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8 Owners of America, Inc., Gun Owners Foundation, Gun Owners of California, Inc.,
Erick Velasquez, Sherwin David Partowashraf, Charles Messel, Brian Weimer,
9 Jung Yun, Albert Medalla, Clarence Rigali, Keith Reeves, Cynthia Gabaldon,
David Broady, and Stephen Hoover

10 *Additional Counsel listed on the next page.*

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

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

27 Plaintiffs,

28 v.

29 LOS ANGELES COUNTY SHERIFF’S
30 DEPARTMENT; SHERIFF ROBERT
31 LUNA, in his official capacity; LA
32 VERNE POLICE DEPARTMENT; LA
33 VERNE CHIEF OF POLICE COLLEEN
34 FLORES, in her official capacity;
35 ROBERT BONTA, in his official
36 capacity as Attorney General of the State
37 of California; and DOES 1-10,

38 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

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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.¹

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,
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21 ¹ 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 days² of receiving the completed application for
a license renewal.

7 82. Under Penal Code section 26190(b)(2), only 50 percent³ 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 ² The 120-day time limit was 90 days prior to the passage of SB 2.

28 ³ 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),⁴ 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 requiring the reporting of the loss of a firearm.” *See id.* § 26202(a)(10).

28 _____
⁴ Designated 26190(f) prior to the passage of SB 2.

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

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

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

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

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

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

27 97. But rather than complying with the Supreme Court’s decision, the
28 Attorney General rebelled, responding to the *Bruen* ruling by claiming that local

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

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

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

22 100. