Plaintiff Gun Owners of America, Inc. (“GOA”) is a California non-  
 15 stock corporation and a not-for-profit membership organization with its principal  
 16 place of business in Springfield, Virginia, and is organized and operated as a non-  
 17 profit membership organization that is exempt from federal income taxes under  
 18 Section 501(c)(4) of the Internal Revenue Code. GOA was formed in 1976 to  
 19 preserve and defend the Second Amendment rights of gun owners. It has more than  
 20 2 million members and supporters across the country, including residents within  
 21 this judicial district and throughout the State of California. GOA members who  
 22 wish to obtain CCW permits but reside in Los Angeles County or La Verne are  
 23 subject to lengthy wait times or exorbitant fees, and also unconstitutionally  
 24 subjective criteria.

25 48.62. Plaintiff Gun Owners Foundation (“GOF”) is a Virginia non-stock  
 26 corporation and a not-for-profit legal defense and educational foundation with its  
 27 principal place of business in Springfield, Virginia and is organized and operated as  
 28 a non-profit legal defense and educational foundation that is exempt from federal

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 income taxes under Section 501(c)(3) of the Internal Revenue Code. GOF was  
 2 formed in 1983 and is supported by gun owners across the country, within this  
 3 judicial district, and throughout the State of California who, like the individual  
 4 Plaintiffs, will be irreparably harmed by the implementation and enforcement of SB  
 5 2. -GOF supporters who wish to obtain CCW permits but reside in Los Angeles  
 6 County or La Verne are subject to lengthy wait times or exorbitant fees, and also  
 7 unconstitutionally subjective criteria. GOF is supported by gun owners across the  
 8 country, who fund the organization’s activities so that it can, *inter alia*, file  
 9 litigation such as this to preserve, protect, and defend their right to keep and bear  
 10 arms.

11 49.63. Plaintiff Gun Owners of California, Inc. (“GOC”) is a non-profit  
 12 organization incorporated under the laws of the state of California with  
 13 headquarters in El Dorado Hills, California. GOC is dedicated to the restoration of  
 14 the Second Amendment in California. GOC members who wish to obtain CCW  
 15 permits but reside in Los Angeles County or La Verne are subject to lengthy wait  
 16 times or exorbitant fees, and also unconstitutionally subjective criteria.

17 50.64. Plaintiff CRPA is a non-profit membership and donor-supported  
 18 organization qualified as tax-exempt under Section 501(c)(4) of the Internal  
 19 Revenue Code, with its headquarters in Fullerton, California. Founded in 1875,  
 20 CRPA seeks to defend the civil rights of all law-abiding individuals, including the  
 21 enumerated right to bear firearms for lawful purposes like self-defense. -CRPA  
 22 regularly participates as a party or amicus in litigation challenging unlawful  
 23 restrictions on the right to keep and bear arms. It also provides guidance to  
 24 California gun owners regarding their legal rights and responsibilities. CRPA  
 25 members include law enforcement officers, prosecutors, professionals, firearm  
 26 experts, and the general public. -CRPA members who want CCW permits but reside  
 27 in Los Angeles County or the City of La Verne are subject to lengthy wait times or  
 28 exorbitant fees, and also unconstitutionally subjective criteria.

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

**Defendants**

51-65. Defendant LASD is a local government entity created under the laws of California, and it exists as an agency of Los Angeles County. LASD is a political subdivision of Los Angeles County. LASD is responsible for issuing CCW permits.

52-66. Defendant Robert Luna is the elected Sheriff of Los Angeles County. Defendant Luna is and, at all times relevant to this complaint, was one of the ultimate policy makers for Defendant LASD, and he has authority and responsibility under California Penal Code Section 26150 to issue carry permits within the county. He is directly responsible for promulgating, enforcing, and continuing the policies of his Department, including the unlawful policies and procedures complained of herein. Luna is sued solely in his official capacity.

53-67. Defendant LVPD is a local government entity created under the laws of California, and it exists as an agency and subdivision of the City of La Verne. LVPD CCW permit applications and renewals for residents of the city.

54-68. Defendant Colleen Flores is the Chief of Police of LVPD. She is sued in her official capacity. She has authority and responsibility under California Penal Code Section 26155 to issue carry permits to residents of La Verne. Defendant Samuel Gonzalez succeeded Chief Flores following the filing of this action and the filing of a preliminary injunction motion by Plaintiffs in the action, and has assumed the rights and obligations of Chief Flores in that position, including the ability to act or refrain from acting, in providing the relief sought by Plaintiffs in this action.

55-69. Defendant Robert Bonta is the Attorney General of California. He is the chief law enforcement officer of California. Defendant Bonta is charged by Article V, section 13 of the California Constitution with the duty to see that the laws of California are uniformly and adequately enforced. Defendant Bonta also has direct supervision over every district attorney and sheriff in all matters pertaining to the duties of those respective officers. Defendant Bonta's duties also

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 include informing the public, local prosecutors, and law enforcement regarding the  
2 meaning of the laws of California.

3 [56-70](#). The true names or capacities—whether individual, corporate, associate,  
4 or otherwise—of the Defendants named herein as Does 1 through 10 are presently  
5 unknown to Plaintiffs and are therefore sued by these fictitious names. Plaintiffs  
6 pray for leave to amend this Complaint to show the true names or capacities of  
7 these Defendants if and when they have been determined.

8 **JURISDICTION AND VENUE**

9 [57-71](#). The Court has original jurisdiction of this civil action under 28 U.S.C.  
10 § 1331, because the action arises under the Constitution and laws of the United  
11 States, thus raising federal questions. The Court also has jurisdiction under 28  
12 U.S.C. § 1343(a)(3) and 42 U.S.C. §1983 because this action seeks to redress the  
13 deprivation, under color of the laws, statutes, ordinances, regulations, customs, and  
14 usages of the State of California and political subdivisions thereof, of rights,  
15 privileges or immunities secured by the United States Constitution and by Acts of  
16 Congress.

17 [58-72](#). Plaintiffs’ claims for declaratory and injunctive relief are authorized by  
18 28 U.S.C. §§ 2201-2202, and their claim for attorney’s fees is authorized by 42  
19 U.S.C. § 1988.

20 [59-73](#). Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)  
21 because the events or omissions giving rise to the claims occurred in this district.  
22 Los Angeles County Sheriff’s Department and La Verne Police Department are  
23 both located within this district.

24 **GENERAL ALLEGATIONS**

25 [60-74](#). The Supreme Court has recognized that the Second Amendment  
26 protects the individual right to keep and bear arms and protects, *inter alia*, the right  
27 of the people to “possess and carry weapons in case of confrontation.” *District of*  
28 *Columbia v. Heller*, 554 U.S. 570, 592 (2008).

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 61-75. The Supreme Court has also held that the Second Amendment right to  
 2 keep and bear arms, via Fourteenth Amendment incorporation, applies equally to  
 3 prohibit infringement by state and local governments. *See McDonald v. City of*  
 4 *Chicago*, 561 U.S. 742, 750, 778 (2010) (“it is clear that the Framers and ratifiers of  
 5 the Fourteenth Amendment counted the right to keep **and bear** arms among those  
 6 fundamental rights necessary to our system of ordered liberty”) (emphasis added).

7 62-76. *Heller* established a “text, history, and tradition” framework for  
 8 analyzing Second Amendment questions. *See Bruen*, 142 S. Ct. at 2127-29, citing  
 9 *Heller*, 554 U.S. at 634. Under that framework, the *Heller* Court assessed historical  
 10 evidence to determine the prevailing understanding of the Second Amendment at  
 11 the time of its ratification in 1791. Based on that assessment, the Court concluded  
 12 that the District of Columbia statute which prohibited possession of the most  
 13 common type of firearm in the nation (the handgun) lacked a Revolutionary-era  
 14 tradition, did not comport with the historical understanding of the scope of the  
 15 right, and therefore violated the Second Amendment.

16 63-77. Most recently, the Supreme Court confirmed and reiterated *Heller*’s  
 17 historical approach to analyzing Second Amendment questions:

18 We reiterate that the standard for applying the Second Amendment is  
 19 as follows: When the Second Amendment’s plain text covers an  
 20 individual’s conduct, the Constitution presumptively protects that  
 21 conduct. The government must then justify its regulation by  
 22 demonstrating that it is consistent with the Nation’s historical tradition  
 of firearm regulation. Only then may a court conclude that the  
 individual’s conduct falls outside the Second Amendment’s  
 “unqualified command.”

23 *Bruen*, 142 S. Ct. at 2126 (quoting *Konigsberg v. State Bar of Cal.*, 366 U. S. 36, 50  
 24 n.10 (1961)).

25 78. In applying that test, the *Bruen* Court confirmed “that the Second and  
 26 Fourteenth Amendments protect an individual’s right to carry a handgun for self-  
 27 defense outside the home.” 142 S. Ct. at 2122.

28 64-79. In all issues presented in this lawsuit, Plaintiffs contend that their

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer



1 proposed course of conduct is exactly the same as the proposed course of conduct  
 2 in Bruen: “carrying handguns publicly for self-defense.” Bruen, 597 U.S. at 32. In  
 3 that case, New York argued that the Second Amendment “permits a State to  
 4 condition handgun carrying in areas ‘frequented by the general public’ on a  
 5 showing of a nonspeculative need for armed self-defense in those areas”. Id. at 33.  
 6 The Supreme Court did not say that “carrying handguns publicly for self-defense  
 7 without a showing of nonspeculative need” was the proposed course of conduct,  
 8 because that “showing of nonspeculative need” was the burden on the Second  
 9 Amendment right. The burden is not part of the proposed course of conduct, it is  
 10 the law or practice that is being challenged. In the same way, Plaintiffs here need  
 11 not define their proposed course of conduct as, for example, “carrying handguns  
 12 publicly for self-defense without unreasonable fees”. Bruen’s simpler “carrying  
 13 handguns publicly for self-defense” applies in this case.

Formatted: Font: 12 pt

**California’s Law Regarding CCW Permit Issuance**

14  
 15 65:80.Following the California Legislature’s enactment of SB 2, which takes  
 16 effect in January of 2024, California law imposes the following CCW permit  
 17 application requirements:

18 (a) When a person applies for a new license or license renewal to carry  
 19 a pistol, revolver, or other firearm capable of being concealed upon the  
 20 person, the sheriff of a county shall issue or renew a license to that  
 person upon proof of all of the following:

21 (1) The applicant is not a disqualified person to receive such a license,  
 22 as determined in accordance with the standards set forth in Section  
 26202.

23 (2) The applicant is at least 21 years of age, and presents clear  
 evidence of the person’s identity and age, as defined in Section 16400.

24 (3) The applicant is a resident of the county or a city within the county,  
 25 or the applicant’s principal place of employment or business is in the  
 county or a city within the county and the applicant spends a  
 26 substantial period of time in that place of employment or business.  
 Prima facie evidence of residency within the county or a city within  
 27 the county includes, but is not limited to, the address where the  
 applicant is registered to vote, the applicant’s filing of a homeowner’s  
 28 property tax exemption, and other acts, occurrences, or events that  
 indicate presence in the county or a city within the county is more than

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

temporary or transient. The presumption of residency in the county or city within the county may be rebutted by satisfactory evidence that the applicant’s primary residence is in another county or city within the county.

(4) The applicant has completed a course of training as described in Section 26165.

(5) The applicant is the recorded owner, with the Department of Justice, of the pistol, revolver, or other firearm for which the license will be issued.

Cal. Penal Code § 26150(a) (West 2023); *see id.* § 26155(a) (listing the same requirements for when a city’s Police Department conducts permit issuance).

~~66~~81. Under the recently revised Penal Code ~~Section~~section 26205 operative January 2024, a licensing authority:

shall give written notice to the applicant indicating if the license under this chapter is approved or denied. The licensing authority shall give this notice within 120 days of receiving the completed application for a new license, or 30 days after receipt of the information and report from the Department of Justice described in paragraph (2) of subdivision (a) of Section 26185, whichever is later. The licensing authority shall give this notice within 120 days<sup>2</sup> of receiving the completed application for a license renewal.

~~67~~82. Under Penal Code ~~Section~~section 26190(b)(2), only 50 percent<sup>3</sup> of the “additional local fee”—what the issuing authority may charge CCW permit applicant above the DOJ’s application fees—may be charged at the time the CCW permit application is submitted. The balance may be collected only when a permit is issued. Furthermore, the additional local fee cannot exceed the actual reasonable costs incurred by the locality in processing the application.

~~68~~83. While *Bruen* expressly forbids subjective criteria be used during a licensure process, California law does too, at least to the extent the standard DOJ CCW permit application does not require such information. According to Penal Code ~~Section~~section 26175(g), “[a]n applicant shall not be required to complete any

<sup>2</sup> The 120-day time limit was 90 days prior to the passage of SB 2.

<sup>3</sup> This additional local fee was capped at 20 percent prior to the passage of SB 2.

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 additional application or form for a license, except to clarify or interpret  
 2 information provided by the applicant on the standard application form.” -Thus,  
 3 local requirements (such as Defendant LASD’s) that an applicant produce copies of  
 4 past employment files or identify a need for self-defense are not within the ambit of  
 5 the DOJ’s standard permit application.

6 [69-84](#). California law authorizes a local issuing authority to conduct  
 7 psychological testing prior to issuance of a concealed carry license. -This provision  
 8 of California’s CCW licensing regime manages to violate more than just the Second  
 9 Amendment. It violates the presumption of sanity, it places an impressible burden  
 10 on exercising a fundamental right, and violates the procedural due process  
 11 guarantees of the Fourteenth Amendment.

12 [70-85](#). Psychological testing has the effect of transferring the discretionary  
 13 issuance of a permit to exercise an enumerated right from a government official to a  
 14 psychologist. -*Bruen*’s holding rejects “suitability” determinations in permit  
 15 issuance schemes, and a psychological evaluation is a per se a suitability  
 16 determination. Such an evaluation impermissibly introduces the subjective  
 17 impressions and opinions of the person conducting the evaluation into the permit  
 18 issuance determination, rather than using objective criteria such as prior mental  
 19 health adjudications. -In that sense, a psychological exam to determine whether an  
 20 applicant has the proper temperament to bear arms is nothing more than a  
 21 requirement that an applicant demonstrate “good moral character” in order to bear  
 22 arms – something that *Bruen* definitively forecloses by rejecting “suitability”  
 23 determinations. -And that is to say nothing about the utter dearth of a Founding-era  
 24 tradition of testing the mental condition of each and every individual seeking to  
 25 exercise their rights to carry arms in public.

26 [71-86](#). What is more, California law permits local issuing authorities to  
 27 impose this unconstitutional and subjective psychological-suitability determination  
 28 on individuals as a prerequisite to carry a firearm, even after they have already

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 demonstrated their lawful entitlement to possess a firearm. -In other words, the  
 2 CCW applicant has already passed a background check (including a check of a  
 3 history of prior disqualifying mental health commitments or holds) as a condition of  
 4 purchasing a firearm. -And this already-passed background check is the same  
 5 background check that a CCW permit applicant will again have to pass during the  
 6 permit-issuance process, prior to any psychological evaluation being performed.

7 ~~72.87.~~ Furthermore, the excessive cost and financial burden of such a  
 8 psychological test impermissibly shifts the burden to CCW applicants in violation  
 9 of *Bruen*.

10 ~~73.88.~~ California law already provides for fully disarming any person  
 11 subjected to a psychological hold when a qualified professional has determined that  
 12 the individual is a danger to themselves or others. *See* Cal. Welf. & Inst. Code §§  
 13 5150, 5250, 8100-8108. -A person’s disqualifying mental health hold is a  
 14 mandatory record forwarded to and maintained by the California Department of  
 15 Justice for regulating firearm possession. *Id.*, §§ 8104-06. -Yet even after a mental  
 16 health hold, the State of California, not the individual citizen, bears the burden of  
 17 proving a threat to public safety based on evidence of psychological  
 18 disqualification. *Id.*, § 8103(f)(6). SB 2 contradicts existing law in California by  
 19 requiring a law-abiding resident to prove a negative – i.e., that they are not insane  
 20 or psychologically impaired.

21 ~~74.89.~~ For all of these reasons, Plaintiffs also challenge the constitutionality  
 22 of California Penal Code ~~Section~~section 26190(e),<sup>4</sup> which permits issuing  
 23 authorities to mandate psychological testing. ~~That is the primary reason the~~  
 24 ~~Attorney General is included as a Defendant in this lawsuit.~~

25 ~~75.90.~~ SB 2 also added new subsections to the Penal Code that allow issuing  
 26 authorities to disqualify a permit applicant due to loss or theft (being a victim of  
 27

28 <sup>4</sup> Designated 26190(f) prior to the passage of SB 2.

Formatted: Line spacing: Exactly 8 pt  
 Formatted: Line spacing: Exactly 10 pt  
 Formatted Table  
 Formatted: Line spacing: single  
 Formatted: Footer

1 crime) of a firearm. Specifically, an applicant is disqualified if: “In the 10 years  
 2 prior to the licensing authority receiving the completed application for a new  
 3 license or a license renewal, [he] has experienced the loss or theft of multiple  
 4 firearms due to the applicant’s lack of compliance with federal, state, or local law  
 5 regarding storing, transporting, or securing the firearm. For purposes of this  
 6 paragraph, “multiple firearms” includes a loss of more than one firearm on the same  
 7 occasion, or the loss of a single firearm on more than one occasion.” *See* Cal. Penal  
 8 Code § 26202(a)(9) (West 2023).

9 76.91. An applicant can also be denied if he: “[f]ailed to report a loss of a  
 10 firearm as required by Section 25250 or any other state, federal, or local law  
 11 requiring the reporting of the loss of a firearm.” *See id.* § 26202(a)(10).

12 92. SB 2, which took effect following the filing of this lawsuit, also added  
 13 Penal Code section 26202(a)(3), which prohibits anyone who has had a restraining  
 14 order issued against them from being granted a permit for five years from the date  
 15 the order expired. This law applies even to temporary restraining orders that were  
 16 dissolved upon a hearing, such as in Plaintiff Partowashraf’s situation.

17 93. SB 2 also added Penal Code section 26202(a)(5), which disqualifies  
 18 anyone who “Has engaged in an unlawful or reckless use, display, or brandishing of  
 19 a firearm.” In its opposition to Plaintiffs’ motion for preliminary injunction, LASD  
 20 argued this provision also barred Plaintiff Velasquez from getting his permit  
 21 renewed, even though the denial occurred prior to SB 2’s effective date.

22 77.94. None of these additional criteria imposed on license applicants  
 23 comport with the Second Amendment, as there is no broad and enduring historical  
 24 tradition of disarming Americans because they have been victimized by criminals,  
 25 or temporarily disarmed until a hearing. Thus, Plaintiffs seek to enjoin Defendant  
 26 Bonta from enforcing these statutory provisions.

27 95. Both Plaintiff Velasquez and Plaintiff Partowashraf had their CCW  
 28 permit applications denied before SB2 took effect. However, to the extent

Formatted: Line spacing: Exactly 8 pt  
 Formatted: Line spacing: Exactly 10 pt  
 Formatted Table  
 Formatted: Line spacing: single  
 Formatted: Footer

Defendant LASD argues that its provisions bar it from issuing permits to these two Plaintiffs. Penal Code sections 26202(a)(3), 26202(a)(5), and 26202(a)(9) should be declared unconstitutional as applied to them.

**LASD Is Misled by the Attorney General and Does Not Address Lengthy Wait Times Despite Several Letters from CRPA Warning of Litigation**

Formatted: Keep with next, Keep lines together

78-96. Following the *Bruen* ruling, CRPA sent letters to all California sheriff’s departments, including Los Angeles County. The first letter was sent the day after the June 2022 *Bruen* ruling, and explained that the “good cause” portion of California’s CCW permit issuance laws was no longer enforceable.

79-97. But rather than complying with the Supreme Court’s decision, the Attorney General rebelled, responding to the *Bruen* ruling by claiming that local sheriffs and police chiefs in fact could *add* more steps and impose *additional* subjective considerations to the permit application process in light of *Bruen*. -On June 24, 2022, the Attorney General sent a Legal Alert to law enforcement officials across California, instructing it was proper under *Bruen* to apply a heightened “good moral character” requirement to the application process which included subjective considerations beyond the applicant passing a criminal and mental health background check.

80-98. In response to the Attorney General’s malicious and intentional attempt to undermine the *Bruen* ruling, CRPA sent a second letter to several sheriff’s departments, including LASD, reiterating that the Second Amendment, as clarified by the *Bruen* ruling, will only permit “narrow, objective, and definite” standards to be used in issuing permits to law-abiding citizens,<sup>5</sup> and that they should ignore the Attorney General’s unlawful instruction to his subordinate law enforcement agencies.

<sup>5</sup> Again, Plaintiffs do not concede that any mandatory permitting scheme was found permissible by *Bruen*, as most of the states that have such objective “shall issue” schemes also allow constitutional carry or open carry without a license.

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 81-99. In the months following CRPA’s correspondences to the county  
 2 sheriffs, CRPA received responses from several departments stating that they  
 3 would begin complying with *Bruen*. In contrast, LASD never responded. It did  
 4 begin to process CCW permit applications, albeit at an unlawfully slow pace, with  
 5 wait times routinely stretching beyond one year for many CRPA members.  
 6 However, CRPA abstained from litigation, believing it best to allow the law  
 7 enforcement authorities some time to adjust to the implied mandate of *Bruen*.

8 82-100. In August 2022, former LASD Sheriff Alex Villanueva  
 9 announced that “LASD will only accept first-time CCW applications from those  
 10 who reside within our contract cities or unincorporated communities. Applicants  
 11 residing in a municipality other than those served by LASD shall contact their local  
 12 police department and apply for a CCW license.” This meant that several cities in  
 13 Los Angeles County, that had not set up a CCW permit program, like La Verne,  
 14 would now need to do so, even though the Sheriff is obligated to accept and process  
 15 such applications from *any* county resident—whether they live in a “non-contract”  
 16 city or not—under California Penal Code section 26150.

17 83-101. This illegal LASD policy change has contributed to the high  
 18 fees problem. LASD’s refusal to grant permits to residents of municipalities inside  
 19 the county eliminates a cheaper route to obtaining a permit for county residents, and  
 20 gives them no way around the exorbitant fees that some municipalities, like LVPD,  
 21 have imposed.

22 84-102. As CRPA received an ever-increasing volume of complaints  
 23 about waiting times and fees from its members in the months following *Bruen*, it  
 24 sent a letter to newly elected Sheriff Luna on February 21, 2023. The letter advised  
 25 that long wait times contravene *Bruen*’s express language, violate the Second  
 26 Amendment, and are unlawful under California law, and promised to forbear  
 27 litigation should the Sheriff imminently address the long wait times at issue.

28 85-103. Sheriff Luna’s office responded by letter dated March 9, 2023,

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

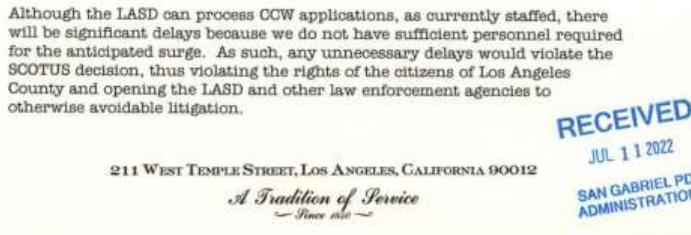
Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 stating that LASD was “taking steps to reduce processing times and improve our  
 2 overall processes.” That letter detailed how the adoption of new application  
 3 processing software (Permitium) may reduce processing times and alluded to  
 4 potentially increasing staffing in the CCW unit to address the backlog of  
 5 applications. The Sheriff stated that he hoped the situation would be much better in  
 6 six months, and he promised to provide regular progress updates (that never  
 7 materialized).

8 [86-104.](#) CRPA responded on March 14, 2023 writing that, while Sheriff  
 9 Luna’s letter was encouraging, another six months was not an acceptable  
 10 timeframe, given the thousands of applications lingering for a year or more. CRPA  
 11 also noted that LASD previously admitted that long wait times are unconstitutional.  
 12 In a July 7, 2022, letter to the Chief of Police of San Gabriel explaining why LASD  
 13 could no longer accept applications from residents of San Gabriel, the Department  
 14 wrote in pertinent part:



15  
16  
17  
18  
19  
20  
21 [87-105.](#) CRPA’s March 14, 2023 letter also expressed CRPA’s view that  
 22 adopting a policy of not processing permit applications from LA County residents  
 23 living in non-contract municipalities was illegal. -CRPA is unaware of any other  
 24 California county sheriff that refuses to process CCW permit applications for that  
 25 county’s residents merely because those residents live in a “non-contract city.”

26 [88-106.](#) Unfortunately, in a responsive letter dated March 24, 2023, the  
 27 Sheriff only repeated his vague promise to “improve efficiency and reduce  
 28 processing times,” but refused to resume accepting applications from residents of

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer



1 non-contract cities.

2 89-107. As of the filing of this lawsuit, the wait times for LASD permit  
3 applicants in fact have grown worse instead of better, with CRPA members  
4 complaining of wait times in excess of 15 months. Some individuals who submitted  
5 applications at the time of the *Bruen* ruling in June 2022 have not even been  
6 contacted for their initial interview, as of November 2023.

7 90-108. LASD does not deny that its wait times are absurdly long. In  
8 response to a Public Records Act request by Attorney Jason Davis, the Department  
9 confirmed that applicants could expect wait times of, “from application entry to  
10 issuance . . . a year to a year and a half.”

11 91-109. CRPA sent a final letter to the Sheriff on September 14, 2023,  
12 warning that litigation was imminent if no immediate changes to accelerate  
13 application processing were made. -A response was received from the Sheriff on  
14 November 1, 2023, making the same vague promises as before, however, no  
15 concrete steps to implement these purported fixes or timelines for doing so were  
16 identified.

17 **LVPD’s Exorbitant Fees and Unconstitutional Psychological Exam**  
18 **Requirement**

19 A. ~~A.~~ *LVPD’s Permit Application Fees Are Dramatically*  
20 *Higher Than Most Other Issuing Authorities in California and*  
21 *Elsewhere*

22 92-110. Like many other municipalities in California, La Verne did not  
23 historically have a CCW permitting process, but instead referred applicants to  
24 LASD. But as discussed *supra*, after *Bruen*, LASD announced that it “will only  
25 accept first-time CCW applications from those who reside within our contract cities  
26 or unincorporated communities and encourage applicants residing in a municipality  
27 other than those served by LASD to contact their local police department and apply  
28

Formatted: List Paragraph, Numbered + Level: 1 +  
Numbering Style: A, B, C, ... + Start at: 1 + Alignment:  
Left + Aligned at: 1.06" + Indent at: 1.56"

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 for a CCW license.”<sup>6</sup> Consequently, La Verne and other cities were forced to  
2 establish their own permitting programs.

3 [93-111.](#) LVPD took several months to set up its permit process, during  
4 which time its residents had no operative permitting authority to which to apply in  
5 order to obtain a permit to exercise the constitutional right to bear arms outside the  
6 home. Eventually, LVPD announced in early 2023 that it would begin accepting  
7 applications, and published the schedule of fees.

8 [94-112.](#) However, the outrageous fee schedule included \$398 for  
9 “processing,” \$150 for “administrative” costs, \$93 for “licensing,” \$20 for  
10 fingerprinting, \$150 for a psychological exam, \$20 for a card-issuance fee, and  
11 \$250 for a training course. Applicants would thus have to pay *more than \$1,000*  
12 merely to be approved to exercise their constitutional self-defense right. Following  
13 the filing of the original complaint, La Verne reduced its fees slightly, by \$145. As  
14 of now, the total cost to the applicant will be around \$750 to \$950, with the  
15 variance depending on the precise cost of the training course. Renewals every two  
16 years will cost somewhere around \$550 to \$750, again depending on the cost of the  
17 training course.

18 [95-113.](#) This cumulative fee schedule significantly exceeds what CCW  
19 applicants in other states pay. For example, in Arizona, where applying for a permit  
20 is entirely optional because Arizona is a constitutional carry state, the application  
21 fee is \$60 plus the cost of fingerprinting that must be submitted with the  
22 application.<sup>7</sup> In Texas, the application fee is \$40.<sup>8</sup> Florida charges \$55 for its  
23

24 <sup>6</sup> See <[https://lasd.org/ccw/#ccw\\_fees](https://lasd.org/ccw/#ccw_fees)> (as of November 30, 2023).

25 <sup>7</sup> See “Concealed Weapons & Permits | Arizona Department of Public  
26 Safety,” <<https://www.azdps.gov/services/public/cwp>> (as of November 30, 2023).

27 <sup>8</sup> See “Licensing & Registration | Department of Public Safety,”  
28 <<https://www.dps.texas.gov/section/handgun-licensing/licensing-registration>> (as  
of November 30, 2023).

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 issuance fee and \$42 for fingerprinting.<sup>9</sup> Utah charges \$53.25 for Utah residents,  
2 and \$63.25 for non-residents.<sup>10</sup> In Minnesota, the fee may not exceed \$100.<sup>11</sup>  
3 Nevada charges \$100.25.<sup>12</sup> Washington State charges \$36 plus fingerprinting fees.<sup>13</sup>  
4 [96-114.](#) California’s short two-year permit period is also an outlier that  
5 makes the average annual to exercise the carry right much greater than other states’.  
6 An Arizona CCW permit, for example, is good for five years and costs only \$60.  
7 Thus, an Arizona permit costs roughly \$12 a year, whereas a La Verne permit costs  
8 no less than \$500 per year.

9 [97-115.](#) The fees LVPD charges eclipse even other issuing authorities  
10 *within California*. Defendant LASD, for example, charges a \$43 initial fee,<sup>14</sup> a  
11 \$173 issuance fee, plus the cost of training<sup>15</sup> and livescan,<sup>16</sup> which applicants  
12 contract for on their own through a third party. The San Diego County Sheriff’s  
13

14  
15 <sup>9</sup> See “Concealed Weapons License Fees,”  
16 <<https://www.fdacs.gov/content/download/7438/file/Concealed-Weapons-License-Fees-06-26-2017.pdf>> (as of November 30, 2023).

17 <sup>10</sup> See “How do I Apply for a Concealed Firearm Permit? | DPS – Criminal  
18 Identification (BCI),” <<https://bci.utah.gov/concealed-firearm/how-do-i-apply-for-a-concealed-firearm-permit>> (as of November 30, 2023).

19 <sup>11</sup> See “Administrative Services – Permit to Carry FAQ,”  
20 <<https://dps.mn.gov/divisions/bca/bca-divisions/administrative/Pages/Permit-to-Carry-FAQ.aspx>> (as of November 30, 2023).

21 <sup>12</sup> See “Concealed Firearms Permits,” <<https://www.lvmpd.com/en-us/RecordsFingerprintBureau/Pages/ConcealedFirearms.aspx>> (as of November  
22 30, 2023).

23 <sup>13</sup> See “Fees: Firearms”  
24 <<https://www.dol.wa.gov/business/firearms/fafees.html>> (as of November 30,  
2023).

25 <sup>14</sup> See <<https://lasd.permitium.com/entry>> (as of November 30, 2023).

26 <sup>15</sup> Training courses are typically offered by an approved list of providers,  
27 with the class costing between \$175 and \$400 depending on the provider.

28 <sup>16</sup> Typically around \$100, depending on the provider.

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 Department charges a \$27.60 application fee,<sup>17</sup> a \$93 livescan fee, and a \$110.40  
 2 final fee, with the training provider chosen and contracted with by the applicant.  
 3 The Orange County Sheriff’s Department’s fees total \$169 for the application,<sup>18</sup>  
 4 with applicants completing the livescan and training through third parties they  
 5 choose and contract with.

6 98-116. LVPD’s claimed processing costs are not only excessive, but not  
 7 even comparable to similar cities’ fees. La Verne’s next-door neighbor Glendora  
 8 charges \$243 in total for processing (including livescan), plus the cost of the  
 9 training course.<sup>19</sup> Burbank charges \$100, plus the cost of livescan and the training  
 10 course.<sup>20</sup> Whittier charges \$243 (including livescan), plus the cost of the training  
 11 course.<sup>21</sup> Even the City of Los Angeles is not as expensive as La Verne, charging  
 12 \$268 plus the cost of livescan and the training course.<sup>22</sup> Moreover, none of the  
 13 examples listed here require a psychological exam, which saves applicants \$150.  
 14 Permit renewal fees for these localities are generally under \$100.

15 99-117. In general, most applicants in California will spend around  
 16 \$400-\$600 to get their permits. -While this is expensive, it is a relative bargain  
 17 compared to LVPD’s astronomical initial \$1,000 price tag for government approval  
 18

19 <sup>17</sup> See <[https://www.sdsheriff.gov/i-want-to/get-a-permit-or-](https://www.sdsheriff.gov/i-want-to/get-a-permit-or-license/regulatory-licenses-and-fees/concealed-weapons-license)  
 20 [license/regulatory-licenses-and-fees/concealed-weapons-license](https://www.sdsheriff.gov/i-want-to/get-a-permit-or-license/regulatory-licenses-and-fees/concealed-weapons-license)> (as of November  
 30, 2023).

21 <sup>18</sup> See <<https://ocsd.permitium.com/ccw/start>> (as of November 30, 2023).

22 <sup>19</sup> See <<https://glendorapdca.permitium.com/ccw/start>> (as of November 30,  
 23 2023).

24 <sup>20</sup> See <<https://burbankpdca.permitium.com/ccw/start>> (as of November 30,  
 25 2023).

26 <sup>21</sup> See <<https://whittierpdca.permitium.com/ccw/start>> (as of November 30,  
 27 2023).

28 <sup>22</sup> See <[https://www.lapdonline.org/office-of-the-chief-of-police/office-of-](https://www.lapdonline.org/office-of-the-chief-of-police/office-of-special-operations/detective-bureau/detective-services-group/ccw-carry-concealed-weapon-license/)  
[special-operations/detective-bureau/detective-services-group/ccw-carry-concealed-](https://www.lapdonline.org/office-of-the-chief-of-police/office-of-special-operations/detective-bureau/detective-services-group/ccw-carry-concealed-weapon-license/)  
[weapon-license/](https://www.lapdonline.org/office-of-the-chief-of-police/office-of-special-operations/detective-bureau/detective-services-group/ccw-carry-concealed-weapon-license/)> (as of November 30, 2023).

Formatted: Line spacing: Exactly 8 pt  
 Formatted: Line spacing: Exactly 10 pt  
 Formatted Table  
 Formatted: Line spacing: single  
 Formatted: Footer

1 to bear arms in public. Following the filing of this complaint and a preliminary  
 2 injunction challenging such a fee as constitutionally excessive, the City of La Verne  
 3 voted to slightly lower the fee by reducing the psychological exam cost. As a result,  
 4 the fee is now approximately \$900, which is still constitutionally excessive and  
 5 infringes on the exercise of the right under the test set forth in Bruen.

6 118. Part of the LVPD’s application process requires Plaintiffs Rigali,  
 7 Reeves, and Gabaldon to pay to have LVPD Chief Gonzalez interview them for an  
 8 hour as a condition of receiving a CCW permit. Plaintiffs further allege that this  
 9 process applies to any member of any of the associational Plaintiffs who is a  
 10 resident of La Verne who wants to receive a CCW permit, and further allege that  
 11 such a process applies to any other member of the public who is a resident of La  
 12 Verne who wants to receive a permit. Not only do Plaintiffs allege that paying for  
 13 an hour of the Chief’s time is constitutionally excessive in terms of the cost  
 14 imposed for exercising Plaintiffs’, associational members’ and supporters, and La  
 15 Verne residents’ Second Amendment rights, but that the cost is for a purpose  
 16 impermissible under the Second Amendment and the test set out in Bruen. Plaintiffs  
 17 allege that any questions or criteria the Chief might ask or assess in such an  
 18 interview would be necessarily subjective and give discretion to the Chief to deny a  
 19 permit application in violation of Bruen. Plaintiffs thus allege that both the process  
 20 of being interviewed itself as well as the cost of the process to be interviewed by  
 21 the Chief violates the Second Amendment.

22 *B. Outsourcing Application Processing to Third-party Processor*  
 23 *MyCCW is Why LVPD -is so Much Costlier Than Other Issuing*  
 24 *Authorities.*

25 100-119. Of the 88 distinct municipalities in Los Angeles County, the  
 26 only ones with grossly excessive fee schedules similar to LVPD are those cities  
 27 which, like La Verne, have outsourced CCW processing to a third-party private  
 28 contractor called “MyCCW.” These include cities like Santa Monica, San Gabriel,

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 and Signal Hill.<sup>23</sup>

2 ~~401-120.~~ To use MyCCW to process residents' CCW Permit applications,  
3 those cities, including La Verne, pass on a number of exorbitant or illegal fees  
4 charged by MyCCW, including:

5 a. the entire application fee charged at the time the application is  
6 submitted, in violation of Penal Code section 26190, which caps the percentage of  
7 the total fee collected until after the application is approved;

8 b. a renewal fee of \$348, in excess of the current renewal fee allowed  
9 under Section 26190.<sup>24</sup>

10 ~~402-121.~~ LVPD passes these unconstitutionally high and contrary to state  
11 law fees imposed by MyCCW's use onto its applicants. The \$398 application fee,  
12 plus the \$150 psychological examination—which most other cities and LASD do  
13 not require—explains in part why LVPD's CCW fee schedule is exorbitantly high,  
14 an outlier among outliers.

15 C. *LVPD's Burdensome Psychological Examination.*

16 ~~403-122.~~ LVPD's required psychological exam administered is invasive  
17 and burdensome, it violates procedural due process, and is fundamentally  
18 incompatible with the exercise of Second Amendment rights.

19 ~~404-123.~~ The exam ~~iswas originally~~ administered at a facility in San  
20 Bernardino on weekdays. That drive ~~takestook~~ approximately an hour each way for  
21

22 <sup>23</sup> See <<https://www.myccw.us/>> (as of November 30, 2023).

23 <sup>24</sup> It is unclear how contracting with MyCCW to perform CCW Permit  
24 application processing for LVPD is legal in any aspect because, while a licensing  
25 authority may charge an additional fee for processing an application beyond the  
26 standard DOJ charges in an amount equal to that local authority's reasonable costs  
27 for processing, the Penal Code expressly requires that the additional fee collected  
28 be deposited in the local authority's treasury, not shared with a private contractor as  
profit. See Cal. Penal Code § 26190(b) (West 2023). However, Plaintiffs do not  
challenge the legality of the use of third-party processors such as MyCCW in this  
action, and limit their challenge to only the costs passed along to applicants for  
such use.

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 a typical La Verne resident. The facility applicants ~~are~~ were required to use was  
 2 designed to test applicants applying for roles in law enforcement, not citizens  
 3 exercising their Second Amendment rights. -Yet, for reasons having no grounding  
 4 in science or empirical evidence, LVPD ~~requires~~ required CCW permit applicants to  
 5 fill out a psychological exam asking applicants the same questions that are used to  
 6 screen its law enforcement personnel.

7 124. Following this lawsuit and Plaintiffs' filing of a motion for preliminary  
 8 injunction, La Verne changed its contractor for the psychological examination to  
 9 Seal Beach Consulting and reduced the associated fee from \$150 to \$5 according to  
 10 the MyCCW website's fee schedule. La Verne has represented that there is no  
 11 remaining psychological exam fee to applicants, and it covers the entire cost.

12 105-125. Applicants are ~~then~~ interviewed by a psychologist, who  
 13 ultimately makes a recommendation to the City with respect to whether the person  
 14 should be entrusted with Second Amendment rights.

15 ~~106. From start to finish, including drive time, an applicant will likely~~  
 16 ~~spend at least four hours on this examination.~~

17 107-126. ~~Furthermore, the~~ The requirement that a law-abiding person  
 18 affirmatively and subjectively prove that they are psychologically suitable to  
 19 exercise the right of self-defense is not grounded in any history or tradition of the  
 20 right to bear firearms.

21 108-127. Plaintiff CRPA sent several letters to La Verne identifying these  
 22 issues with their CCW Permit scheme, but never received a response.

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

**California Must Honor CCW Permits Issued by Other States**

~~109-128.~~ A number of states issue permits to nonresidents. -Most states require no permit at all for nonresidents to carry within their borders. Others allow open carry. -Although California does not honor any other states’ CCW permits, dozens of states do honor each other’s permits. For example, a Utah CCW permit is valid in Nevada, Idaho, Montana, Washington, and 32 other states.

~~110-129.~~ In addition to a lack of any reciprocity for other states’ permits, there is no process for nonresidents like Plaintiff Hoover and Plaintiff Broady to get a California CCW permit, even if they were willing to put up with the time and expense such a process would likely involve. In other words, if you are visiting California from another state, or if you need to cross into the state regularly for work, you check your federally enumerated right to carry for self-defense at California’s border.

~~111-130.~~ California also does not honor nonresident permits even if they are held by its own residents, such as Plaintiffs Rigali and Reeves, who hold CCW permits issued by Utah and Arizona.

131. California has no more authority to deny nonresidents’ rights to public carry than it does to deny their rights to speak within its borders. On the contrary, the Second Amendment’s reference to “the people[.]’ ... unambiguously refers to all members of the political community, not an unspecified subset.” *Heller*, 554 U.S. at 580.

~~112-132.~~ Our historical tradition of firearm regulation supports the idea that States may not impose their firearm carry requirements on nonresidents who are otherwise legally allowed to own and carry firearms in their home states. Specifically, many carry laws in the 19th century had exceptions for those traveling in the state, called “traveler’s exceptions”. These included, but were not limited to, an 1831 Indiana law, an 1841 Alabama law, an 1820 Arkansas law, an 1813 Kentucky law, an 1878 Tennessee law, an 1878 Mississippi law, an 1867 Nevada

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer



1 law, and an 1864 California law.

2 443-133. An analogous issue was already decided in 2015. Because Ohio  
3 would not allow for same sex marriages, James Obergefell and John Arthur decided  
4 to marry in Maryland. After learning that Ohio would not recognize their marriage,  
5 they filed a lawsuit. The Supreme Court ultimately held, in pertinent part, that  
6 “[t]he Fourteenth Amendment requires a State . . . to recognize a marriage between  
7 two people of the same sex when their marriage was lawfully licensed and  
8 performed out-of-State.” *Obergefell v. Hodges*, 576 U.S. 644, 644 (2015). In  
9 reaching this conclusion, the Court explained that:

10 For some couples, even an ordinary drive into a neighboring State to  
11 visit family or friends risks causing severe hardship in the event of a  
12 spouse’s hospitalization while across state lines. In light of the fact that  
13 many States already allow same-sex marriage—and hundreds of  
14 thousands of these marriages already have occurred—the disruption  
15 caused by the recognition bans is significant and ever-growing. As  
16 counsel for the respondents acknowledged at argument, if States are  
17 required by the Constitution to issue marriage licenses to same-sex  
18 couples, the justifications for refusing to recognize those marriages  
19 performed elsewhere are undermined.

16 *Id.* at 680-681.

17 444-134. This holding and its logic, with respect to an unenumerated  
18 right, apply just as much to the enumerated right to bear arms, and thus applies  
19 equally to CCW permits issued by other states as the Supreme Court instructs that it  
20 does to marriage licenses issued by other states. California may not completely  
21 deny Americans the right to carry for self-defense within California’s borders just  
22 because they are not California residents.

23 445-135. In the free speech context, an individual “faced with such an  
24 unconstitutional licensing law may ignore it and engage with impunity in the  
25 exercise of the right of free expression for which the law purports to require a  
26 license.” *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 151 (1969). Similarly,  
27 if a non-resident’s permit is not honored in California, and there is no way for them  
28 to get a California CCW permit, their only avenue to exercise their right to carry in

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 defiance of California law.

2 **PLAINTIFFS SEEK DECLARATORY AND INJUNCTIVE RELIEF**

3 446.136. Under *Bruen*, Defendants bear the burden of proving their  
4 policies comply with the Second Amendment. They will fail to do so, because their  
5 practices are entirely atextual and ahistorical, novel schemes developed in recent  
6 years or decades, and completely without any historical analogue.

7 447.137. Accordingly, Plaintiffs seek declaratory relief confirming that  
8 Los Angeles County Sheriff's Department's current CCW permit application  
9 regime violates the Second Amendment, imposing extraordinary delays and  
10 including forbidden suitability determinations. LASD's wait times also violate  
11 California Penal Code ~~Section~~section 26205 because they exceed the 90 days (or  
12 120 days after January 1, 2024) permitted by statute.<sup>25</sup> LASD's practice of  
13 exceeding this statutory time limit is facially unconstitutional, as even a mere wait  
14 time of 30 days was already deemed an unconstitutional delay on acquiring  
15 additional firearms after an additional purchase. See *Nguyen v. Bonta*, No.  
16 320CV02470WOHMMP, 2024 WL 1057241, at \*11 (S.D. Cal. Mar. 11, 2024). At  
17 minimum though, it is at least unconstitutional as applied to each of the individual  
18 Plaintiffs and the members and supporters of the associational Plaintiffs who have  
19 waited more than 120 days for their permits since submitting their applications.<sup>26</sup>  
20 These Plaintiffs seek declaratory relief that their rights were violated beginning on

21 \_\_\_\_\_  
22 <sup>25</sup> Plaintiffs do not concede that either of these time periods is a permissible  
impediment to the exercise of an enumerated right.

23 <sup>26</sup> Contrary to representations made by Defendants at the hearing on  
24 preliminary injunction, once an applicant submits the application to LASD, there is  
25 no additional task the applicant needs to complete for LASD to start processing the  
26 application or start the running of the statutory 120-day deadline to process the  
27 application. See Cal. Penal Code §§ 26150, 26170. Following submission of the  
28 application, the only additional tasks an applicant must complete are dependent on  
LASD timely handling the application and informing the applicant that, e.g., the  
applicant has been preliminarily approved so he or she can now take the firearms  
training course required under Section 26155. Contrary to LASD's representations,  
nothing of LASD's unconstitutional and statutorily impermissible delay is caused  
by inaction by these Plaintiffs or any similarly-situated applicants.

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 the 121<sup>st</sup> day following their respective applications being submitted.

2 138. Plaintiff Messel, who recently received his CCW permit, seeks  
3 declaratory relief and nominal damages confirming his rights were violated  
4 beginning on the 121<sup>st</sup> day following his application being submitted, and  
5 continuing until his permit was finally issued in May of 2024.

6 118-139. LASD also violates California Penal Code ~~Section~~section 26150  
7 by refusing to accept applications from all residents of Los Angeles County.

8 119-140. Plaintiffs also seek declaratory relief confirming that LVPD’s  
9 current CCW permit application regime violates the Second Amendment because: it  
10 includes an unconstitutional psychological exam the City purports to utilize for  
11 applicants under California Penal Code ~~Section~~section 26190(f)(1), because its fee  
12 schedule is ~~astronomically~~exorbitantly expensive, and because permit issuance is  
13 conditioned upon unconstitutional suitability determinations instead of narrow,  
14 objective, and definite standards. Each of these are both facially unconstitutional,  
15 and unconstitutional as applied to the Plaintiffs and the members and supporters of  
16 the associational Plaintiffs.

17 120-141. LVPD also violates Penal Code ~~Section~~section 26190(b)(2) by  
18 collecting the entire application fee upfront, prior to licensure. LVPD’s use of  
19 “MyCCW” violates Penal Code ~~Section~~section 26190(b)(1) because it does not  
20 transfer its “additional fees” to the city treasury, instead paying a third-party  
21 provider. By charging over \$25 for a renewal application, LVPD also violates Penal  
22 Code ~~Section~~section 26190(b) (“The licensing authority may charge an additional  
23 fee, not to exceed twenty-five dollars (\$25), for processing the application for a  
24 license renewal, and shall transmit an additional fee, if any, to the city, city and  
25 county, or county treasury.”).

26 121-142. Defendant Bonta has the burden of proving that Penal  
27 Code ~~Section~~section 26190(f)(1)’s psychological examination requirement for  
28 obtaining a CCW license comports with the Second Amendment in light of *Bruen*’s

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 prohibition on suitability determinations for CCW licenses. -He will fail to do so.  
2 Constitutional rights are not conditioned on a quasi-medical professional’s opinion  
3 of a person’s emotional bona fides.

4 143. Plaintiffs seek a declaration that all “the people” have the right to bear  
5 arms in public and, because of that, California must honor CCW permits issued by  
6 other states ~~or~~and allow residents of other states to apply for California CCW  
7 permits.<sup>27</sup>

8 ~~122-144.~~ To the extent that the Los Angeles County Defendants contend  
9 they will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due to  
10 SB 2’s changes to the Penal Code even though those changes came after their  
11 permits were denied, Plaintiffs seek a declaration that Penal Code sections  
12 26202(a)(3), 26202(a)(5), and 26202(a)(9) are unconstitutional as applied to  
13 Plaintiffs Velasquez and Partowashraf, respectively.

14 ~~123-145.~~ Finally, Plaintiffs seek preliminary and permanent injunctive  
15 relief to compel Defendants to comply with the Second Amendment as clarified by  
16 *Bruen* and California law by correcting the violations listed above.

17 146. As discussed previously, for each of these claims, each and every  
18 Plaintiff contends, and each member of an associational Plaintiff contends, that  
19 their proposed course of conduct is, as in *Bruen*, carrying handguns publicly for  
20 self-defense. To the extent that such a proposed course of conduct is deemed to be  
21 too general or otherwise insufficient for purposes of adjudication of their rights,  
22 Plaintiffs alternatively allege and describe more specifically their proposed courses  
23 of conduct as follows:

24 a. On the issue of LASD’s lengthy wait times, Plaintiffs Messel’s,  
25 Weimer’s, and Yun’s more specific proposed course of conduct, and the

27 <sup>27</sup> Again, Plaintiffs do not concede that permitting itself is constitutional, as  
28 there is no broad and enduring historical tradition of government licensure to bear  
arms in public.

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

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

members and supporters of the associational Plaintiffs’ more specific proposed course of conduct, is lawfully carrying firearms publicly for self-defense without an unreasonable wait time to receive a permit to lawfully carry, which Plaintiffs define here as at least a wait time exceeding the 120 days allowed by State law. Plaintiffs allege that a wait time in excess of at least state law’s requirements for issuing a permit violate the Second Amendment. Plaintiffs further allege that they are not aware of a historical tradition of laws or regulations from the applicable historical period conditioning the exercise of the right to carry for self-defense on waiting in excess of 120 days for a permit in order to lawfully carry.

b. On the issue of La Verne’s exorbitant fees, Plaintiffs Rigali’s, Reeves’s, and Gabaldon’s more specific proposed course of conduct, and the members and supporters of the associational Plaintiffs’ more specific proposed course of conduct, is lawfully carrying firearms publicly for self-defense without unreasonable expense to the applicant, which Plaintiffs define here as a total expense that exceeds at least \$500. Plaintiffs allege that a fee to obtain a permit to carry in self-defense in excess of \$500 violates the Second Amendment. Plaintiffs further allege that they are not aware of a historical tradition of laws or regulations from the applicable historical period conditioning the exercise of the right to carry of a person who has not been adjudicated as being dangerous to the public, to pay any amount for such right, much less an amount in excess of \$500.

c. On the issue of nonresident carry, Plaintiffs Broady’s and Hoover’s more specific proposed course of conduct, and the members and supporters of the associational Plaintiffs’ more specific proposed course of conduct is lawfully carrying firearms publicly for self-defense in California, primarily by having California honor the permits of other states under the Second Amendment, and Privileges and Immunities and Equal Protection

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

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

clauses of the Fifth and Fourteenth Amendments. Plaintiffs allege that not honoring their out-of-state permits, which were obtained under the same or similar requirements or burdens that California law imposes on its permittees, or which, in the alternative, have sufficient background checks and other processes that are both constitutionally sound and adequately reflect the reasons similar historical laws and regulations from the applicable historical period allowed restrictions on public carry, violates Plaintiffs’ rights under the Second Amendment, and Privileges and Immunities and Equal Protection clauses. Plaintiffs further allege that they are not aware of a historical tradition of laws or regulations from the applicable historical period conditioning the exercise of the right to carry for self-defense—either generally or for the specific purposes cited above—on being a resident of the state in which the carry is to occur.

d. On the issue of nonresident carry, Plaintiffs Broady’s and Hoover’s more specific proposed course of conduct, and the members and supporters of the associational Plaintiffs’ more specific proposed course of conduct is lawfully carrying firearms publicly for self-defense in California by alternatively allowing nonresidents to obtain California CCW permits in a manner that is constitutionally sound as to both the timing and the cost for obtaining those California permits. Plaintiffs further allege that timeliness for purposes of complying with the Second Amendment, and Privileges and Immunities, Due Process, and Equal Protection clauses, is the same amount of time, or sooner, that a resident of California would receive such a permit. Plaintiffs further allege that appropriate cost for purposes of complying with the Second Amendment, and Due Process and Equal Protection clauses, is the same cost for a permit, or less, than a resident of California would pay to receive such a permit. Plaintiffs allege that not allowing nonresidents to carry in California with a California permit issued with the same costs and within

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

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

the same timeframe residents receive their permits, violates Plaintiffs’ rights under the Second Amendment, and Privileges and Immunities and Equal Protection clauses. Plaintiffs further allege that they are not aware of a historical tradition of laws or regulations from the applicable historical period conditioning the exercise of the right to carry for self-defense—either generally or for the specific purposes cited above—on being a resident of the state in which the carry is to occur.

e. On the issue of cost for CCW applicants to be interviewed by the LVPD Chief, Plaintiffs Rigali’s, Reeves’s, and Gabaldon’s more specific proposed course of conduct, and the more specific proposed course of conduct of the members and supporters of the associational Plaintiffs, is lawfully carrying firearms publicly for self-defense without submitting to or paying for a subjective interview process by the head law enforcement officer of a licensing entity like La Verne. On information and belief, there is no objective fact finding purpose of the Chief’s interview, as objective information such as confirming the identity and residence of the applicant, conducting the state-mandated background check, confirming the lack of a disqualifying factor such as a disqualifying conviction, medical condition, or mental health hold or commitment, or confirming that the applicant has the appropriate live fire training, are all performed by other persons within the LVPD, by the DOJ, or by LVPD’s contractor MyCCW.us. Plaintiffs allege that any CCW license approval process that allows for Chief Gonzales to deny a permit application based on an applicant’s responses to his questions during an interview allows subjective discretion by the permit issuer in violation of the Second Amendment and the Due Process Clause. Plaintiffs further allege that any state law allowing a local permitting entity to impose an exam requirement—including Penal Code section 26190(f)(1)—facially violates the Second Amendment, inasmuch as it permits unconstitutional

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 discretion by a permitting entity. Plaintiffs further allege that such statute is  
 2 also unconstitutional as applied to each of the individual Plaintiffs who are  
 3 residents of La Verne, insomuch as it acts as a barrier to applying for and  
 4 receiving a CCW permit. Plaintiffs further allege that such statute is also  
 5 unconstitutional as applied to any and all of the members and supporters of  
 6 the associational Plaintiffs who reside in La Verne. On information and  
 7 belief, one or more such members would have applied for a permit if not for  
 8 the unlawful examination requirement. On information and belief, one or  
 9 more residents of La Verne would have applied for a permit if not for the  
 10 unlawful examination requirement. Plaintiffs further allege that they are not  
 11 aware of a single historical law or regulation from the applicable period,  
 12 much less a historical tradition of such laws or regulations, conditioning the  
 13 exercise of the right to carry for self-defense—either generally or for the  
 14 specific purposes cited above—on the sitting for an interview by the local  
 15 Chief of Police, including a law or regulation imposed by a state like  
 16 California or a locality like La Verne.

17 f. On the issue of psychological exams, Plaintiffs Rigali’s,  
 18 Reeves’s, and Gabaldon’s more specific proposed course of conduct, and the  
 19 more specific proposed course of conduct of the members and supporters of  
 20 the associational Plaintiffs, is lawfully carrying firearms publicly for self-  
 21 defense without submitting to a psychological examination, insomuch as  
 22 Plaintiffs allege that any requirement of an exam allows subjective discretion  
 23 by the permit issuer or its designated examiner in violation of the Second  
 24 Amendment. Plaintiffs further allege that any state law allowing a local  
 25 permitting entity to impose an exam requirement—including Penal Code  
 26 section 26190(f)(1)—facially violates the Second Amendment and due  
 27 process rights of Plaintiffs and other applicants, insomuch as it permits  
 28 unconstitutional discretion by a permitting entity. Plaintiffs further allege that

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer



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

such statute is also unconstitutional as applied to each of the individual Plaintiffs who are residents of La Verne, insomuch as it acts as a barrier to applying for and receiving a CCW permit. Plaintiffs further allege that such statute is also unconstitutional as applied to any and all of the members and supporters of the associational Plaintiffs who reside in La Verne. On information and belief, one or more such members would have applied for a permit if not for the unlawful examination requirement. On information and belief, one or more residents of the State would have applied for a permit if not for the unlawful examination requirement. Plaintiffs further allege that they are not aware of a single historical law or regulation, much less a historical tradition of such laws or regulations, from the applicable period conditioning the exercise of the right to carry for self-defense—either generally or for the specific purposes cited above—on the passing of a psychological exam, including a law or regulation imposed by a state like California or a locality like La Verne.

g. Plaintiff Velasquez’s more specific proposed course of conduct is lawfully carrying firearms publicly for self-defense without being prevented from doing so because he had firearms stolen from his locked vehicle. Plaintiff alleges that disqualifying a person from lawfully carrying for self-defense, where there was no charged crime, no charged crime involving dangerousness, or no court or other adversarial proceeding, violates his Second Amendment and due process rights. Plaintiff alleges that he is not aware of a single law or regulation, much less a historical tradition of such laws or regulations, from the applicable period which held that a citizen forfeits his or her right to carry for self-defense if they had firearms stolen from them, nor is Plaintiff aware of a single law or regulation, much less a historical tradition of such laws or regulations, from the applicable period which held that a disqualifying condition for carrying a firearm for

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

self-defense could include the allegation committing a crime of recklessness in possessing a firearm where such crime was never charged nor adjudicated by a neutral magistrate.

h. Plaintiff Partowashraf’s more specific proposed course of conduct is lawfully carrying firearms publicly for self-defense without being prevented from doing so due to a dissolved temporary restraining order that was issued against him. Plaintiff alleges that disqualifying a person from lawfully carrying for self-defense, where there was no adversarial proceeding adjudicating that person as dangerous, violates his Second Amendment and due process rights. Plaintiff alleges that he is not aware of a single law or regulation, much less a historical tradition of such laws or regulations, from the applicable period which held that a citizen forfeits his or her right to carry for self-defense if they were charged in a non-adversarial, non-criminal proceeding with a crime of violence, but, upon receipt of due process in the form of a noticed hearing in front of a judge or magistrate, were determined to have not committed such a crime nor be subject to a further prohibition on their possession or ownership of firearms.

**FIRST CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF  
U.S. CONST. AMENDS. II, XIV  
RIGHT TO BEAR ARMS  
42 U.S.C. § 1983  
AGAINST DEFENDANTS LOS ANGELES COUNTY SHERIFF’S  
DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10**

124-147. Plaintiffs hereby re-allege and incorporate by reference the allegations in the foregoing paragraphs as if set forth fully herein.

148. As described previously, LASD violated and continues to violate the rights of CCW permit applicants by taking over a year to process applications and by engaging in forbidden suitability determinations.

125-149. To the extent that the Los Angeles County Defendants contend they will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due the

Formatted: Keep with next, Keep lines together

Formatted: Not Highlight

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 prohibitions in Penal Code sections 26202(a)(3), 26202(a)(5), and 26202(a)(9),  
 2 such provisions are unconstitutional both facially and as applied to Plaintiffs  
 3 Velasquez and Partowashraf, and are not a constitutionally-permissible basis for  
 4 denying a permit to carry for self-defense.

Formatted: Not Highlight

5 126-150. As a result, Plaintiffs’ Second Amendment rights, as  
 6 incorporated under the Fourteenth Amendment, as well as the rights of the  
 7 associational Plaintiffs’ members and supporters, are violated.

8 127-151. Defendants are propagating customs, policies, and practices that  
 9 deprive or delay California residents, including Plaintiffs, of their constitutional  
 10 right to bear arms outside the home for self-defense “in case of confrontation,” as  
 11 guaranteed by the Second and Fourteenth Amendments.

12 128-152. Defendants cannot meet their burden to justify these customs,  
 13 policies, and practices that preclude Plaintiffs from exercising their enumerated  
 14 rights.

15 129-153. Plaintiffs are thus entitled to declaratory and injunctive relief  
 16 against such unconstitutional customs, policies, and practices.

17  
 18 **SECOND CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
 19 **U.S. CONST. AMENDS. II, XIV**  
 20 **RIGHT TO BEAR ARMS**  
 21 **42 U.S.C. § 1983**  
 22 **AGAINST DEFENDANTS LA VERNE POLICE DEPARTMENT, LA VERNE**  
 23 **CHIEF OF POLICE COLLEEN FLORESSAMUEL GONZALEZ, AND DOES 1-**  
 24 **10**

Formatted: Keep with next, Keep lines together

25 130-154. Plaintiffs hereby re-allege and incorporate by reference the  
 26 allegations in the foregoing paragraphs as if set forth fully herein.

27 131-155. As described previously, LVPD has violated and continues to  
 28 violate the rights of CCW permit applicants by charging nearly \$600 in total fees  
 (not including the cost of training, livescan, and psychological review) and by  
 engaging in forbidden suitability determinations with its psychological examination  
 requirement.

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 156. As described previously, LVPD has violated and continues to violate  
 2 the rights of CCW permit applicants by requiring them to pay for and sit for a  
 3 subjective interview with the LVPD Chief that allows the Chief to exercise  
 4 unconstitutional discretion to deny a permit based on such interview.

5 132-157. As a result, Plaintiffs’ Second Amendment rights, as  
 6 incorporated under the Fourteenth Amendment, as well as the rights of the  
 7 associational Plaintiffs’ members and supporters, are violated.

8 133-158. Defendants are thus propagating customs, policies, and practices  
 9 that deprive or delay California residents, including Plaintiffs, of their constitutional  
 10 right to bear arms outside the home for self-defense “in case of confrontation,” as  
 11 guaranteed by the Second and Fourteenth Amendments.

12 134-159. Defendants cannot satisfy their burden to justify these customs,  
 13 policies, and practices that preclude Plaintiffs from exercising their enumerated  
 14 rights.

15 135-160. Plaintiffs are thus entitled to declaratory and injunctive relief  
 16 against such unconstitutional customs, policies, and practices.

17 **THIRD CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
 18 **U.S. CONST. AMENDS. II, XIV**  
 19 **RIGHT TO BEAR ARMS**  
 20 **42 U.S.C. § 1983**

21 **AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10**

22 136-161. Plaintiffs hereby re-allege and incorporate by reference the  
 23 allegations in the foregoing paragraphs as if set forth fully herein.

24 137-162. The Supreme Court has explained that permitting regimes which  
 25 deny licenses based on a “perceived lack of need or suitability” are  
 26 unconstitutional. *Bruen*, 142 S. Ct. at 2123.

27 138-163. As described previously, California violates the right of CCW  
 28 permit applicants by allowing issuing authorities to demand psychological exams at  
 their discretion under California Penal Code ~~Section 26190(f) (soon to be section~~  
 26190(g) ~~under SB2~~).

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 139-164. California also refuses to recognize CCW permits issued by  
2 other states, whether they are held by residents or nonresidents. California also  
3 refuses to grant CCW permits to non-residents, thus providing no way for  
4 nonresidents to exercise their right to carry within its borders.

5 140-165. As a result, Plaintiffs’ Second Amendment rights, as  
6 incorporated under the Fourteenth Amendment, as well as the rights of the  
7 associational Plaintiffs’ members and supporters, are violated.

8 166. To the extent that the Los Angeles County Defendants contend they  
9 will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due to SB 2’s  
10 changes to the Penal Code even though those changes came after their permits were  
11 denied, Plaintiffs allege that Penal Code sections 26202(a)(3), 26202(a)(5), and  
12 26202(a)(9) are unconstitutional as applied to Plaintiffs Velasquez and  
13 Partowashraf, respectively.

14 141-167. The Attorney General is thus enforcing laws that violate the  
15 constitutional right to bear arms outside the home for self-defense “in case of  
16 confrontation,” as guaranteed by the Second and Fourteenth Amendments.

17 142-168. Plaintiffs are entitled to declaratory and injunctive relief against  
18 such unconstitutional laws, customs, policies, and practices.

19 **FOURTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
20 **VIOLATIONS OF THE CALIFORNIA PENAL CODE**  
21 **AGAINST DEFENDANTS LOS ANGELES COUNTY SHERIFF’S**  
22 **DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10**

23 143-169. Plaintiffs hereby re-allege and incorporate by reference the  
24 allegations in the foregoing paragraphs as if set forth fully herein.

25 144-170. LASD’s CCW permit process violates California Penal Code  
26 ~~Section~~section 26205 by taking over a year to process permit applications.

27 145-171. Additionally, Plaintiffs’ Second Amendment rights, as  
28 incorporated under the Fourteenth Amendment, as well as the rights of the  
associational Plaintiffs’ members and supporters, are violated.

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 ~~146.172.~~ Defendants LASD and Sheriff Robert Luna are thus enforcing  
 2 laws that violate the constitutional right to bear arms outside the home for self-  
 3 defense “in case of confrontation,” as guaranteed by the Second and Fourteenth  
 4 Amendments.

5 ~~147.173.~~ Plaintiffs are thus entitled to declaratory and injunctive relief  
 6 against these illegal customs, policies, and practices.

7  
 8 **FIFTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
**VIOLATIONS OF THE CALIFORNIA PENAL CODE**  
 9 **AGAINST DEFENDANTS LA VERNE POLICE DEPARTMENT, LA VERNE**  
**CHIEF OF POLICE COLLEEN FLORESSAMUEL GONZALEZ, AND DOES 1-**  
 10 **10**

11 ~~148.174.~~ Plaintiffs hereby re-allege and incorporate by reference the  
 12 allegations in the foregoing paragraphs as if set forth fully herein.

13 ~~149.175.~~ LVPD’s CCW permit process violates several portions of the  
 14 California Penal Code.

15 ~~150.176.~~ By inflating its own costs through the imposition of additional  
 16 requirements beyond a simple DOJ background check and an interview with an  
 17 applicant, LVPD charges more than its reasonable costs for permit processing and  
 18 violates California Penal Code ~~Section~~section 26190(b)(1).

19 ~~151.177.~~ By collecting the entirety of its fees at the time the application is  
 20 submitted, LVPD violates California Penal Code ~~Section~~section 26190(b)(2).

21 ~~152.178.~~ Additionally, Plaintiffs’ Second Amendment rights, as  
 22 incorporated under the Fourteenth Amendment, as well as the rights of the  
 23 associational Plaintiffs’ members and supporters, are violated.

24 ~~153.179.~~ The La Verne defendants are enforcing laws that violate the  
 25 constitutional right to bear arms outside the home for self-defense “in case of  
 26 confrontation,” as guaranteed by the Second and Fourteenth Amendments.

27 ~~154.180.~~ Plaintiffs are thus entitled to declaratory and injunctive relief  
 28 against these illegal customs, policies, and practices.

Formatted: Line spacing: Exactly 8 pt  
 Formatted: Line spacing: Exactly 10 pt  
 Formatted Table  
 Formatted: Line spacing: single  
 Formatted: Footer

**SIXTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF  
U.S. CONST. AMEND. XIV  
EQUAL PROTECTION  
42 U.S.C. § 1983**

AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10

~~155-181.~~ Plaintiffs hereby re-allege and incorporate by reference the allegations in the foregoing paragraphs as if set forth fully herein.

~~156-182.~~ Plaintiff Steven Hoover is a Florida resident. He does not have residency in California, and thus cannot obtain a California identification card or driver’s license. Plaintiff Broady is a former California resident who previously held California CCW permits, but now lives in Nevada.

~~157-183.~~ ~~Nevertheless, he~~ Both Plaintiffs often ~~visits~~ visit California and ~~desires~~ desire to be able to lawfully conceal-carry a firearm when visiting the State.

~~158-184.~~ ~~He~~ Plaintiff Hoover applied to the Monterey County Sheriff for a CCW permit but the Sheriff rejected his application because he is not a California resident. Plaintiff Broady did not attempt to apply, realizing it would be futile to do so and he would be rejected as Plaintiff Hoover was.

~~159-185.~~ Indeed, California law does not allow a resident of another state to apply for and obtain a CCW permit whatsoever.

~~160-186.~~ This policy violates ~~Plaintiff Hoover’s~~ Plaintiffs’ right to equal protection of the law as guaranteed and protected under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution because it favors California residents and discriminates against non-California residents like Hoover- and Broady. The policy also violates the Equal Protection Clause because California refuses to honor permits issued by other states, including Florida or Nevada, the home states of Plaintiffs Hoover and Broady, respectively.

~~161-187.~~ This policy is especially egregious because here California’s policy prevents Plaintiff Hoover from exercising the constitutionally protected right to be armed in public recognized in *Bruen*. It also violates the constitutionally protected right to travel under the Equal Protection Clause of the Fourteenth

Formatted: Keep with next, Keep lines together

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 Amendment, and forces Hoover to choose between exercising his Second  
 2 Amendment right to be armed and his constitutional right to travel. *Harper v.*  
 3 *Virginia State Bd. of Elections*, 383 U.S. 663 (1966); *United States v. Guest*, 383  
 4 U.S. 745 (1966); *Shapiro v. Thompson*, 394 U.S. 618 (1969); and *Zobel v. Williams*,  
 5 457 U.S. 55 (1981).

6  
 7 **SEVENTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
 8 **U.S. CONST. ART. IV, § 2**  
 9 **PRIVILEGES AND IMMUNITIES CLAUSE**  
 10 **42 U.S.C. § 1983**

11 **AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10**

12 162-188. Plaintiffs hereby re-allege and incorporate by reference the  
 13 allegations in the foregoing paragraphs as if set forth fully herein.

14 163-189. The Privileges and Immunities Clause of Article IV, § 2 of the  
 15 United States Constitution provides that “the Citizens of each State shall be entitled  
 16 to all Privileges and Immunities of Citizens in the several states.” This  
 17 Constitutional provision removes “from the citizens of each State the disabilities of  
 18 alienage in the other States.” *Saenz v. Roe*, 526 U.S. 489 (1999) (quoting *Paul v.*  
 19 *Virginia*, 8 Wall. 168, 180 (1868)). The Privileges and Immunities Clause bars  
 20 discrimination against citizens of other states based on their status as a citizen of  
 21 another state. *Toomer v. Witsell*, 334 U.S. 385 (1948).

22 164-190. Plaintiff Steven Hoover is a Florida resident who desires to  
 23 lawfully conceal-carry a firearm when visiting California. Plaintiff Broady is a  
 24 former California resident who previously held California CCW permits, but now  
 25 lives in Nevada.

26 165-191. ~~He does~~ These Plaintiffs do not have residency in California, and  
 27 thus cannot obtain a California identification card or driver’s license.

28 166-192. Hoover applied for a CCW with the Monterey County Sheriff  
 but was denied because of his Florida Residency. Plaintiff Broady did not attempt  
to apply, realizing it would be futile to do so and he would be rejected as Plaintiff

Formatted: Indent: First line: 0.56"

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer



1 Hoover was.

2 193. California’s law of refusing to accept CCW applications from citizens  
3 of other states, like Plaintiff Hoover, violates this constitutional provision because  
4 California’s policy discriminates against out of state residents solely because they  
5 are out-of-state residents. This policy does not even offer a non-resident a chance at  
6 applying for a permit. This policy denies a non-resident the ability to exercise the  
7 enumerated right to be armed in public, and thus violates the privilege and  
8 immunities clause.

9 194. The law also violates the Privileges and Immunities Clause by refusing  
10 to recognize the permits issued by other states, such as Florida and Nevada.

11 ~~167.~~

12 **EIGHTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
13 **U.S. CONST. AMENDMENT XIV**  
14 **DUE PROCESS OF LAW**  
15 **42 U.S.C. § 1983**

16 AGAINST LOS ANGELES COUNTY SHERIFF’S DEPARTMENT, SHERIFF  
17 ROBERT LUNA, LA VERNE POLICE DEPARTMENT, LA VERNE CHIEF OF  
18 POLICE SAMUEL GONZALEZ, ATTORNEY GENERAL ROB BONTA, AND  
19 DOES 1-10

20 168-195. The psychological testing component of California’s CCW  
21 permit regime violates both the substantive and procedural due process of law  
22 mandate set forth in Amendment XIV, Sec. 1, of the U.S. Constitution.

23 169-196. California’s law violates substantive due process because it  
24 arbitrarily and capriciously imposes a presumption of psychological unfitness to  
25 exercise a fundamental right, and requires the individuals seeking to exercise that  
26 fundamental right to bear the burden of proving a negative. Furthermore, by  
27 presuming that all CCW applicants should be subject to psychological screening,  
28 the requirement is overinclusive. Furthermore this state law, by allowing individual  
issuing authorities to require psychological testing or not, makes the law arbitrary  
and underinclusive. -Furthermore, by failing to legislate objective standards for  
psychological testing, the law empowers government bureaucrats to exercise  
subjective discretion in regulating a fundamental right.

Formatted: Font: Bold  
Formatted: Centered, Line spacing: Exactly 12 pt, No bullets or numbering, Keep with next, Keep lines together

Formatted: Line spacing: Exactly 8 pt  
Formatted: Line spacing: Exactly 10 pt  
Formatted Table  
Formatted: Line spacing: single  
Formatted: Footer

1            ~~170,197.~~ California Penal Code ~~Section~~section 26190(f) (soon to be  
 2 26190(g) under SB2) violates procedural ~~due process~~Due Process rights because it  
 3 impermissibly shifts the burden of proof of a constitutionally significant fact to an  
 4 individual seeking to exercise a fundamental right. Furthermore, the psychological  
 5 testing regime does not permit an adversarial process to adjudicate the scientific  
 6 validity of the underlying test or the validity of the psychologists’ opinions and  
 7 conclusions. Furthermore, there is no provision in this law for a right to appeal the  
 8 results of the psychological testing. Furthermore, there is no provision in this law to  
 9 discover or test the impartiality of the personnel administering the psychological  
 10 testing. Furthermore, there is no provision in this law allowing the CCW applicant  
 11 to submit evidence from their own medical expert to rebut the government’s  
 12 evidence, on a crucial question that might result in denial of a constitutional right.

13            198. To the extent that the Los Angeles County Defendants contend they  
 14 will not issue a CCW permit to Plaintiff Velasquez due to the theft of his firearms  
 15 or alleged reckless use of a firearm, which they contend constituted a Penal Code  
 16 violation, such denial, without a process for adjudicating or an actual adjudication  
 17 of Velasquez having committed a crime, is unconstitutional as a violation of  
 18 Velasquez’s due process rights.

19            199. To the extent that the Los Angeles County Defendants contend they  
 20 will not issue a CCW permit to Plaintiff Partowashraf due to Plaintiff having been  
 21 the subject of an ex parte restraining order which was dissolved upon adjudication  
 22 in an adversarial setting, without a process for adjudicating or an actual  
 23 adjudication of Velasquez being dangerous such that he should be denied his right  
 24 to carry for self-defense, is as a violation of Partowashraf’s due process rights. To  
 25 the extent the Los Angeles County Defendants rely as a basis for denying Plaintiff a  
 26 permit upon SB 2’s prohibition on issuing a CCW to a person like Plaintiff who  
 27 was the subject of an ex parte restraining order without an adversarial proceeding or  
 28 adjudication of dangerousness in such an adversarial proceeding, such law, as set

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 forth above, violates due process and the Second Amendment, and reliance by  
 2 Defendants upon that law to deny a permit to lawfully carry, absent some other  
 3 process that affords Partowashraf adequate process, further violates Plaintiff's due  
 4 process rights.

5 471.200. Finally, the CCW psychological testing requirement contradicts  
 6 existing law in California that already regulates firearms possession in the context  
 7 of mental health holds and mental health adjudications. *See* California Welfare and  
 8 Institutions Code §§ 5150, 5250, 8100-8108.

9 **PRAYER**

10 WHEREFORE, Plaintiffs request that judgment be entered in their favor and  
 11 against Defendants as follows:

- 12 1. A declaration that LASD taking over ~~a year~~ 120 days to process  
 13 permits violates the constitutional right to carry;
- 14 2. A declaration that these delays also violate California Penal Code  
 15 ~~Section~~ section 26205;
- 16 3. A declaration that LASD's denial of Plaintiff Velasquez's CCW  
 17 permit renewal application violates his constitutional right to carry;
- 18 4. A declaration that LVPD charging nearly ~~\$1,000~~ 900 for CCW permits  
 19 violates the constitutional right to carry;
- 20 5. A declaration that, by inflating its own costs through the imposition of  
 21 additional requirements beyond a simple DOJ background check and an interview  
 22 with an applicant, LVPD charges more than its reasonable costs for permit  
 23 processing and violates California Penal Code ~~Section~~ section 26190(b)(1);
- 24 6. A declaration that, by collecting the entirety of its fees at the time the  
 25 application is submitted, LVPD violates California Penal Code ~~Section~~ section  
 26 26190(b)(2).

Formatted: Line spacing: Exactly 8 pt

Formatted: Line spacing: Exactly 10 pt

Formatted Table

Formatted: Line spacing: single

Formatted: Footer

1 7. A declaration that LVPD’s psychological examination requirement  
2 violates *Bruen*’s prohibition on using “suitability” criteria when it comes to Second  
3 Amendment rights.

4 8. A declaration that California Penal Code ~~Section 26190(f) (soon to be~~  
5 ~~revised to~~ section 26190(g)), in allowing psychological examinations, is  
6 unconstitutional as a constitutionally-forbidden suitability determination;

7 9. A declaration that the Attorney General must honor CCW permits  
8 issued by other states, whether the permit holder is a resident of California or not,  
9 and/or a declaration that the Attorney General must permit residents of other states  
10 to acquire CCW permits in California;

11 10. A declaration that Penal Code sections 26202(a)(3), 26202(a)(5), and  
12 26202(a)(9), as applied to Plaintiffs Partowashraf and Velasquez, violate the  
13 Second Amendment and violate the Due Process Clause;

14 11. A declaration that the associational Plaintiffs’ resources and litigation  
15 experience are necessary to vindicate the Second Amendment rights of individual  
16 Plaintiffs who lack the means and capacity to challenge the constitutionally of the  
17 practices of LASD and the Sheriff, the fees and policies of LVPD and the Chief,  
18 and of the non-resident prohibition on carry and psychological examination  
19 requirements of California law.

20 ~~10.12.~~ An order preliminarily and permanently enjoining all Defendants and  
21 all other officers, agents, servants, employees, and persons under the authority of  
22 the State, from enforcing California Penal Code Section 26190(f);

23 ~~11.13.~~ An order preliminarily and permanently enjoining Los Angeles LASD,  
24 and Sheriff Luna in his official capacity, from refusing to process or issue a CCW  
25 Permit to any qualified applicant 120 days after ~~re~~receipt submission of such  
26 applicant’s initial application for a new license or a license renewal, or 30 days after  
27 receipt of the applicant’s criminal background check from the Department of  
28 Justice, whichever is later;

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

1 ~~12.14.~~An order preliminarily and permanently enjoining LASD, and Sheriff  
2 Luna in his official capacity, from requiring more information from applicants in  
3 the CCW permitting process that are not based on “narrow, objective, and definite”  
4 standards;

5 ~~13.15.~~An order preliminarily and permanently enjoining LVPD and La  
6 Verne Chief of Police ~~Colleen Flores~~ Samuel Gonzalez in ~~her~~his official capacity,  
7 from charging applicants nearly \$1,000 for processing CCW Permit applications;

8 ~~14.16.~~An order permanently enjoining all Defendants and all other officers,  
9 agents, servants, employees, and persons under the authority of the State, from  
10 enforcing all laws prohibiting concealed carry if the person accused of that crime  
11 has an otherwise-valid CCW permit issued by any state, and is not otherwise  
12 prohibited from owning firearms;

13 ~~15.17.~~An order declaring that California’s policy of not accepting  
14 applications or issuing permits to out of state residents violates the Equal Protection  
15 Clause;

16 ~~16.18.~~An order declaring that California’s policy of not accepting  
17 applications or issuing permits to out of state residents violates the Privileges and  
18 Immunities Clause;

19 ~~17.19.~~Costs of suit, including attorney’s fees and costs pursuant to 42 U.S.C.  
20 § 1988;

21 ~~18.20.~~Nominal damages; and

22 ~~19.21.~~All other relief the court deems appropriate.

23 Respectfully Submitted,

24 Dated: September 4, 2024

**MICHEL & ASSOCIATES, P.C.**

*/s/ C.D. Michel*  
C.D. Michel  
Counsel for Plaintiffs

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

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

Dated: September 4, 2024

**LAW OFFICES OF DON KILMER**

*/s/ Don Kilmer*  
\_\_\_\_\_  
Don Kilmer  
Counsel for Plaintiff The Second Amendment  
Foundation

- Formatted: Line spacing: Exactly 8 pt
- Formatted: Line spacing: Exactly 10 pt
- Formatted Table
- Formatted: Line spacing: single
- Formatted: Footer

# **EXHIBIT B**

1 C. D. Michel – SBN 144258  
cmichel@michellawyers.com  
2 Joshua Robert Dale – SBN 209942  
jdale@michellawyers.com  
3 Konstadinos T. Moros – SBN 306610  
kmoros@michellawyers.com  
4 Alexander A. Frank – SBN 311718  
afrank@michellawyers.com  
5 MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Blvd., Suite 200  
6 Long Beach, CA 90802  
Telephone: (562) 216-4444  
7

8 Attorneys for Plaintiffs California Rifle & Pistol Association, Incorporated, Gun  
Owners of America, Inc., Gun Owners Foundation, Gun Owners of California, Inc.,  
9 Erick Velasquez, Sherwin David Partowashraf, Charles Messel, Brian Weimer,  
Jung Yun, Albert Medalla, Clarence Rigali, Keith Reeves, Cynthia Gabaldon,  
David Broady, and Stephen Hoover  
10

11 *Additional Counsel listed on the next page.*

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED;  
15 THE SECOND AMENDMENT  
FOUNDATION; GUN OWNERS OF  
AMERICA, INC.; GUN OWNERS  
16 FOUNDATION; GUN OWNERS OF  
CALIFORNIA, INC.; ERICK  
17 VELASQUEZ, an individual; CHARLES  
MESSEL, an individual; BRIAN  
18 WEIMER, an individual; CLARENCE  
RIGALI, an individual; KEITH  
19 REEVES, an individual, and CYNTHIA  
GABALDON, an individual; STEPHEN  
20 HOOVER, an individual,

21 Plaintiffs,

22 v.

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

28 Defendants.

CASE NO: 2:23-cv-10169-SPG-ADS

**FIRST AMENDED AND  
SUPPLEMENTAL COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

**42 U.S.C. §§ 1983 & 1988**



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

Donald Kilmer-SBN 179986  
Law Offices of Donald Kilmer, APC  
14085 Silver Ridge Road  
Caldwell, Idaho 83607  
Telephone: (408) 264-8489  
Email: [Don@DKLawOffice.com](mailto:Don@DKLawOffice.com)

Attorney for Plaintiff The Second Amendment Foundation

1 NOW COME Plaintiffs California Rifle & Pistol Association, Incorporated,  
2 The Second Amendment Foundation, Gun Owners of America, Inc., Gun Owners  
3 Foundation, Gun Owners of California, Inc., Erick Velasquez, Sherwin David  
4 Partowashraf, Charles Messel, Brian Weimer, Jung Yun, Albert Medalla, Clarence  
5 Rigali, Keith Reeves, Cynthia Gabaldon, David Broady, and Stephen Hoover and,  
6 through their respective counsel, bring this action against Defendants Los Angeles  
7 County Sheriff’s Department, Sheriff Robert Luna in his official capacity as Los  
8 Angeles County Sheriff, La Verne Police Department, former La Verne Chief of  
9 Police, current La Verne Chief of Police Samuel Gonzalez, California Attorney  
10 General Robert Bonta in his official capacity, and Does 1-10, inclusive, and make  
11 the following supplemental and amended allegations:

12 **INTRODUCTION**

13 1. This action challenges the constitutionality of carry permit issuance  
14 policies and laws that make it extremely difficult, if not outright impossible or  
15 impermissibly time consuming, for Plaintiffs to obtain permits to carry a concealed  
16 firearm in public and therefore to exercise their right to be armed in public, as  
17 guaranteed by the Second Amendment’s text “bear arms,” and as recognized by the  
18 Supreme Court in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct.  
19 2111 (2022).

20 2. The main policies that Plaintiffs target here are: 1) Defendants’ failure  
21 to timely process carry permit applications, 2) the grossly excessive fees  
22 Defendants are charging to process permit applications and satisfy various permit  
23 requirements, 3) the use of highly subjective suitability criteria in evaluating  
24 applicants, and 4) the refusal to honor permits issued by other states and/or accept  
25 applications for permits from non-residents. These practices and policies, some of  
26 which are enabled by state law, violate the Second and Fourteenth Amendments.

27 3. Some Constitutional rights have a preliminary step required before  
28 their exercise, such as permitting (e.g., parades, demonstrations) or registration

1 (e.g., voting, lobbying). But the administration of such permits or registration  
2 requirements may not be so onerous as to exclude whole demographics due to  
3 expense or subjectivity, nor may it force them to wait inordinate amounts of time.<sup>1</sup>

4 4. In anticipation of bad-faith efforts to obstruct its ruling in recalcitrant  
5 jurisdictions, the *Bruen* Court expressly invited challenges such as this one, noting  
6 that, **“because any permitting scheme can be put toward abusive ends, we do  
7 not rule out constitutional challenges to shall-issue regimes where, for  
8 example, lengthy wait times in processing license applications or exorbitant  
9 fees deny ordinary citizens their right to public carry.”** *Id.* (emphasis added).

10 5. The policies that Plaintiffs challenge have gone far beyond “abus[ing]”  
11 constitutional rights. Defendants have flat-out denied Plaintiffs their rights to be  
12 armed outside of their homes by establishing an onerous permitting regime replete  
13 with exorbitant poll tax-like fees, egregious wait times lasting well over a year, and  
14 nefarious discretionary requirements designed to flout the Supreme Court’s  
15 precedents.

16 6. This suit challenges whether Defendants are engaged in a permit  
17 process that subjects applicants seeking to lawfully carry for self-defense in  
18 California by the only manner allowed under law—with a concealed carry weapons  
19 permit (“CCW permit”) issued by a local jurisdiction, to excessive wait times,  
20

---

21 <sup>1</sup> It has long been established that a State may not impose a penalty upon  
22 those who exercise a right guaranteed by the Constitution. *Frost & Frost Trucking*  
23 *Co. v. Railroad Comm’n of California*, 271 U.S. 583, 593-94 (1926).  
24 “Constitutional rights would be of little value if they could be . . . indirectly denied”  
25 (*Smith v. Allwright*, 321 U.S. 649, 664 (1944)), or “manipulated out of existence.”  
26 *Gomillion v. Lightfoot*, 364 U.S. 339, 345 (1960). “Significantly, the Twenty-  
27 Fourth Amendment does not merely insure that the franchise shall not be ‘denied’  
28 by reason of failure to pay the poll tax; it expressly guarantees that the right to vote  
shall not be ‘denied or abridged’ for that reason.” *Harman v. Forssenius*, 380 U.S.  
528, 540 (1965) (citation omitted). Thus, like the Fifteenth Amendment, the  
Twenty-Fourth “nullifies sophisticated as well as simple-minded modes” of  
impairing the right guaranteed. *Lane v. Wilson*, 307 U.S. 268, 275 (1939). “‘It hits  
onerous procedural requirements which effectively handicap exercise of the  
franchise by those claiming the constitutional immunity.’” *Harman*, 380 U.S. at  
540-41 (citations omitted), quoting *Lane*, at 275.

1 exorbitant fees, and suitability criteria that are unnecessary, burdensome, and  
2 subjective; and whether those permit processes violate the right to bear arms in  
3 public as explained by the Supreme Court in *Bruen*. Examples abound.

4 7. For starters, Los Angeles County Sheriff’s Department (“LASD”)  
5 admits that it takes “a year to a year and a half” to process CCW applications.

6 8. While the La Verne Police Department’s (“LVPD”) permit application  
7 processing wait time is not as severe as LASD’s, its application process is cost  
8 prohibitive. Applicants pay approximately \$900 depending on the varying costs that  
9 third parties charge for the mandatory training course and live scan services. And  
10 even after obtaining a permit, LVPD even charges over \$500 for renewal  
11 applications every two years (\$250 per year to exercise an enumerated right).

12 9. In stark contrast, applicants in other California counties can avoid high  
13 local-municipality fees by applying with their county’s sheriff’s department instead  
14 of the city where they reside, as California law provides — But LASD Sheriff Luna  
15 has refused to process CCW permit applications for Los Angeles County residents  
16 who live in one of that county’s many distinct “non-contract” municipalities.

17 10. Because La Verne is a “non-contract” city, residents who want to  
18 exercise their right to carry have no alternative; they must pay LVPD’s exorbitant  
19 fees if they wish to lawfully carry a concealed firearm.

20 11. Additionally, both LASD and LVPD impose subjective permit-  
21 issuance criteria, in open defiance of *Bruen* which rejected such unmoored  
22 standards for determining who gets the privilege of exercising an enumerated right  
23 For example, LVPD subjects applicants to an invasive psychological examination.  
24 This absurd policy is an outlier, even in California.

25 12. Yet under Senate Bill 2 (“SB 2”), effective January 2024, issuing  
26 authorities that opt to require the psychological exam may charge the applicant the  
27 actual cost of the exam. Whereas under prior law, that expense was capped at \$150,  
28

1 and left the issuing authority responsible for paying the balance if it chose to  
2 require an examination, now the full cost will be borne by the applicant.

3 13. LASD's adopted policies in issuing and renewing CCW permits also  
4 include impermissible subjective criteria, including punishing victims of crimes.

5 14. Even if Plaintiffs wanted to avoid delay, expense, and suitability  
6 requirements from LASD and LVPD by simply obtaining a carry permit from  
7 another state, as some of these Plaintiffs have done, California does not honor  
8 permits issued by *any* other state.

9 15. In fact, nonresidents have no way to lawfully carry firearms in  
10 California, even if they are willing to apply to a California issuing authority for a  
11 permit, because California law does not permit in-state issuing authorities to issue  
12 permits to nonresidents.

13 16. This is plainly unconstitutional under both *Bruen* and the precedent  
14 established in *Obergefell v. Hodges*, 576 U.S. 644, 648 (2015). If California must  
15 honor a broad right to marry, which is unenumerated, then it must also honor the  
16 right to carry firearms, which is enumerated.

17 17. Separately from Plaintiffs' Second Amendment claim, the United  
18 States Supreme Court has consistently held that regulations and classifications that  
19 impose a penalty or an impermissible burden on the right to travel violate the Equal  
20 Protection Clause of the Fourteenth Amendment, unless absolutely necessary to  
21 promote a compelling government interest. *Saenz v. Roe*, 526 U.S. 489 (1999);  
22 *Shapiro v. Thompson*, 394 U.S. 618 (1969). Accordingly, California's policy of  
23 denying out-of-state residents the ability to lawfully exercise their constitutionally  
24 protected right to be armed in public for self-defense inhibits the free interstate  
25 passage of citizens and violates equal protection doctrines by treating Americans  
26 differently merely on account of their state of residency.

27 18. Furthermore, the Privileges and Immunities Clause of Article IV, § 2  
28 of the United States Constitution provides that "The Citizens of each State shall be

1 entitled to all privileges and immunities of Citizens in the several States.” The  
2 Privileges and Immunities Clause bars discrimination against citizens of other states  
3 based on their status as a citizen of another state. *Toomer v. Witsell*, 334 U.S. 385  
4 (1948).

5 19. Plaintiffs seek to enjoin Defendants’ flagrantly unconstitutional  
6 practices and uphold Plaintiffs’ Second Amendment rights.

7 **PARTIES**

8 **Plaintiffs**

9 20. The individual Plaintiffs are ordinary, law-abiding, adult residents of  
10 either Los Angeles County or the City of La Verne, who have applied for CCW  
11 permits but have not received them, or have been dissuaded or prevented from  
12 applying due to the high fees or the psychological examination requirement.

13 21. The associational Plaintiffs are non-profit organizations dedicated to  
14 the preservation of the Second Amendment and other enumerated constitutional  
15 rights. These associational Plaintiffs use their resources and economies of scale to  
16 ensure the broadest possible protection for their members and supporters by  
17 bringing suits on behalf of individual plaintiffs — who are also members — who  
18 would otherwise lack the financial resources and litigation experience to bring cases  
19 like this themselves. The associational Plaintiffs are representing their members and  
20 supporters who reside in Los Angeles County or La Verne and have either: (1)  
21 already applied for a CCW permit and are faced with a lengthy wait time; (2) would  
22 apply for a permit if not for the high fees and psychological examination  
23 requirement; and/or (3) have CCW permits that were issued by other states and  
24 wish to have their permits honored when they visit California. The associational  
25 Plaintiffs thus bring this action to vindicate their members’ and supporters’ Second  
26 Amendment rights to publicly bear arms for self-defense, including the rights of the  
27 members and supporters of the associational Plaintiffs, who might otherwise lack  
28 an opportunity for legal representation due to the lack of resources.

1           22. The associational Plaintiffs also have members and supporters in other  
2 states who have CCW permits in those states, and wish to have their permits  
3 honored when they visit California. Plaintiffs thus bring this action to vindicate  
4 their own Second Amendment rights to publicly bear arms for self-defense, or the  
5 rights of their members and supporters to do so. While the associational Plaintiffs  
6 seek general injunctions on behalf of all similarly-situated Californians the  
7 challenged laws and practices affect, they also specifically seek relief on all claims  
8 as to each and every one of their members and supporters who might otherwise lack  
9 the litigation experience and resources of the associational Plaintiffs.

10           23. All individual Plaintiffs are natural persons and citizens of the United  
11 States and are eligible to possess firearms under state and federal law, and currently  
12 own at least one firearm. Each individual Plaintiff desires to carry a firearm in  
13 public for lawful self-defense and would do so, but for the challenged statutes,  
14 policies, and practices.

15           24. All individual Plaintiffs are members of the associational Plaintiffs  
16 California Rifle & Pistol Association, Incorporated, The Second Amendment  
17 Foundation, and Gun Owners of America, Inc.

18           25. Plaintiff Erick Velasquez is a resident of Los Angeles County and a  
19 law-abiding citizen of the United States. Mr. Velasquez had a CCW permit issued  
20 pursuant to California Penal Code Section 26150 by Los Angeles County Sheriff's  
21 Department. He carried a handgun daily for two years, without any incident.

22           26. On April 10, 2023, Mr. Velasquez submitted his CCW permit renewal  
23 application with Los Angeles County Sheriff's Department, expecting a simple  
24 process and quick approval given there had been no issues the last two years.

25           27. Then, on May 3, 2023, Mr. Velasquez was the unfortunate victim of a  
26 crime. A burglar broke into his vehicle and stole three handguns, along with other  
27 valuables. The handguns were stored in a range bag in the locked trunk of the car,  
28 in compliance with California Penal Code section 25610(a)(1).



1 28. Mr. Velasquez promptly called the police to report the theft. An officer  
2 from the Vernon Police Department arrived at the scene and took a report, which  
3 noted that Mr. Velasquez was eager to have the thief brought to justice. But as of  
4 this date, the perpetrator has not been found.

5 29. On August 23, 2023, Defendant Luna denied Mr. Velasquez's renewal  
6 application. As a reason for denial, the letter had the box for "other" but provided  
7 no further explanation for the denial. Seeking clarity, Mr. Velasquez eventually  
8 communicated with LASD Sergeant Berner, who explained that the theft of the  
9 firearms was the reason for the denial. Mr. Velasquez asked how he could appeal,  
10 but Sergeant Berner told him there was no appeal process. He encouraged Mr.  
11 Velasquez to apply again with the City of Downey instead, as they might not have  
12 similar restrictions.

13 30. While California Penal Code sections 26202(a)(5) and 26202(a)(9)  
14 were not yet in effect when Mr. Velasquez's permit was denied, to the extent  
15 Defendants argue that those sections prevent them from issuing him a CCW permit  
16 now, he contends they are unconstitutional as applied to him.

17 31. Plaintiff Sherwin David Partowashraf is a resident of Los Angeles  
18 County and a law-abiding citizen. After waiting over a year and a half on his  
19 application, on October 3, 2023, the application for a CCW permit was denied by  
20 LASD. Even though California law requires a reason for the denial be given, the  
21 reasoning for the denial was nothing more than a checkmark next to "other".

22 32. Mr. Partowashraf would come to learn that he was denied a permit  
23 because a former girlfriend had filed for a temporary restraining order against him  
24 the prior year, after an attempt to extort him had failed.

25 33. At the time, Mr. Partowashraf complied with the law and turned in his  
26 firearms to the police to be held while the temporary restraining order was in effect.  
27 Following a hearing, the temporary restraining order was promptly dissolved and  
28 the request for a restraining order was discharged.



1           34. Mr. Partowashraf then had to go through a tedious process to get his  
2 firearms back, involving him submitting requests for *each* firearm to the California  
3 Department of Justice for them to run background checks so he could have them  
4 returned to him. After being approved, he scheduled a time to pick up the firearms  
5 and received them without further trouble. The California DOJ has thus itself  
6 confirmed Mr. Partowashraf is not dangerous. If law enforcement thought he was  
7 still dangerous, they could have filed for a gun violence restraining order under  
8 California Penal Code section 18100, but they did not do so.

9           35. Mr. Partowashraf contends that his rights should not be denied  
10 because of a dissolved temporary restraining order, especially following the  
11 Supreme Court’s ruling in *Rahimi*.

12           36. While California Penal Code section 26202(a)(3) was not yet in effect  
13 when Mr. Partowashraf’s permit was denied, to the extent Defendants argue that it  
14 prevents them from issuing him a CCW permit now, he contends it is  
15 unconstitutional as applied to him.

16           37. Plaintiff Charles Messel is a resident of Los Angeles County and a  
17 law-abiding citizen. Mr. Messel submitted his CCW permit application to LASD on  
18 July 1, 2022. Having heard nothing by April 2023, he contacted the department to  
19 inquire about his application.

20           38. The response he received stated: “We were several months behind in  
21 opening and entering applications in our tracking system. Although you applied  
22 earlier, your application wasn’t entered into our tracking system until 11/2/22. We  
23 are currently working on applications that went into our tracking system in July of  
24 2022. Thank you for your patience.”

25           39. As of the filing of this action, Mr. Messel had still not been issued a  
26 permit or received further communications about his application’s status from  
27 LASD. More than 17 months had elapsed since his initial application. Following  
28 the filing of this action and the filing of a preliminary injunction to compel LASD

1 to issue Mr. Messel a permit, only then did LASD finally process his application,  
2 nearly two years after he had submitted his application.

3 40. Plaintiff Brian Weimer is a resident of Los Angeles County and a law-  
4 abiding citizen. Mr. Weimer is employed by Los Angeles County as a firefighter on  
5 Catalina Island.

6 41. Like Mr. Messel, Mr. Weimer applied for a CCW permit with LASD  
7 and still has not been issued one. Mr. Weimer applied in January 2023, over a year  
8 ago, but still has not been issued a permit or a denial. His constitutional right to  
9 carry a firearm for self-defense has been denied to him.

10 42. Plaintiff Jung Yun is a resident of Los Angeles County and a law-  
11 abiding citizen. Mr. Yun applied for his CCW permit with LASD in September of  
12 2022. When he last followed up on December 6, 2023, he received a response  
13 saying that his application had not even been assigned to an investigator yet, and no  
14 further timeline was provided. Finally, on August 27, 2024, he received an initial  
15 telephonic interview and was told he would get additional instructions in  
16 approximately two months.

17 43. Plaintiff Albert Medalla is a resident of Los Angeles County and a  
18 law-abiding citizen. He works the graveyard shift at Cedars-Sinai Medical Center  
19 as an ultrasound technologist. Due to rising crime in his area, he desires to be able  
20 to carry a firearm for self-defense. He applied for his CCW permit with LASD on  
21 October 31, 2023. His initial interview is not scheduled to occur until August 11,  
22 2025.

23 44. Plaintiff Clarence Rigali is a resident of La Verne and a law-abiding  
24 citizen. Mr. Rigali is 60 years old and disabled. He was a Union Millwright from  
25 1981 until 2003, when he was injured in a serious power plant accident. He  
26 possesses a Utah CCW permit, which required a criminal background check to  
27 obtain.

28 45. Mr. Rigali lives in a senior citizen mobile home park. Given his fixed

1 income, the unreasonable and unjustifiable approximately \$900 in fees and costs to  
2 apply for and obtain a La Verne CCW permit exceeds his modest means and that  
3 has prevented him even from applying for a permit. He has been priced out of his  
4 constitutional rights.

5 46. Mr. Rigali also objects to the psychological exam LVPD requires,  
6 which is an unconstitutional suitability determination. When he sustained his work-  
7 related injury in 2003, a protracted lawsuit ensued following that injury, and Mr.  
8 Rigali was sent to several antagonistic psychologists for examination as the defense  
9 tried to disprove his injuries and claim he was a malinger. That horrible experience  
10 has made Mr. Rigali especially apprehensive about subjecting himself to another  
11 such exam, let alone as a precondition to exercising an enumerated right.

12 47. Plaintiff Keith Reeves is a resident of La Verne and a law-abiding  
13 citizen,. He is a certified NRA pistol instructor and a range safety officer. He has  
14 CCW permits issued by both Arizona and Utah, which are honored by several states  
15 but not California. Both of Mr. Reeves' permits required a criminal background  
16 check to obtain.

17 48. Mr. Reeves applied for a CCW permit in January 2014, and was  
18 denied in May 2015 because he was deemed to lack sufficient "good cause," a  
19 criterion the Supreme Court struck down in *Bruen* seven years later. Post-*Bruen*,  
20 Mr. Reeves wishes to reapply for a permit, but cannot afford to do so due to the  
21 excessive application and issuance fees charged by LVPD.

22 49. Mr. Reeves also refuses to subject himself to an unconstitutional  
23 psychological exam. Once the unconstitutional requirements are removed or  
24 invalidated, he will apply for a permit without delay, but has refrained from doing  
25 so due to the challenged restrictions.

26 50. Plaintiff Cynthia Gabaldon is a resident of La Verne and a law-abiding  
27 citizen. She has trained with firearms for most of her life.

28 51. Encouraged by the Supreme Court's ruling in *Bruen*, Mrs. Gabaldon

1 decided it was time to obtain a CCW permit. Unfortunately, the exorbitant fees  
2 LVPD charges have dissuaded her from applying. Mrs. Gabaldon is self-employed  
3 and has a son in college. Given her limited income and her expenses, she cannot  
4 afford LVPD's excessive fees to exercise an enumerated right. Mrs. Gabaldon also  
5 objects to subjecting herself to a psychological examination.

6 52. Plaintiff David Broady is a resident of Nevada and a law-abiding  
7 citizen. He is a retired California prosecutor, last working as a Senior Deputy  
8 District Attorney for the Placer County DA's office from 1995 to 2020. Before that,  
9 he worked in the Riverside County DA's office from 1991 to 1995.

10 53. Mr. Broady had California CCW permits in Riverside County and later  
11 Placer County, from the early 1990s until 2020 when he moved to Nevada. Since  
12 then he has had a Nevada CCW permit, but cannot obtain a California CCW permit.  
13 California does not honor his Nevada permit.

14 54. This is a problem for Mr. Broady because he still frequently visits  
15 California as he owns property in this state and has family here. He also remains an  
16 active member of the California Bar. He joins this lawsuit against California  
17 Attorney General Rob Bonta for Mr. Bonta's enforcement of a complete prohibition  
18 on the right to carry against citizens from other states.

19 55. Mr. Broady, for himself and on behalf of other nonresidents who have  
20 out-of-state CCW permits, as well as on behalf of the members and supporters of  
21 the associations who live outside of California, seeks to have his Nevada permit  
22 honored by the State of California.

23 56. Plaintiff Stephen Hoover is a resident of Florida, and a law-abiding  
24 citizen. He is a PhD candidate at the Center for Complex Systems and Brain  
25 Sciences in the Charles E. Schmidt College of Science at Florida Atlantic  
26 University. He owns firearms and has a Florida-issued CCW permit.

27 57. Mr. Hoover spent a significant amount of time in California in the  
28 summer of 2023 and plans to return for work and leisure purposes in the near

1 future.

2 58. While he was in California, he sought to obtain a California CCW  
3 permit from the Monterey County Sheriff’s Department, as California would not  
4 honor his Florida CCW permit, but he still desired to be able to exercise his right to  
5 carry for self-defense. Yet in spite of otherwise meeting the criteria for eligibility,  
6 his application was denied because he was deemed ineligible for a CCW permit  
7 under Penal Code section 26150(a)(3), as he is not a resident of the county he  
8 applied in, nor a resident of California.

9 59. Mr. Hoover joins this lawsuit against California Attorney General Rob  
10 Bonta for Mr. Bonta’s enforcement of a complete prohibition on the right to carry  
11 against citizens from other states.

12 60. Plaintiff The Second Amendment Foundation (“SAF”) is a non-profit  
13 membership organization. It is incorporated under the laws of the state of  
14 Washington and was founded in 1974. SAF has over 720,000 members and  
15 supporters nationwide, including thousands of members in California. SAF is  
16 dedicated to promoting a better understanding of the nation’s constitutional heritage  
17 and tradition of privately owning, possessing, and carrying firearms, through  
18 educational and legal action programs designed to better inform the public. SAF is  
19 a pioneer and innovator in defending the right to keep and bear arms, through its  
20 publications and public education programs like the Gun Rights Policy Conference.  
21 SAF also incurs significant expenses to sponsor public interest litigation to defend  
22 its interests and to disseminate information to like-minded individuals. SAF  
23 members who want CCW permits but reside in Los Angeles County or La Verne  
24 are subject to lengthy wait times, exorbitant fees, and unconstitutionally subjective  
25 permit issuance criteria that violate the U.S. Constitution. SAF’s policies  
26 specifically include the dedication of its resources, litigation experience, and  
27 economies of scale for the purpose of representing people who would otherwise  
28 lack the means and access to resources to successfully bring lawsuits to compel

1 state and local governments to comply with the Constitution, as intended by the  
2 Fourteenth Amendment, its enforcement provisions, and Congressional statutes  
3 enabling the enforcement of the Constitution by private actors. See: 42 U.S.C.  
4 section 1983, 1988.

5 61. Plaintiff Gun Owners of America, Inc. (“GOA”) is a California non-  
6 stock corporation and a not-for-profit membership organization with its principal  
7 place of business in Springfield, Virginia, and is organized and operated as a non-  
8 profit membership organization that is exempt from federal income taxes under  
9 Section 501(c)(4) of the Internal Revenue Code. GOA was formed in 1976 to  
10 preserve and defend the Second Amendment rights of gun owners. It has more than  
11 2 million members and supporters across the country, including residents within  
12 this judicial district and throughout the State of California. GOA members who  
13 wish to obtain CCW permits but reside in Los Angeles County or La Verne are  
14 subject to lengthy wait times or exorbitant fees, and also unconstitutionally  
15 subjective criteria.

16 62. Plaintiff Gun Owners Foundation (“GOF”) is a Virginia non-stock  
17 corporation and a not-for-profit legal defense and educational foundation with its  
18 principal place of business in Springfield, Virginia and is organized and operated as  
19 a non-profit legal defense and educational foundation that is exempt from federal  
20 income taxes under Section 501(c)(3) of the Internal Revenue Code. GOF was  
21 formed in 1983 and is supported by gun owners across the country, within this  
22 judicial district, and throughout the State of California who, like the individual  
23 Plaintiffs, will be irreparably harmed by the implementation and enforcement of SB  
24 2. GOF supporters who wish to obtain CCW permits but reside in Los Angeles  
25 County or La Verne are subject to lengthy wait times or exorbitant fees, and also  
26 unconstitutionally subjective criteria. GOF is supported by gun owners across the  
27 country, who fund the organization’s activities so that it can, *inter alia*, file  
28 litigation such as this to preserve, protect, and defend their right to keep and bear

1 arms.

2 63. Plaintiff Gun Owners of California, Inc. (“GOC”) is a non-profit  
3 organization incorporated under the laws of the state of California with  
4 headquarters in El Dorado Hills, California. GOC is dedicated to the restoration of  
5 the Second Amendment in California. GOC members who wish to obtain CCW  
6 permits but reside in Los Angeles County or La Verne are subject to lengthy wait  
7 times or exorbitant fees, and also unconstitutionally subjective criteria.

8 64. Plaintiff CRPA is a non-profit membership and donor-supported  
9 organization qualified as tax-exempt under Section 501(c)(4) of the Internal  
10 Revenue Code, with its headquarters in Fullerton, California. Founded in 1875,  
11 CRPA seeks to defend the civil rights of all law-abiding individuals, including the  
12 enumerated right to bear firearms for lawful purposes like self-defense. CRPA  
13 regularly participates as a party or amicus in litigation challenging unlawful  
14 restrictions on the right to keep and bear arms. It also provides guidance to  
15 California gun owners regarding their legal rights and responsibilities. CRPA  
16 members include law enforcement officers, prosecutors, professionals, firearm  
17 experts, and the general public. CRPA members who want CCW permits but reside  
18 in Los Angeles County or the City of La Verne are subject to lengthy wait times or  
19 exorbitant fees, and also unconstitutionally subjective criteria.

20 **Defendants**

21 65. Defendant LASD is a local government entity created under the laws  
22 of California, and it exists as an agency of Los Angeles County. LASD is a political  
23 subdivision of Los Angeles County. LASD is responsible for issuing CCW permits.

24 66. Defendant Robert Luna is the elected Sheriff of Los Angeles County.  
25 Defendant Luna is and, at all times relevant to this complaint, was one of the  
26 ultimate policy makers for Defendant LASD, and he has authority and  
27 responsibility under California Penal Code section 26150 to issue carry permits  
28 within the county. He is directly responsible for promulgating, enforcing, and



1 continuing the policies of his Department, including the unlawful policies and  
2 procedures complained of herein. Luna is sued solely in his official capacity.

3 67. Defendant LVPD is a local government entity created under the laws  
4 of California, and it exists as an agency and subdivision of the City of La Verne.  
5 LVPD CCW permit applications and renewals for residents of the city.

6 68. Defendant Colleen Flores is the Chief of Police of LVPD. She is sued  
7 in her official capacity. She has authority and responsibility under California Penal  
8 Code section 26155 to issue carry permits to residents of La Verne. Defendant  
9 Samuel Gonzalez succeeded Chief Flores following the filing of this action and the  
10 filing of a preliminary injunction motion by Plaintiffs in the action, and has  
11 assumed the rights and obligations of Chief Flores in that position, including the  
12 ability to act or refrain from acting, in providing the relief sought by Plaintiffs in  
13 this action.

14 69. Defendant Robert Bonta is the Attorney General of California. He is  
15 the chief law enforcement officer of California. Defendant Bonta is charged by  
16 Article V, section 13 of the California Constitution with the duty to see that the  
17 laws of California are uniformly and adequately enforced. Defendant Bonta also  
18 has direct supervision over every district attorney and sheriff in all matters  
19 pertaining to the duties of those respective officers. Defendant Bonta's duties also  
20 include informing the public, local prosecutors, and law enforcement regarding the  
21 meaning of the laws of California.

22 70. The true names or capacities—whether individual, corporate, associate,  
23 or otherwise—of the Defendants named herein as Does 1 through 10 are presently  
24 unknown to Plaintiffs and are therefore sued by these fictitious names. Plaintiffs  
25 pray for leave to amend this Complaint to show the true names or capacities of  
26 these Defendants if and when they have been determined.

27 **JURISDICTION AND VENUE**

28 71. The Court has original jurisdiction of this civil action under 28 U.S.C.



1 § 1331, because the action arises under the Constitution and laws of the United  
2 States, thus raising federal questions. The Court also has jurisdiction under 28  
3 U.S.C. § 1343(a)(3) and 42 U.S.C. §1983 because this action seeks to redress the  
4 deprivation, under color of the laws, statutes, ordinances, regulations, customs, and  
5 usages of the State of California and political subdivisions thereof, of rights,  
6 privileges or immunities secured by the United States Constitution and by Acts of  
7 Congress.

8 72. Plaintiffs’ claims for declaratory and injunctive relief are authorized by  
9 28 U.S.C. §§ 2201-2202, and their claim for attorney’s fees is authorized by 42  
10 U.S.C. § 1988.

11 73. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)  
12 because the events or omissions giving rise to the claims occurred in this district.  
13 Los Angeles County Sheriff’s Department and La Verne Police Department are  
14 both located within this district.

15 **GENERAL ALLEGATIONS**

16 74. The Supreme Court has recognized that the Second Amendment  
17 protects the individual right to keep and bear arms and protects, *inter alia*, the right  
18 of the people to “possess and carry weapons in case of confrontation.” *District of*  
19 *Columbia v. Heller*, 554 U.S. 570, 592 (2008).

20 75. The Supreme Court has also held that the Second Amendment right to  
21 keep and bear arms, via Fourteenth Amendment incorporation, applies equally to  
22 prohibit infringement by state and local governments. *See McDonald v. City of*  
23 *Chicago*, 561 U.S. 742, 750, 778 (2010) (“it is clear that the Framers and ratifiers of  
24 the Fourteenth Amendment counted the right to keep **and bear** arms among those  
25 fundamental rights necessary to our system of ordered liberty”) (emphasis added).

26 76. *Heller* established a “text, history, and tradition” framework for  
27 analyzing Second Amendment questions. *See Bruen*, 142 S. Ct. at 2127-29, citing  
28 *Heller*, 554 U.S. at 634. Under that framework, the *Heller* Court assessed historical

1 evidence to determine the prevailing understanding of the Second Amendment at  
2 the time of its ratification in 1791. Based on that assessment, the Court concluded  
3 that the District of Columbia statute which prohibited possession of the most  
4 common type of firearm in the nation (the handgun) lacked a Revolutionary-era  
5 tradition, did not comport with the historical understanding of the scope of the  
6 right, and therefore violated the Second Amendment.

7 77. Most recently, the Supreme Court confirmed and reiterated *Heller*'s  
8 historical approach to analyzing Second Amendment questions:

9 We reiterate that the standard for applying the Second Amendment is  
10 as follows: When the Second Amendment's plain text covers an  
11 individual's conduct, the Constitution presumptively protects that  
12 conduct. The government must then justify its regulation by  
13 demonstrating that it is consistent with the Nation's historical tradition  
14 of firearm regulation. Only then may a court conclude that the  
15 individual's conduct falls outside the Second Amendment's  
16 "unqualified command."

17 *Bruen*, 142 S. Ct. at 2126 (quoting *Konigsberg v. State Bar of Cal.*, 366 U. S. 36, 50  
18 n.10 (1961)).

19 78. In applying that test, the *Bruen* Court confirmed "that the Second and  
20 Fourteenth Amendments protect an individual's right to carry a handgun for self-  
21 defense outside the home." 142 S. Ct. at 2122.

22 79. In all issues presented in this lawsuit, Plaintiffs contend that their  
23 proposed course of conduct is exactly the same as the proposed course of conduct  
24 in *Bruen*: "carrying handguns publicly for self-defense." *Bruen*, 597 U.S. at 32. In  
25 that case, New York argued that the Second Amendment "permits a State to  
26 condition handgun carrying in areas 'frequented by the general public' on a  
27 showing of a nonspeculative need for armed self-defense in those areas". *Id.* at 33.  
28 The Supreme Court did not say that "carrying handguns publicly for self-defense  
without a showing of nonspeculative need" was the proposed course of conduct,  
because that "showing of nonspeculative need" was the burden on the Second  
Amendment right. The burden is not part of the proposed course of conduct, it is

1 the law or practice that is being challenged. In the same way, Plaintiffs here need  
2 not define their proposed course of conduct as, for example, “carrying handguns  
3 publicly for self-defense without unreasonable fees”. *Bruen*’s simpler “carrying  
4 handguns publicly for self-defense” applies in this case.

5 **California’s Law Regarding CCW Permit Issuance**

6 80. Following the California Legislature’s enactment of SB 2, which takes  
7 effect in January of 2024, California law imposes the following CCW permit  
8 application requirements:

9 (a) When a person applies for a new license or license renewal to carry  
10 a pistol, revolver, or other firearm capable of being concealed upon the  
11 person, the sheriff of a county shall issue or renew a license to that  
12 person upon proof of all of the following:

13 (1) The applicant is not a disqualified person to receive such a license,  
14 as determined in accordance with the standards set forth in Section  
15 26202.

16 (2) The applicant is at least 21 years of age, and presents clear  
17 evidence of the person’s identity and age, as defined in Section 16400.

18 (3) The applicant is a resident of the county or a city within the county,  
19 or the applicant’s principal place of employment or business is in the  
20 county or a city within the county and the applicant spends a  
21 substantial period of time in that place of employment or business.  
22 Prima facie evidence of residency within the county or a city within  
23 the county includes, but is not limited to, the address where the  
24 applicant is registered to vote, the applicant’s filing of a homeowner’s  
25 property tax exemption, and other acts, occurrences, or events that  
26 indicate presence in the county or a city within the county is more than  
27 temporary or transient. The presumption of residency in the county or  
28 city within the county may be rebutted by satisfactory evidence that  
the applicant’s primary residence is in another county or city within  
the county.

(4) The applicant has completed a course of training as described in  
Section 26165.

(5) The applicant is the recorded owner, with the Department of  
Justice, of the pistol, revolver, or other firearm for which the license  
will be issued.

Cal. Penal Code § 26150(a) (West 2023); *see id.* § 26155(a) (listing the same  
requirements for when a city’s Police Department conducts permit issuance).

81. Under the recently revised Penal Code section 26205 operative

1 January 2024, a licensing authority:

2 shall give written notice to the applicant indicating if the license under  
3 this chapter is approved or denied. The licensing authority shall give  
4 this notice within 120 days of receiving the completed application for a  
5 new license, or 30 days after receipt of the information and report from  
6 the Department of Justice described in paragraph (2) of subdivision (a)  
of Section 26185, whichever is later. The licensing authority shall give  
this notice within 120 days<sup>2</sup> of receiving the completed application for  
a license renewal.

7 82. Under Penal Code section 26190(b)(2), only 50 percent<sup>3</sup> of the  
8 “additional local fee”—what the issuing authority may charge CCW permit  
9 applicant above the DOJ’s application fees—may be charged at the time the CCW  
10 permit application is submitted. The balance may be collected only when a permit  
11 is issued. Furthermore, the additional local fee cannot exceed the actual reasonable  
12 costs incurred by the locality in processing the application.

13 83. While *Bruen* expressly forbids subjective criteria be used during a  
14 licensure process, California law does too, at least to the extent the standard DOJ  
15 CCW permit application does not require such information. According to Penal  
16 Code section 26175(g), “[a]n applicant shall not be required to complete any  
17 additional application or form for a license, except to clarify or interpret  
18 information provided by the applicant on the standard application form.” Thus,  
19 local requirements (such as Defendant LASD’s) that an applicant produce copies of  
20 past employment files or identify a need for self-defense are not within the ambit of  
21 the DOJ’s standard permit application.

22 84. California law authorizes a local issuing authority to conduct  
23 psychological testing prior to issuance of a concealed carry license. This provision  
24 of California’s CCW licensing regime manages to violate more than just the Second  
25 Amendment. It violates the presumption of sanity, it places an impressible burden

26 \_\_\_\_\_  
27 <sup>2</sup> The 120-day time limit was 90 days prior to the passage of SB 2.

28 <sup>3</sup> This additional local fee was capped at 20 percent prior to the passage of  
SB 2.

1 on exercising a fundamental right, and violates the procedural due process  
2 guarantees of the Fourteenth Amendment.

3 85. Psychological testing has the effect of transferring the discretionary  
4 issuance of a permit to exercise an enumerated right from a government official to a  
5 psychologist. *Bruen*'s holding rejects "suitability" determinations in permit  
6 issuance schemes, and a psychological evaluation is a per se a suitability  
7 determination. Such an evaluation impermissibly introduces the subjective  
8 impressions and opinions of the person conducting the evaluation into the permit  
9 issuance determination, rather than using objective criteria such as prior mental  
10 health adjudications. In that sense, a psychological exam to determine whether an  
11 applicant has the proper temperament to bear arms is nothing more than a  
12 requirement that an applicant demonstrate "good moral character" in order to bear  
13 arms – something that *Bruen* definitively forecloses by rejecting "suitability"  
14 determinations. And that is to say nothing about the utter dearth of a Founding-era  
15 tradition of testing the mental condition of each and every individual seeking to  
16 exercise their rights to carry arms in public.

17 86. What is more, California law permits local issuing authorities to  
18 impose this unconstitutional and subjective psychological-suitability determination  
19 on individuals as a prerequisite to carry a firearm, even after they have already  
20 demonstrated their lawful entitlement to possess a firearm. In other words, the  
21 CCW applicant has already passed a background check (including a check of a  
22 history of prior disqualifying mental health commitments or holds) as a condition of  
23 purchasing a firearm. And this already-passed background check is the same  
24 background check that a CCW permit applicant will again have to pass during the  
25 permit-issuance process, prior to any psychological evaluation being performed.

26 87. Furthermore, the excessive cost and financial burden of such a  
27 psychological test impermissibly shifts the burden to CCW applicants in violation  
28 of *Bruen*.

1 88. California law already provides for fully disarming any person  
2 subjected to a psychological hold when a qualified professional has determined that  
3 the individual is a danger to themselves or others. *See* Cal. Welf. & Inst. Code §§  
4 5150, 5250, 8100-8108. A person’s disqualifying mental health hold is a mandatory  
5 record forwarded to and maintained by the California Department of Justice for  
6 regulating firearm possession. *Id.*, §§ 8104-06. Yet even after a mental health hold,  
7 the State of California, not the individual citizen, bears the burden of proving a  
8 threat to public safety based on evidence of psychological disqualification. *Id.*, §  
9 8103(f)(6). SB 2 contradicts existing law in California by requiring a law-abiding  
10 resident to prove a negative – i.e., that they are not insane or psychologically  
11 impaired.

12 89. For all of these reasons, Plaintiffs also challenge the constitutionality  
13 of California Penal Code section 26190(e),<sup>4</sup> which permits issuing authorities to  
14 mandate psychological testing.

15 90. SB 2 also added new subsections to the Penal Code that allow issuing  
16 authorities to disqualify a permit applicant due to loss or theft (being a victim of  
17 crime) of a firearm. Specifically, an applicant is disqualified if: “In the 10 years  
18 prior to the licensing authority receiving the completed application for a new  
19 license or a license renewal, [he] has experienced the loss or theft of multiple  
20 firearms due to the applicant’s lack of compliance with federal, state, or local law  
21 regarding storing, transporting, or securing the firearm. For purposes of this  
22 paragraph, “multiple firearms” includes a loss of more than one firearm on the same  
23 occasion, or the loss of a single firearm on more than one occasion.” *See* Cal. Penal  
24 Code § 26202(a)(9) (West 2023).

25 91. An applicant can also be denied if he: “[f]ailed to report a loss of a  
26 firearm as required by Section 25250 or any other state, federal, or local law  
27

28 <sup>4</sup> Designated 26190(f) prior to the passage of SB 2.



1 requiring the reporting of the loss of a firearm.” *See id.* § 26202(a)(10).

2 92. SB 2, which took effect following the filing of this lawsuit, also added  
3 Penal Code section 26202(a)(3), which prohibits anyone who has had a restraining  
4 order issued against them from being granted a permit for five years from the date  
5 the order expired. This law applies even to *temporary* restraining orders that were  
6 dissolved upon a hearing, such as in Plaintiff Partowashraf’s situation.

7 93. SB 2 also added Penal Code section 26202(a)(5), which disqualifies  
8 anyone who “Has engaged in an unlawful or reckless use, display, or brandishing of  
9 a firearm.” In its opposition to Plaintiffs’ motion for preliminary injunction, LASD  
10 argued this provision also barred Plaintiff Velasquez from getting his permit  
11 renewed, even though the denial occurred prior to SB 2’s effective date.

12 94. None of these additional criteria imposed on license applicants  
13 comport with the Second Amendment, as there is no broad and enduring historical  
14 tradition of disarming Americans because they have been victimized by criminals,  
15 or temporarily disarmed until a hearing. Thus, Plaintiffs seek to enjoin Defendant  
16 Bonta from enforcing these statutory provisions.

17 95. Both Plaintiff Velasquez and Plaintiff Partowashraf had their CCW  
18 permit applications denied before SB2 took effect. However, to the extent  
19 Defendant LASD argues that its provisions bar it from issuing permits to these two  
20 Plaintiffs, Penal Code sections 26202(a)(3), 26202(a)(5), and 26202(a)(9) should be  
21 declared unconstitutional as applied to them.

22  
23 **LASD Is Misled by the Attorney General and Does Not Address Lengthy Wait  
Times Despite Several Letters from CRPA Warning of Litigation**

24 96. Following the *Bruen* ruling, CRPA sent letters to all California  
25 sheriff’s departments, including Los Angeles County. The first letter was sent the  
26 day after the June 2022 *Bruen* ruling, and explained that the “good cause” portion  
27 of California’s CCW permit issuance laws was no longer enforceable.

28 97. But rather than complying with the Supreme Court’s decision, the

1 Attorney General rebelled, responding to the *Bruen* ruling by claiming that local  
2 sheriffs and police chiefs in fact could *add* more steps and impose *additional*  
3 subjective considerations to the permit application process in light of *Bruen*. On  
4 June 24, 2022, the Attorney General sent a Legal Alert to law enforcement officials  
5 across California, instructing it was proper under *Bruen* to apply a heightened  
6 “good moral character” requirement to the application process which included  
7 subjective considerations beyond the applicant passing a criminal and mental health  
8 background check.

9 98. In response to the Attorney General’s malicious and intentional  
10 attempt to undermine the *Bruen* ruling, CRPA sent a second letter to several  
11 sheriff’s departments, including LASD, reiterating that the Second Amendment, as  
12 clarified by the *Bruen* ruling, will only permit “narrow, objective, and definite”  
13 standards to be used in issuing permits to law-abiding citizens,<sup>5</sup> and that they  
14 should ignore the Attorney General’s unlawful instruction to his subordinate law  
15 enforcement agencies.

16 99. In the months following CRPA’s correspondences to the county  
17 sheriffs, CRPA received responses from several departments stating that they  
18 would begin complying with *Bruen*. In contrast, LASD never responded. It did  
19 begin to process CCW permit applications, albeit at an unlawfully slow pace, with  
20 wait times routinely stretching beyond one year for many CRPA members.  
21 However, CRPA abstained from litigation, believing it best to allow the law  
22 enforcement authorities some time to adjust to the implied mandate of *Bruen*.

23 100. In August 2022, former LASD Sheriff Alex Villanueva announced that  
24 “LASD will only accept first-time CCW applications from those who reside within  
25 our contract cities or unincorporated communities. Applicants residing in a  
26

---

27 <sup>5</sup> Again, Plaintiffs do not concede that any mandatory permitting scheme was  
28 found permissible by *Bruen*, as most of the states that have such objective “shall  
issue” schemes also allow constitutional carry or open carry without a license.



1 municipality other than those served by LASD shall contact their local police  
2 department and apply for a CCW license.” This meant that several cities in Los  
3 Angeles County, that had not set up a CCW permit program, like La Verne, would  
4 now need to do so, even though the Sheriff is obligated to accept and process such  
5 applications from *any* county resident—whether they live in a “non-contract” city  
6 or not—under California Penal Code section 26150.

7 101. This illegal LASD policy change has contributed to the high fees  
8 problem. LASD’s refusal to grant permits to residents of municipalities inside the  
9 county eliminates a cheaper route to obtaining a permit for county residents, and  
10 gives them no way around the exorbitant fees that some municipalities, like LVPD,  
11 have imposed.

12 102. As CRPA received an ever-increasing volume of complaints about  
13 waiting times and fees from its members in the months following *Bruen*, it sent a  
14 letter to newly elected Sheriff Luna on February 21, 2023. The letter advised that  
15 long wait times contravene *Bruen*’s express language, violate the Second  
16 Amendment, and are unlawful under California law, and promised to forbear  
17 litigation should the Sheriff imminently address the long wait times at issue.

18 103. Sheriff Luna’s office responded by letter dated March 9, 2023, stating  
19 that LASD was “taking steps to reduce processing times and improve our overall  
20 processes.” That letter detailed how the adoption of new application processing  
21 software (Permitium) may reduce processing times and alluded to potentially  
22 increasing staffing in the CCW unit to address the backlog of applications. The  
23 Sheriff stated that he hoped the situation would be much better in six months, and  
24 he promised to provide regular progress updates (that never materialized).

25 104. CRPA responded on March 14, 2023 writing that, while Sheriff Luna’s  
26 letter was encouraging, another six months was not an acceptable timeframe, given  
27 the thousands of applications lingering for a year or more. CRPA also noted that  
28 LASD previously admitted that long wait times are unconstitutional. In a July 7,

1 2022, letter to the Chief of Police of San Gabriel explaining why LASD could no  
2 longer accept applications from residents of San Gabriel, the Department wrote in  
3 pertinent part:

4 Although the LASD can process CCW applications, as currently staffed, there  
5 will be significant delays because we do not have sufficient personnel required  
6 for the anticipated surge. As such, any unnecessary delays would violate the  
7 SCOTUS decision, thus violating the rights of the citizens of Los Angeles  
8 County and opening the LASD and other law enforcement agencies to  
9 otherwise avoidable litigation.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

RECEIVED

JUL 11 2022

SAN GABRIEL PD  
ADMINISTRATIO

10 105. CRPA’s March 14, 2023 letter also expressed CRPA’s view that  
11 adopting a policy of not processing permit applications from LA County residents  
12 living in non-contract municipalities was illegal. CRPA is unaware of any other  
13 California county sheriff that refuses to process CCW permit applications for that  
14 county’s residents merely because those residents live in a “non-contract city.”

15 106. Unfortunately, in a responsive letter dated March 24, 2023, the Sheriff  
16 only repeated his vague promise to “improve efficiency and reduce processing  
17 times,” but refused to resume accepting applications from residents of non-contract  
18 cities.

19 107. As of the filing of this lawsuit, the wait times for LASD permit  
20 applicants in fact have grown worse instead of better, with CRPA members  
21 complaining of wait times in excess of 15 months. Some individuals who submitted  
22 applications at the time of the *Bruen* ruling in June 2022 have not even been  
23 contacted for their initial interview, as of November 2023.

24 108. LASD does not deny that its wait times are absurdly long. In response  
25 to a Public Records Act request by Attorney Jason Davis, the Department  
26 confirmed that applicants could expect wait times of, “from application entry to  
27 issuance . . . a year to a year and a half.”

28 109. CRPA sent a final letter to the Sheriff on September 14, 2023, warning

1 that litigation was imminent if no immediate changes to accelerate application  
2 processing were made. A response was received from the Sheriff on November 1,  
3 2023, making the same vague promises as before, however, no concrete steps to  
4 implement these purported fixes or timelines for doing so were identified.

5 **LVPD’s Exorbitant Fees and Unconstitutional Psychological Exam**  
6 **Requirement**

7 *A. LVPD’s Permit Application Fees Are Dramatically Higher*  
8 *Than Most Other Issuing Authorities in California and*  
9 *Elsewhere*

10 110. Like many other municipalities in California, La Verne did not  
11 historically have a CCW permitting process, but instead referred applicants to  
12 LASD. But as discussed *supra*, after *Bruen*, LASD announced that it “will only  
13 accept first-time CCW applications from those who reside within our contract cities  
14 or unincorporated communities and encourage applicants residing in a municipality  
15 other than those served by LASD to contact their local police department and apply  
16 for a CCW license.”<sup>6</sup> Consequently, La Verne and other cities were forced to  
17 establish their own permitting programs.

18 111. LVPD took several months to set up its permit process, during which  
19 time its residents had no operative permitting authority to which to apply in order to  
20 obtain a permit to exercise the constitutional right to bear arms outside the home.  
21 Eventually, LVPD announced in early 2023 that it would begin accepting  
22 applications, and published the schedule of fees.

23 112. However, the outrageous fee schedule included \$398 for “processing,”  
24 \$150 for “administrative” costs, \$93 for “licensing,” \$20 for fingerprinting, \$150  
25 for a psychological exam, \$20 for a card-issuance fee, and \$250 for a training  
26 course. Applicants would thus have to pay *more than \$1,000* merely to be approved  
27 to exercise their constitutional self-defense right. Following the filing of the

28 <sup>6</sup> See <[https://lasd.org/ccw/#ccw\\_fees](https://lasd.org/ccw/#ccw_fees)> (as of November 30, 2023).

1 original complaint, La Verne reduced its fees slightly, by \$145. As of now, the total  
2 cost to the applicant will be around \$750 to \$950, with the variance depending on  
3 the precise cost of the training course. Renewals every two years will cost  
4 somewhere around \$550 to \$750, again depending on the cost of the training  
5 course.

6 113. This cumulative fee schedule significantly exceeds what CCW  
7 applicants in other states pay. For example, in Arizona, where applying for a permit  
8 is entirely optional because Arizona is a constitutional carry state, the application  
9 fee is \$60 plus the cost of fingerprinting that must be submitted with the  
10 application.<sup>7</sup> In Texas, the application fee is \$40.<sup>8</sup> Florida charges \$55 for its  
11 issuance fee and \$42 for fingerprinting.<sup>9</sup> Utah charges \$53.25 for Utah residents,  
12 and \$63.25 for non-residents.<sup>10</sup> In Minnesota, the fee may not exceed \$100.<sup>11</sup>  
13 Nevada charges \$100.25.<sup>12</sup> Washington State charges \$36 plus fingerprinting fees.<sup>13</sup>

14  
15 <sup>7</sup> See “Concealed Weapons & Permits | Arizona Department of Public  
16 Safety,” <<https://www.azdps.gov/services/public/cwp>> (as of November 30, 2023).

17 <sup>8</sup> See “Licensing & Registration | Department of Public Safety,”  
18 <<https://www.dps.texas.gov/section/handgun-licensing/licensing-registration>> (as  
of November 30, 2023).

19 <sup>9</sup> See “Concealed Weapons License Fees,”  
20 <<https://www.fdacs.gov/content/download/7438/file/Concealed-Weapons-License-Fees-06-26-2017.pdf>> (as of November 30, 2023).

21 <sup>10</sup> See “How do I Apply for a Concealed Firearm Permit? | DPS – Criminal  
22 Identification (BCI),” <<https://bci.utah.gov/concealed-firearm/how-do-i-apply-for-a-concealed-firearm-permit>> (as of November 30, 2023).

23 <sup>11</sup> See “Administrative Services – Permit to Carry FAQ,”  
24 <<https://dps.mn.gov/divisions/bca/bca-divisions/administrative/Pages/Permit-to-Carry-FAQ.aspx>> (as of November 30, 2023).

25 <sup>12</sup> See “Concealed Firearms Permits,” <<https://www.lvmpd.com/en-us/RecordsFingerprintBureau/Pages/ConcealedFirearms.aspx>> (as of November  
26 30, 2023).

27 <sup>13</sup> See “Fees: Firearms”  
28 <<https://www.dol.wa.gov/business/firearms/fafees.html>> (as of November 30,  
2023).

1 114. California’s short two-year permit period is also an outlier that makes  
2 the average annual to exercise the carry right much greater than other states’. An  
3 Arizona CCW permit, for example, is good for five years and costs only \$60. Thus,  
4 an Arizona permit costs roughly \$12 a year, whereas a La Verne permit costs no  
5 less than \$500 per year.

6 115. The fees LVPD charges eclipse even other issuing authorities *within*  
7 *California*. Defendant LASD, for example, charges a \$43 initial fee,<sup>14</sup> a \$173  
8 issuance fee, plus the cost of training<sup>15</sup> and livescan,<sup>16</sup> which applicants contract for  
9 on their own through a third party. The San Diego County Sheriff’s Department  
10 charges a \$27.60 application fee,<sup>17</sup> a \$93 livescan fee, and a \$110.40 final fee, with  
11 the training provider chosen and contracted with by the applicant. The Orange  
12 County Sheriff’s Department’s fees total \$169 for the application,<sup>18</sup> with applicants  
13 completing the livescan and training through third parties they choose and contract  
14 with.

15 116. LVPD’s claimed processing costs are not only excessive, but not even  
16 comparable to similar cities’ fees. La Verne’s next-door neighbor Glendora charges  
17 \$243 in total for processing (including livescan), plus the cost of the training  
18 course.<sup>19</sup> Burbank charges \$100, plus the cost of livescan and the training course.<sup>20</sup>

19 \_\_\_\_\_  
20 <sup>14</sup> See <<https://lasd.permitium.com/entry>> (as of November 30, 2023).

21 <sup>15</sup> Training courses are typically offered by an approved list of providers,  
22 with the class costing between \$175 and \$400 depending on the provider.

23 <sup>16</sup> Typically around \$100, depending on the provider.

24 <sup>17</sup> See <[https://www.sdsheiff.gov/i-want-to/get-a-permit-or-  
license/regulatory-licenses-and-fees/concealed-weapons-license](https://www.sdsheiff.gov/i-want-to/get-a-permit-or-license/regulatory-licenses-and-fees/concealed-weapons-license)> (as of November  
30, 2023).

25 <sup>18</sup> See <<https://ocsd.permitium.com/ccw/start>> (as of November 30, 2023).

26 <sup>19</sup> See <<https://glendorapdca.permitium.com/ccw/start>> (as of November 30,  
27 2023).

28 <sup>20</sup> See <<https://burbankpdca.permitium.com/ccw/start>> (as of November 30,  
2023).

1 Whittier charges \$243 (including livescan), plus the cost of the training course.<sup>21</sup>  
2 Even the City of Los Angeles is not as expensive as La Verne, charging \$268 plus  
3 the cost of livescan and the training course.<sup>22</sup> Moreover, none of the examples listed  
4 here require a psychological exam, which saves applicants \$150. Permit renewal  
5 fees for these localities are generally under \$100.

6 117. In general, most applicants in California will spend around \$400-\$600  
7 to get their permits. While this is expensive, it is a relative bargain compared to  
8 LVPD's astronomical initial \$1,000 price tag for government approval to bear arms  
9 in public. Following the filing of this complaint and a preliminary injunction  
10 challenging such a fee as constitutionally excessive, the City of La Verne voted to  
11 slightly lower the fee by reducing the psychological exam cost. As a result, the fee  
12 is now approximately \$900, which is still constitutionally excessive and infringes  
13 on the exercise of the right under the test set forth in Bruen.

14 118. Part of the LVPD's application process requires Plaintiffs Rigali,  
15 Reeves, and Gabaldon to pay to have LVPD Chief Gonzalez interview them for an  
16 hour as a condition of receiving a CCW permit. Plaintiffs further allege that this  
17 process applies to any member of any of the associational Plaintiffs who is a  
18 resident of La Verne who wants to receive a CCW permit, and further allege that  
19 such a process applies to any other member of the public who is a resident of La  
20 Verne who wants to receive a permit. Not only do Plaintiffs allege that paying for  
21 an hour of the Chief's time is constitutionally excessive in terms of the cost  
22 imposed for exercising Plaintiffs', associational members' and supporters, and La  
23 Verne residents' Second Amendment rights, but that the cost is for a purpose

---

24  
25 <sup>21</sup> See <<https://whittierpdca.permitium.com/ccw/start>> (as of November 30,  
26 2023).

27 <sup>22</sup> See <<https://www.lapdonline.org/office-of-the-chief-of-police/office-of-special-operations/detective-bureau/detective-services-group/ccw-carry-concealed-weapon-license/>> (as of November 30, 2023).  
28



1 impermissible under the Second Amendment and the test set out in *Bruen*. Plaintiffs  
2 allege that any questions or criteria the Chief might ask or assess in such an  
3 interview would be necessarily subjective and give discretion to the Chief to deny a  
4 permit application in violation of *Bruen*. Plaintiffs thus allege that both the process  
5 of being interviewed itself as well as the cost of the process to be interviewed by  
6 the Chief violates the Second Amendment.

7 *B. Outsourcing Application Processing to Third-party Processor*  
8 *MyCCW is Why LVPD is so Much Costlier Than Other Issuing*  
9 *Authorities.*

10 119. Of the 88 distinct municipalities in Los Angeles County, the only ones  
11 with grossly excessive fee schedules similar to LVPD are those cities which, like  
12 La Verne, have outsourced CCW processing to a third-party private contractor  
13 called “MyCCW.” These include cities like Santa Monica, San Gabriel, and Signal  
14 Hill.<sup>23</sup>

15 120. To use MyCCW to process residents’ CCW Permit applications, those  
16 cities, including La Verne, pass on a number of exorbitant or illegal fees charged by  
17 MyCCW, including:

18 a. the entire application fee charged at the time the application is  
19 submitted, in violation of Penal Code section 26190, which caps the percentage of  
20 the total fee collected until after the application is approved;

21 b. a renewal fee of \$348, in excess of the current renewal fee allowed  
22 under Section 26190.<sup>24</sup>

23 <sup>23</sup> See <<https://www.myccw.us/>> (as of November 30, 2023).

24 <sup>24</sup> It is unclear how contracting with MyCCW to perform CCW Permit  
25 application processing for LVPD is legal in any aspect because, while a licensing  
26 authority may charge an additional fee for processing an application beyond the  
27 standard DOJ charges in an amount equal to that local authority’s reasonable costs  
28 for processing, the Penal Code expressly requires that the additional fee collected  
be deposited in the local authority’s treasury, not shared with a private contractor as  
profit. See Cal. Penal Code § 26190(b) (West 2023). However, Plaintiffs do not  
challenge the legality of the use of third-party processors such as MyCCW in this  
action, and limit their challenge to only the costs passed along to applicants for  
such use.

1 121. LVPD passes these unconstitutionally high and contrary to state law  
2 fees imposed by MyCCW's use onto its applicants. The \$398 application fee, plus  
3 the \$150 psychological examination—which most other cities and LASD do not  
4 require—explains in part why LVPD's CCW fee schedule is exorbitantly high, an  
5 outlier among outliers.

6 C. *LVPD's Burdensome Psychological Examination.*

7 122. LVPD's required psychological exam administered is invasive and  
8 burdensome, it violates procedural due process, and is fundamentally incompatible  
9 with the exercise of Second Amendment rights.

10 123. The exam was originally administered at a facility in San Bernardino  
11 on weekdays. That drive took approximately an hour each way for a typical La  
12 Verne resident. The facility applicants were required to use was designed to test  
13 applicants applying for roles in law enforcement, not citizens exercising their  
14 Second Amendment rights. Yet, for reasons having no grounding in science or  
15 empirical evidence, LVPD required CCW permit applicants to fill out a  
16 psychological exam asking applicants the same questions that are used to screen its  
17 law enforcement personnel.

18 124. Following this lawsuit and Plaintiffs' filing of a motion for preliminary  
19 injunction, La Verne changed its contractor for the psychological examination to  
20 Seal Beach Consulting and reduced the associated fee from \$150 to \$5 according to  
21 the MyCCW website's fee schedule. La Verne has represented that there is no  
22 remaining psychological exam fee to applicants, and it covers the entire cost.

23 125. Applicants are interviewed by a psychologist, who ultimately makes a  
24 recommendation to the City with respect to whether the person should be entrusted  
25 with Second Amendment rights.

26 126. The requirement that a law-abiding person affirmatively and  
27  
28



1 subjectively prove that they are psychologically suitable to exercise the right of  
2 self-defense is not grounded in any history or tradition of the right to bear firearms.

3 127. Plaintiff CRPA sent several letters to La Verne identifying these issues  
4 with their CCW Permit scheme, but never received a response.

5 **California Must Honor CCW Permits Issued by Other States**

6 128. A number of states issue permits to nonresidents. Most states require  
7 no permit at all for nonresidents to carry within their borders. Others allow open  
8 carry. Although California does not honor any other states' CCW permits, dozens  
9 of states do honor each other's permits. For example, a Utah CCW permit is valid  
10 in Nevada, Idaho, Montana, Washington, and 32 other states.

11 129. In addition to a lack of any reciprocity for other states' permits, there  
12 is no process for nonresidents like Plaintiff Hoover and Plaintiff Broady to get a  
13 California CCW permit, even if they were willing to put up with the time and  
14 expense such a process would likely involve. In other words, if you are visiting  
15 California from another state, or if you need to cross into the state regularly for  
16 work, you check your federally enumerated right to carry for self-defense at  
17 California's border.

18 130. California also does not honor nonresident permits even if they are  
19 held by its own residents, such as Plaintiffs Rigali and Reeves, who hold CCW  
20 permits issued by Utah and Arizona.

21 131. California has no more authority to deny nonresidents' rights to public  
22 carry than it does to deny their rights to speak within its borders. On the contrary,  
23 the Second Amendment's reference to "the people[]" ... unambiguously refers to  
24 all members of the political community, not an unspecified subset." *Heller*, 554  
25 U.S. at 580.

26 132. Our historical tradition of firearm regulation supports the idea that  
27 States may not impose their firearm carry requirements on nonresidents who are  
28

1 otherwise legally allowed to own and carry firearms in their home states.  
2 Specifically, many carry laws in the 19th century had exceptions for those traveling  
3 in the state, called “traveler’s exceptions”. These included, but were not limited to,  
4 an 1831 Indiana law, an 1841 Alabama law, an 1820 Arkansas law, an 1813  
5 Kentucky law, an 1878 Tennessee law, an 1878 Mississippi law, an 1867 Nevada  
6 law, and an 1864 California law.

7 133. An analogous issue was already decided in 2015. Because Ohio would  
8 not allow for same sex marriages, James Obergefell and John Arthur decided to  
9 marry in Maryland. After learning that Ohio would not recognize their marriage,  
10 they filed a lawsuit. The Supreme Court ultimately held, in pertinent part, that  
11 “[t]he Fourteenth Amendment requires a State . . . to recognize a marriage between  
12 two people of the same sex when their marriage was lawfully licensed and  
13 performed out-of-State.” *Obergefell v. Hodges*, 576 U.S. 644, 644 (2015). In  
14 reaching this conclusion, the Court explained that:

15 For some couples, even an ordinary drive into a neighboring State to  
16 visit family or friends risks causing severe hardship in the event of a  
17 spouse’s hospitalization while across state lines. In light of the fact that  
18 many States already allow same-sex marriage—and hundreds of  
19 thousands of these marriages already have occurred—the disruption  
20 caused by the recognition bans is significant and ever-growing. As  
21 counsel for the respondents acknowledged at argument, if States are  
22 required by the Constitution to issue marriage licenses to same-sex  
23 couples, the justifications for refusing to recognize those marriages  
24 performed elsewhere are undermined.

25 *Id.* at 680-681.

26 134. This holding and its logic, with respect to an unenumerated right,  
27 apply just as much to the enumerated right to bear arms, and thus applies equally to  
28 CCW permits issued by other states as the Supreme Court instructs that it does to  
29 marriage licenses issued by other states. California may not completely deny  
30 Americans the right to carry for self-defense within California’s borders just  
31 because they are not California residents.

32 135. In the free speech context, an individual “faced with such an

1 unconstitutional licensing law may ignore it and engage with impunity in the  
2 exercise of the right of free expression for which the law purports to require a  
3 license.” *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 151 (1969). Similarly,  
4 if a non-resident’s permit is not honored in California, and there is no way for them  
5 to get a California CCW permit, their only avenue to exercise their right to carry in  
6 defiance of California law.

7 **PLAINTIFFS SEEK DECLARATORY AND INJUNCTIVE RELIEF**

8 136. Under *Bruen*, Defendants bear the burden of proving their policies  
9 comply with the Second Amendment. They will fail to do so, because their  
10 practices are entirely atextual and ahistorical, novel schemes developed in recent  
11 years or decades, and completely without any historical analogue.

12 137. Accordingly, Plaintiffs seek declaratory relief confirming that Los  
13 Angeles County Sheriff’s Department’s current CCW permit application regime  
14 violates the Second Amendment, imposing extraordinary delays and including  
15 forbidden suitability determinations. LASD’s wait times also violate California  
16 Penal Code section 26205 because they exceed the 90 days (or 120 days after  
17 January 1, 2024) permitted by statute.<sup>25</sup> LASD’s practice of exceeding this statutory  
18 time limit is facially unconstitutional, as even a mere wait time of 30 days was  
19 already deemed an unconstitutional delay on acquiring additional firearms after an  
20 additional purchase. *See Nguyen v. Bonta*, No. 320CV02470WQHMMMP, 2024 WL  
21 1057241, at \*11 (S.D. Cal. Mar. 11, 2024). At minimum though, it is at least  
22 unconstitutional as applied to each of the individual Plaintiffs and the members and  
23 supporters of the associational Plaintiffs who have waited more than 120 days for  
24 their permits since submitting their applications.<sup>26</sup> These Plaintiffs seek declaratory

25 \_\_\_\_\_  
26 <sup>25</sup> Plaintiffs do not concede that either of these time periods is a permissible  
impediment to the exercise of an enumerated right.

27 <sup>26</sup> Contrary to representations made by Defendants at the hearing on  
28 preliminary injunction, once an applicant submits the application to LASD, there is  
no additional task the applicant needs to complete for LASD to start processing the

1 relief that their rights were violated beginning on the 121<sup>st</sup> day following their  
2 respective applications being submitted.

3 138. Plaintiff Messel, who recently received his CCW permit, seeks  
4 declaratory relief and nominal damages confirming his rights were violated  
5 beginning on the 121<sup>st</sup> day following his application being submitted, and  
6 continuing until his permit was finally issued in May of 2024.

7 139. LASD also violates California Penal Code section 26150 by refusing  
8 to accept applications from all residents of Los Angeles County.

9 140. Plaintiffs also seek declaratory relief confirming that LVPD's current  
10 CCW permit application regime violates the Second Amendment because: it  
11 includes an unconstitutional psychological exam the City purports to utilize for  
12 applicants under California Penal Code section 26190(f)(1), because its fee  
13 schedule is exorbitantly expensive, and because permit issuance is conditioned  
14 upon unconstitutional suitability determinations instead of narrow, objective, and  
15 definite standards. Each of these are both facially unconstitutional, and  
16 unconstitutional as applied to the Plaintiffs and the members and supporters of the  
17 associational Plaintiffs.

18 141. LVPD also violates Penal Code section 26190(b)(2) by collecting the  
19 entire application fee upfront, prior to licensure. LVPD's use of "MyCCW" violates  
20 Penal Code section 26190(b)(1) because it does not transfer its "additional fees" to  
21 the city treasury, instead paying a third-party provider. By charging over \$25 for a  
22 renewal application, LVPD also violates Penal Code section 26190(b) ("The  
23 licensing authority may charge an additional fee, not to exceed twenty-five dollars

24 \_\_\_\_\_  
25 application or start the running of the statutory 120-day deadline to process the  
26 application. *See* Cal. Penal Code §§ 26150, 26170. Following submission of the  
27 application, the only additional tasks an applicant must complete are dependent on  
28 LASD timely handling the application and informing the applicant that, e.g., the  
applicant has been preliminarily approved so he or she can now take the firearms  
training course required under Section 26155. Contrary to LASD's representations,  
nothing of LASD's unconstitutional and statutorily impermissible delay is caused  
by inaction by these Plaintiffs or any similarly-situated applicants.

1 (\$25), for processing the application for a license renewal, and shall transmit an  
2 additional fee, if any, to the city, city and county, or county treasury.”).

3 142. Defendant Bonta has the burden of proving that Penal Code section  
4 26190(f)(1)’s psychological examination requirement for obtaining a CCW license  
5 comports with the Second Amendment in light of *Bruen*’s prohibition on suitability  
6 determinations for CCW licenses. He will fail to do so. Constitutional rights are  
7 not conditioned on a quasi-medical professional’s opinion of a person’s emotional  
8 bona fides.

9 143. Plaintiffs seek a declaration that *all* “the people” have the right to bear  
10 arms in public and, because of that, California must honor CCW permits issued by  
11 other states and allow residents of other states to apply for California CCW  
12 permits.<sup>27</sup>

13 144. To the extent that the Los Angeles County Defendants contend they  
14 will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due to SB 2’s  
15 changes to the Penal Code even though those changes came after their permits were  
16 denied, Plaintiffs seek a declaration that Penal Code sections 26202(a)(3),  
17 26202(a)(5), and 26202(a)(9) are unconstitutional as applied to Plaintiffs Velasquez  
18 and Partowashraf, respectively.

19 145. Finally, Plaintiffs seek preliminary and permanent injunctive relief to  
20 compel Defendants to comply with the Second Amendment as clarified by *Bruen*  
21 and California law by correcting the violations listed above.

22 146. As discussed previously, for each of these claims, each and every  
23 Plaintiff contends, and each member of an associational Plaintiff contends, that  
24 their proposed course of conduct is, as in *Bruen*, carrying handguns publicly for  
25 self-defense. To the extent that such a proposed course of conduct is deemed to be  
26

---

27 <sup>27</sup> Again, Plaintiffs do not concede that permitting itself is constitutional, as  
28 there is no broad and enduring historical tradition of government licensure to bear  
arms in public.

1 too general or otherwise insufficient for purposes of adjudication of their rights,  
2 Plaintiffs alternatively allege and describe more specifically their proposed courses  
3 of conduct as follows:

4 a. On the issue of LASD's lengthy wait times, Plaintiffs Messel's,  
5 Weimer's, and Yun's more specific proposed course of conduct, and the  
6 members and supporters of the associational Plaintiffs' more specific  
7 proposed course of conduct, is lawfully carrying firearms publicly for self-  
8 defense without an unreasonable wait time to receive a permit to lawfully  
9 carry, which Plaintiffs define here as at least a wait time exceeding the 120  
10 days allowed by State law. Plaintiffs allege that a wait time in excess of at  
11 least state law's requirements for issuing a permit violate the Second  
12 Amendment. Plaintiffs further allege that they are not aware of a historical  
13 tradition of laws or regulations from the applicable historical period  
14 conditioning the exercise of the right to carry for self-defense on waiting in  
15 excess of 120 days for a permit in order to lawfully carry.

16 b. On the issue of La Verne's exorbitant fees, Plaintiffs Rigali's,  
17 Reeves's, and Gabaldon's more specific proposed course of conduct, and the  
18 members and supporters of the associational Plaintiffs' more specific  
19 proposed course of conduct, is lawfully carrying firearms publicly for self-  
20 defense without unreasonable expense to the applicant, which Plaintiffs  
21 define here as a total expense that exceeds at least \$500. Plaintiffs allege that  
22 a fee to obtain a permit to carry in self-defense in excess of \$500 violates the  
23 Second Amendment. Plaintiffs further allege that they are not aware of a  
24 historical tradition of laws or regulations from the applicable historical period  
25 conditioning the exercise of the right to carry of a person who has not been  
26 adjudicated as being dangerous to the public, to pay any amount for such  
27 right, much less an amount in excess of \$500.



1 c. On the issue of nonresident carry, Plaintiffs Broady’s and  
2 Hoover’s more specific proposed course of conduct, and the members and  
3 supporters of the associational Plaintiffs’ more specific proposed course of  
4 conduct is lawfully carrying firearms publicly for self-defense in California,  
5 primarily by having California honor the permits of other states under the  
6 Second Amendment, and Privileges and Immunities and Equal Protection  
7 clauses of the Fifth and Fourteenth Amendments. Plaintiffs allege that not  
8 honoring their out-of-state permits, which were obtained under the same or  
9 similar requirements or burdens that California law imposes on its  
10 permittees, or which, in the alternative, have sufficient background checks  
11 and other processes that are both constitutionally sound and adequately  
12 reflect the reasons similar historical laws and regulations from the applicable  
13 historical period allowed restrictions on public carry, violates Plaintiffs’  
14 rights under the Second Amendment, and Privileges and Immunities and  
15 Equal Protection clauses. Plaintiffs further allege that they are not aware of a  
16 historical tradition of laws or regulations from the applicable historical period  
17 conditioning the exercise of the right to carry for self-defense—either  
18 generally or for the specific purposes cited above—on being a resident of the  
19 state in which the carry is to occur.

20 d. On the issue of nonresident carry, Plaintiffs Broady’s and  
21 Hoover’s more specific proposed course of conduct, and the members and  
22 supporters of the associational Plaintiffs’ more specific proposed course of  
23 conduct is lawfully carrying firearms publicly for self-defense in California  
24 by alternatively allowing nonresidents to obtain California CCW permits in a  
25 manner that is constitutionally sound as to both the timing and the cost for  
26 obtaining those California permits. Plaintiffs further allege that timeliness for  
27 purposes of complying with the Second Amendment, and Privileges and  
28 Immunities, Due Process, and Equal Protection clauses, is the same amount

1 of time, or sooner, that a resident of California would receive such a permit.  
2 Plaintiffs further allege that appropriate cost for purposes of complying with  
3 the Second Amendment, and Due Process and Equal Protection clauses, is  
4 the same cost for a permit, or less, than a resident of California would pay to  
5 receive such a permit. Plaintiffs allege that not allowing nonresidents to carry  
6 in California with a California permit issued with the same costs and within  
7 the same timeframe residents receive their permits, violates Plaintiffs' rights  
8 under the Second Amendment, and Privileges and Immunities and Equal  
9 Protection clauses. Plaintiffs further allege that they are not aware of a  
10 historical tradition of laws or regulations from the applicable historical period  
11 conditioning the exercise of the right to carry for self-defense—either  
12 generally or for the specific purposes cited above—on being a resident of the  
13 state in which the carry is to occur.

14 e. On the issue of cost for CCW applicants to be interviewed by  
15 the LVPD Chief, Plaintiffs Rigali's, Reeves's, and Gabaldon's more specific  
16 proposed course of conduct, and the more specific proposed course of  
17 conduct of the members and supporters of the associational Plaintiffs, is  
18 lawfully carrying firearms publicly for self-defense without submitting to or  
19 paying for a subjective interview process by the head law enforcement  
20 officer of a licensing entity like La Verne. On information and belief, there is  
21 no objective fact finding purpose of the Chief's interview, as objective  
22 information such as confirming the identity and residence of the applicant,  
23 conducting the state-mandated background check, confirming the lack of a  
24 disqualifying factor such as a disqualifying conviction, medical condition, or  
25 mental health hold or commitment, or confirming that the applicant has the  
26 appropriate live fire training, are all performed by other persons within the  
27 LVPD, by the DOJ, or by LVPD's contractor MyCCW.us. Plaintiffs allege  
28 that any CCW license approval process that allows for Chief Gonzales to



1 deny a permit application based on an applicant's responses to his questions  
2 during an interview allows subjective discretion by the permit issuer in  
3 violation of the Second Amendment and the Due Process Clause. Plaintiffs  
4 further allege that any state law allowing a local permitting entity to impose  
5 an exam requirement—including Penal Code section 26190(f)(1)—facially  
6 violates the Second Amendment, inasmuch as it permits unconstitutional  
7 discretion by a permitting entity. Plaintiffs further allege that such statute is  
8 also unconstitutional as applied to each of the individual Plaintiffs who are  
9 residents of La Verne, inasmuch as it acts as a barrier to applying for and  
10 receiving a CCW permit. Plaintiffs further allege that such statute is also  
11 unconstitutional as applied to any and all of the members and supporters of  
12 the associational Plaintiffs who reside in La Verne. On information and  
13 belief, one or more such members would have applied for a permit if not for  
14 the unlawful examination requirement. On information and belief, one or  
15 more residents of La Verne would have applied for a permit if not for the  
16 unlawful examination requirement. Plaintiffs further allege that they are not  
17 aware of a single historical law or regulation from the applicable period,  
18 much less a historical tradition of such laws or regulations, conditioning the  
19 exercise of the right to carry for self-defense—either generally or for the  
20 specific purposes cited above—on the sitting for an interview by the local  
21 Chief of Police, including a law or regulation imposed by a state like  
22 California or a locality like La Verne.

23 f. On the issue of psychological exams, Plaintiffs Rigali's,  
24 Reeves's, and Gabaldon's more specific proposed course of conduct, and the  
25 more specific proposed course of conduct of the members and supporters of  
26 the associational Plaintiffs, is lawfully carrying firearms publicly for self-  
27 defense without submitting to a psychological examination, inasmuch as  
28 Plaintiffs allege that any requirement of an exam allows subjective discretion

1 by the permit issuer or its designated examiner in violation of the Second  
2 Amendment. Plaintiffs further allege that any state law allowing a local  
3 permitting entity to impose an exam requirement—including Penal Code  
4 section 26190(f)(1)—facially violates the Second Amendment and due  
5 process rights of Plaintiffs and other applicants, inasmuch as it permits  
6 unconstitutional discretion by a permitting entity. Plaintiffs further allege that  
7 such statute is also unconstitutional as applied to each of the individual  
8 Plaintiffs who are residents of La Verne, inasmuch as it acts as a barrier to  
9 applying for and receiving a CCW permit. Plaintiffs further allege that such  
10 statute is also unconstitutional as applied to any and all of the members and  
11 supporters of the associational Plaintiffs who reside in La Verne. On  
12 information and belief, one or more such members would have applied for a  
13 permit if not for the unlawful examination requirement. On information and  
14 belief, one or more residents of the State would have applied for a permit if  
15 not for the unlawful examination requirement. Plaintiffs further allege that  
16 they are not aware of a single historical law or regulation, much less a  
17 historical tradition of such laws or regulations, from the applicable period  
18 conditioning the exercise of the right to carry for self-defense—either  
19 generally or for the specific purposes cited above—on the passing of a  
20 psychological exam, including a law or regulation imposed by a state like  
21 California or a locality like La Verne.

22 g. Plaintiff Velasquez’s more specific proposed course of conduct  
23 is lawfully carrying firearms publicly for self-defense without being  
24 prevented from doing so because he had firearms stolen from his locked  
25 vehicle. Plaintiff alleges that disqualifying a person from lawfully carrying  
26 for self-defense, where there was no charged crime, no charged crime  
27 involving dangerousness, or no court or other adversarial proceeding,  
28 violates his Second Amendment and due process rights. Plaintiff alleges that

1 he is not aware of a single law or regulation, much less a historical tradition  
2 of such laws or regulations, from the applicable period which held that a  
3 citizen forfeits his or her right to carry for self-defense if they had firearms  
4 stolen from them, nor is Plaintiff aware of a single law or regulation, much  
5 less a historical tradition of such laws or regulations, from the applicable  
6 period which held that a disqualifying condition for carrying a firearm for  
7 self-defense could include the allegation committing a crime of recklessness  
8 in possessing a firearm where such crime was never charged nor adjudicated  
9 by a neutral magistrate.

10 h. Plaintiff Partowashraf’s more specific proposed course of  
11 conduct is lawfully carrying firearms publicly for self-defense without being  
12 prevented from doing so due to a dissolved temporary restraining order that  
13 was issued against him. Plaintiff alleges that disqualifying a person from  
14 lawfully carrying for self-defense, where there was no adversarial proceeding  
15 adjudicating that person as dangerous, violates his Second Amendment and  
16 due process rights. Plaintiff alleges that he is not aware of a single law or  
17 regulation, much less a historical tradition of such laws or regulations, from  
18 the applicable period which held that a citizen forfeits his or her right to carry  
19 for self-defense if they were charged in a non-adversarial, non-criminal  
20 proceeding with a crime of violence, but, upon receipt of due process in the  
21 form of a noticed hearing in front of a judge or magistrate, were determined  
22 to have not committed such a crime nor be subject to a further prohibition on  
23 their possession or ownership of firearms.

24 **FIRST CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
25 **U.S. CONST. AMENDS. II, XIV**  
26 **RIGHT TO BEAR ARMS**  
27 **42 U.S.C. § 1983**  
28 **AGAINST DEFENDANTS LOS ANGELES COUNTY SHERIFF’S**  
**DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10**

147. Plaintiffs hereby re-allege and incorporate by reference the allegations

1 in the foregoing paragraphs as if set forth fully herein.

2 148. As described previously, LASD violated and continues to violate the  
3 rights of CCW permit applicants by taking over a year to process applications and  
4 by engaging in forbidden suitability determinations.

5 149. To the extent that the Los Angeles County Defendants contend they  
6 will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due the  
7 prohibitions in Penal Code sections 26202(a)(3), 26202(a)(5), and 26202(a)(9),  
8 such provisions are unconstitutional both facially and as applied to Plaintiffs  
9 Velasquez and Partowashraf, and are not a constitutionally-permissible basis for  
10 denying a permit to carry for self-defense.

11 150. As a result, Plaintiffs' Second Amendment rights, as incorporated  
12 under the Fourteenth Amendment, as well as the rights of the associational  
13 Plaintiffs' members and supporters, are violated.

14 151. Defendants are propagating customs, policies, and practices that  
15 deprive or delay California residents, including Plaintiffs, of their constitutional  
16 right to bear arms outside the home for self-defense "in case of confrontation," as  
17 guaranteed by the Second and Fourteenth Amendments.

18 152. Defendants cannot meet their burden to justify these customs, policies,  
19 and practices that preclude Plaintiffs from exercising their enumerated rights.

20 153. Plaintiffs are thus entitled to declaratory and injunctive relief against  
21 such unconstitutional customs, policies, and practices.

22  
23 **SECOND CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
24 **U.S. CONST. AMENDS. II, XIV**  
**RIGHT TO BEAR ARMS**  
**42 U.S.C. § 1983**

25 **AGAINST DEFENDANTS LA VERNE POLICE DEPARTMENT, LA VERNE**  
**CHIEF OF POLICE SAMUEL GONZALEZ, AND DOES 1-10**

26 154. Plaintiffs hereby re-allege and incorporate by reference the allegations  
27 in the foregoing paragraphs as if set forth fully herein.

28 155. As described previously, LVPD has violated and continues to violate

1 the rights of CCW permit applicants by charging nearly \$600 in total fees (not  
2 including the cost of training, livescan, and psychological review) and by engaging  
3 in forbidden suitability determinations with its psychological examination  
4 requirement.

5 156. As described previously, LVPD has violated and continues to violate  
6 the rights of CCW permit applicants by requiring them to pay for and sit for a  
7 subjective interview with the LVPD Chief that allows the Chief to exercise  
8 unconstitutional discretion to deny a permit based on such interview.

9 157. As a result, Plaintiffs' Second Amendment rights, as incorporated  
10 under the Fourteenth Amendment, as well as the rights of the associational  
11 Plaintiffs' members and supporters, are violated.

12 158. Defendants are thus propagating customs, policies, and practices that  
13 deprive or delay California residents, including Plaintiffs, of their constitutional  
14 right to bear arms outside the home for self-defense "in case of confrontation," as  
15 guaranteed by the Second and Fourteenth Amendments.

16 159. Defendants cannot satisfy their burden to justify these customs,  
17 policies, and practices that preclude Plaintiffs from exercising their enumerated  
18 rights.

19 160. Plaintiffs are thus entitled to declaratory and injunctive relief against  
20 such unconstitutional customs, policies, and practices.

21  
22  
23  
24  
25  
26  
27  
28

**THIRD CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
**U.S. CONST. AMENDS. II, XIV**  
**RIGHT TO BEAR ARMS**  
**42 U.S.C. § 1983**

AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10

161. Plaintiffs hereby re-allege and incorporate by reference the allegations in the foregoing paragraphs as if set forth fully herein.

162. The Supreme Court has explained that permitting regimes which deny licenses based on a “perceived lack of need or suitability” are unconstitutional. *Bruen*, 142 S. Ct. at 2123.

163. As described previously, California violates the right of CCW permit applicants by allowing issuing authorities to demand psychological exams at their discretion under California Penal Code section 26190(g).

164. California also refuses to recognize CCW permits issued by other states, whether they are held by residents or nonresidents. California also refuses to grant CCW permits to non-residents, thus providing no way for nonresidents to exercise their right to carry within its borders.

165. As a result, Plaintiffs’ Second Amendment rights, as incorporated under the Fourteenth Amendment, as well as the rights of the associational Plaintiffs’ members and supporters, are violated.

166. To the extent that the Los Angeles County Defendants contend they will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due to SB 2’s changes to the Penal Code even though those changes came after their permits were denied, Plaintiffs allege that Penal Code sections 26202(a)(3), 26202(a)(5), and 26202(a)(9) are unconstitutional as applied to Plaintiffs Velasquez and Partowashraf, respectively.

167. The Attorney General is thus enforcing laws that violate the constitutional right to bear arms outside the home for self-defense “in case of confrontation,” as guaranteed by the Second and Fourteenth Amendments.

168. Plaintiffs are entitled to declaratory and injunctive relief against such

1 unconstitutional laws, customs, policies, and practices.

2

3 **FOURTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
4 **VIOLATIONS OF THE CALIFORNIA PENAL CODE**  
5 **AGAINST DEFENDANTS LOS ANGELES COUNTY SHERIFF'S**  
6 **DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10**

7 169. Plaintiffs hereby re-allege and incorporate by reference the allegations  
8 in the foregoing paragraphs as if set forth fully herein.

9 170. LASD's CCW permit process violates California Penal Code section  
10 26205 by taking over a year to process permit applications.

11 171. Additionally, Plaintiffs' Second Amendment rights, as incorporated  
12 under the Fourteenth Amendment, as well as the rights of the associational  
13 Plaintiffs' members and supporters, are violated.

14 172. Defendants LASD and Sheriff Robert Luna are thus enforcing laws  
15 that violate the constitutional right to bear arms outside the home for self-defense  
16 "in case of confrontation," as guaranteed by the Second and Fourteenth  
17 Amendments.

18 173. Plaintiffs are thus entitled to declaratory and injunctive relief against  
19 these illegal customs, policies, and practices.

20

21 **FIFTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
22 **VIOLATIONS OF THE CALIFORNIA PENAL CODE**  
23 **AGAINST DEFENDANTS LA VERNE POLICE DEPARTMENT, LA VERNE**  
24 **CHIEF OF POLICE SAMUEL GONZALEZ, AND DOES 1-10**

25 174. Plaintiffs hereby re-allege and incorporate by reference the allegations  
26 in the foregoing paragraphs as if set forth fully herein.

27 175. LVPD's CCW permit process violates several portions of the  
28 California Penal Code.

176. By inflating its own costs through the imposition of additional  
requirements beyond a simple DOJ background check and an interview with an  
applicant, LVPD charges more than its reasonable costs for permit processing and  
violates California Penal Code section 26190(b)(1).



1 177. By collecting the entirety of its fees at the time the application is  
2 submitted, LVPD violates California Penal Code section 26190(b)(2).

3 178. Additionally, Plaintiffs' Second Amendment rights, as incorporated  
4 under the Fourteenth Amendment, as well as the rights of the associational  
5 Plaintiffs' members and supporters, are violated.

6 179. The La Verne defendants are enforcing laws that violate the  
7 constitutional right to bear arms outside the home for self-defense "in case of  
8 confrontation," as guaranteed by the Second and Fourteenth Amendments.

9 180. Plaintiffs are thus entitled to declaratory and injunctive relief against  
10 these illegal customs, policies, and practices.

11 **SIXTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
12 **U.S. CONST. AMEND. XIV**  
13 **EQUAL PROTECTION**  
14 **42 U.S.C. § 1983**

15 **AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10**

16 181. Plaintiffs hereby re-allege and incorporate by reference the allegations  
17 in the foregoing paragraphs as if set forth fully herein.

18 182. Plaintiff Steven Hoover is a Florida resident. He does not have  
19 residency in California, and thus cannot obtain a California identification card or  
20 driver's license. Plaintiff Broady is a former California resident who previously  
21 held California CCW permits, but now lives in Nevada.

22 183. Both Plaintiffs often visit California and desire to be able to lawfully  
23 conceal-carry a firearm when visiting the State.

24 184. Plaintiff Hoover applied to the Monterey County Sheriff for a CCW  
25 permit but the Sheriff rejected his application because he is not a California  
26 resident. Plaintiff Broady did not attempt to apply, realizing it would be futile to do  
27 so and he would be rejected as Plaintiff Hoover was.

28 185. Indeed, California law does not allow a resident of another state to  
apply for and obtain a CCW permit whatsoever.

186. This policy violates Plaintiffs' right to equal protection of the law as



1 guaranteed and protected under the Equal Protection Clause of the Fourteenth  
2 Amendment to the United States Constitution because it favors California residents  
3 and discriminates against non-California residents like Hoover and Broady. The  
4 policy also violates the Equal Protection Clause because California refuses to honor  
5 permits issued by other states, including Florida or Nevada, the home states of  
6 Plaintiffs Hoover and Broady, respectively.

7 187. This policy is especially egregious because here California’s policy  
8 prevents Plaintiff Hoover from exercising the constitutionally protected right to be  
9 armed in public recognized in *Bruen*. It also violates the constitutionally protected  
10 right to travel under the Equal Protection Clause of the Fourteenth Amendment, and  
11 forces Hoover to choose between exercising his Second Amendment right to be  
12 armed and his constitutional right to travel. *Harper v. Virginia State Bd. of*  
13 *Elections*, 383 U.S. 663 (1966); *United States v. Guest*, 383 U.S. 745 (1966);  
14 *Shapiro v. Thompson*, 394 U.S. 618 (1969); and *Zobel v. Williams*, 457 U.S. 55  
15 (1981).

16 **SEVENTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
17 **U.S. CONST. ART. IV, § 2**  
18 **PRIVILEGES AND IMMUNITIES CLAUSE**  
19 **42 U.S.C. § 1983**

20 **AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10**

21 188. Plaintiffs hereby re-allege and incorporate by reference the allegations  
22 in the foregoing paragraphs as if set forth fully herein.

23 189. The Privileges and Immunities Clause of Article IV, § 2 of the United  
24 States Constitution provides that “the Citizens of each State shall be entitled to all  
25 Privileges and Immunities of Citizens in the several states.” This Constitutional  
26 provision removes “from the citizens of each State the disabilities of alienage in the  
27 other States.” *Saenz v. Roe*, 526 U.S. 489 (1999) (quoting *Paul v. Virginia*, 8 Wall.  
28 168, 180 (1868)). The Privileges and Immunities Clause bars discrimination against  
citizens of other states based on their status as a citizen of another state. *Toomer v.*

1 *Witsell*, 334 U.S. 385 (1948).

2 190. Plaintiff Steven Hoover is a Florida resident who desires to lawfully  
3 conceal-carry a firearm when visiting California. Plaintiff Broady is a former  
4 California resident who previously held California CCW permits, but now lives in  
5 Nevada.

6 191. These Plaintiffs do not have residency in California, and thus cannot  
7 obtain a California identification card or driver’s license.

8 192. Hoover applied for a CCW with the Monterey County Sheriff but was  
9 denied because of his Florida Residency. Plaintiff Broady did not attempt to apply,  
10 realizing it would be futile to do so and he would be rejected as Plaintiff Hoover  
11 was.

12 193. California’s law of refusing to accept CCW applications from citizens  
13 of other states, like Plaintiff Hoover, violates this constitutional provision because  
14 California’s policy discriminates against out of state residents solely because they  
15 are out-of-state residents. This policy does not even offer a non-resident a chance at  
16 applying for a permit. This policy denies a non-resident the ability to exercise the  
17 enumerated right to be armed in public, and thus violates the privilege and  
18 immunities clause.

19 194. The law also violates the Privileges and Immunities Clause by refusing  
20 to recognize the permits issued by other states, such as Florida and Nevada.

21 **EIGHTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
22 **U.S. CONST. AMENDMENT XIV**  
23 **DUE PROCESS OF LAW**  
24 **42 U.S.C. § 1983**

25 **AGAINST LOS ANGELES COUNTY SHERIFF’S DEPARTMENT, SHERIFF**  
26 **ROBERT LUNA, LA VERNE POLICE DEPARTMENT, LA VERNE CHIEF OF**  
27 **POLICE SAMUEL GONZALEZ, ATTORNEY GENERAL ROB BONTA, AND**  
28 **DOES 1-10**

29 195. The psychological testing component of California’s CCW permit  
30 regime violates both the substantive and procedural due process of law mandate set  
31 forth in Amendment XIV, Sec. 1, of the U.S. Constitution.

1 196. California’s law violates substantive due process because it arbitrarily  
2 and capriciously imposes a presumption of psychological unfitness to exercise a  
3 fundamental right, and requires the individuals seeking to exercise that fundamental  
4 right to bear the burden of proving a negative. Furthermore, by presuming that all  
5 CCW applicants should be subject to psychological screening, the requirement is  
6 overinclusive. Furthermore this state law, by allowing individual issuing authorities  
7 to require psychological testing or not, makes the law arbitrary and underinclusive.  
8 Furthermore, by failing to legislate objective standards for psychological testing,  
9 the law empowers government bureaucrats to exercise subjective discretion in  
10 regulating a fundamental right.

11 197. California Penal Code section 26190(f) (soon to be 26190(g) under  
12 SB2) violates procedural Due Process rights because it impermissibly shifts the  
13 burden of proof of a constitutionally significant fact to an individual seeking to  
14 exercise a fundamental right. Furthermore, the psychological testing regime does  
15 not permit an adversarial process to adjudicate the scientific validity of the  
16 underlying test or the validity of the psychologists’ opinions and conclusions.  
17 Furthermore, there is no provision in this law for a right to appeal the results of the  
18 psychological testing. Furthermore, there is no provision in this law to discover or  
19 test the impartiality of the personnel administering the psychological testing.  
20 Furthermore, there is no provision in this law allowing the CCW applicant to  
21 submit evidence from their own medical expert to rebut the government’s evidence,  
22 on a crucial question that might result in denial of a constitutional right.

23 198. To the extent that the Los Angeles County Defendants contend they  
24 will not issue a CCW permit to Plaintiff Velasquez due to the theft of his firearms  
25 or alleged reckless use of a firearm, which they contend constituted a Penal Code  
26 violation, such denial, without a process for adjudicating or an actual adjudication  
27 of Velasquez having committed a crime, is unconstitutional as a violation of  
28 Velasquez’s due process rights.



1           4.     A declaration that LVPD charging nearly \$900 for CCW permits  
2 violates the constitutional right to carry;

3           5.     A declaration that, by inflating its own costs through the imposition of  
4 additional requirements beyond a simple DOJ background check and an interview  
5 with an applicant, LVPD charges more than its reasonable costs for permit  
6 processing and violates California Penal Code section 26190(b)(1);

7           6.     A declaration that, by collecting the entirety of its fees at the time the  
8 application is submitted, LVPD violates California Penal Code section 26190(b)(2).

9           7.     A declaration that LVPD's psychological examination requirement  
10 violates *Bruen's* prohibition on using "suitability" criteria when it comes to Second  
11 Amendment rights.

12           8.     A declaration that California Penal Code section 26190(g), in allowing  
13 psychological examinations, is unconstitutional as a constitutionally-forbidden  
14 suitability determination;

15           9.     A declaration that the Attorney General must honor CCW permits  
16 issued by other states, whether the permit holder is a resident of California or not,  
17 and/or a declaration that the Attorney General must permit residents of other states  
18 to acquire CCW permits in California;

19           10.    A declaration that Penal Code sections 26202(a)(3), 26202(a)(5), and  
20 26202(a)(9), as applied to Plaintiffs Partowashraf and Velasquez, violate the  
21 Second Amendment and violate the Due Process Clause;

22           11.    A declaration that the associational Plaintiffs' resources and litigation  
23 experience are necessary to vindicate the Second Amendment rights of individual  
24 Plaintiffs who lack the means and capacity to challenge the constitutionality of the  
25 practices of LASD and the Sheriff, the fees and policies of LVPD and the Chief,  
26 and of the non-resident prohibition on carry and psychological examination  
27 requirements of California law.  
28

1           12. An order preliminarily and permanently enjoining all Defendants and  
2 all other officers, agents, servants, employees, and persons under the authority of  
3 the State, from enforcing California Penal Code Section 26190(f);

4           13. An order preliminarily and permanently enjoining Los Angeles LASD,  
5 and Sheriff Luna in his official capacity, from refusing to process or issue a CCW  
6 Permit to any qualified applicant 120 days after submission of such applicant’s  
7 initial application for a new license or a license renewal, or 30 days after receipt of  
8 the applicant’s criminal background check from the Department of Justice,  
9 whichever is later;

10           14. An order preliminarily and permanently enjoining LASD, and Sheriff  
11 Luna in his official capacity, from requiring more information from applicants in  
12 the CCW permitting process that are not based on “narrow, objective, and definite”  
13 standards;

14           15. An order preliminarily and permanently enjoining LVPD and La  
15 Verne Chief of Police Samuel Gonzalez in his official capacity, from charging  
16 applicants nearly \$1,000 for processing CCW Permit applications;

17           16. An order permanently enjoining all Defendants and all other officers,  
18 agents, servants, employees, and persons under the authority of the State, from  
19 enforcing all laws prohibiting concealed carry if the person accused of that crime  
20 has an otherwise-valid CCW permit issued by any state, and is not otherwise  
21 prohibited from owning firearms;

22           17. An order declaring that California’s policy of not accepting  
23 applications or issuing permits to out of state residents violates the Equal Protection  
24 Clause;

25           18. An order declaring that California’s policy of not accepting  
26 applications or issuing permits to out of state residents violates the Privileges and  
27 Immunities Clause;

28

- 1           19.    Costs of suit, including attorney’s fees and costs pursuant to 42 U.S.C.
- 2   § 1988;
- 3           20.    Nominal damages; and
- 4           21.    All other relief the court deems appropriate.

5   Respectfully Submitted,

6   Dated: September 5, 2024

**MICHEL & ASSOCIATES, P.C.**

7

*/s/ C.D. Michel*  
\_\_\_\_\_  
C.D. Michel  
Counsel for Plaintiffs

8

9

10   Dated: September 5, 2024

**LAW OFFICES OF DON KILMER**

11

*/s/ Don Kilmer*  
\_\_\_\_\_  
Don Kilmer  
Counsel for Plaintiff The Second Amendment  
Foundation

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *California Rifle and Pistol Association, et al., v. Los Angeles County Sheriff's Dept., et al.*

Case No.: 2:23-cv-10169-SPG (ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**STIPULATION FOR LEAVE TO FILE FIRST AMENDED AND SUPPLEMENTAL COMPLAINT**

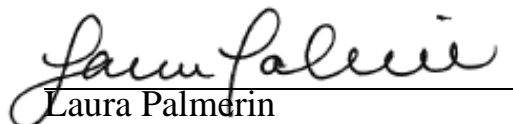
on the following parties, as follows:

See attached Service List.

by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

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

Executed September 5, 2024.

  
\_\_\_\_\_  
Laura Palmerin



**SERVICE LIST**

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

Mark R Beckington  
Jane E. Reilley  
[jane.reilley@doj.ca.gov](mailto:jane.reilley@doj.ca.gov)  
Christina R.B. Lopez,  
[christina.lopez@doj.ca.gov](mailto:christina.lopez@doj.ca.gov)  
California Department of Justice  
Office of the Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013-1230

*Attorneys for Defendant Rob Bonta*

Mark Selwyn  
[mark.selwyn@wilmerhale.com](mailto:mark.selwyn@wilmerhale.com)  
WILMER CUTLER PICKERING HALE AND DORR LLP  
2600 El Camino Road  
Palo Alto, CA 94306

Alan Schoenfeld  
[alan.schoenfeld@wilmerhale.com](mailto:alan.schoenfeld@wilmerhale.com)  
Noah Levine  
[noah.levine@wilmerhale.com](mailto:noah.levine@wilmerhale.com)  
Ryan Chabot  
[ryan.chabot@wilmerhale.com](mailto:ryan.chabot@wilmerhale.com)  
WILMER CUTLER PICKERING HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007

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

Bruce A. Lindsay  
[bal@jones-mayer.com](mailto:bal@jones-mayer.com)  
Monica Choi Arredondo  
[mca@jones-mayer.com](mailto:mca@jones-mayer.com)  
JONES MAYER  
3777 N. Harbor Blvd.  
Fullerton, CA 92835

*Attorneys for Defendants La Verne Police Department  
and La Verne Chief of Police Colleen Flores*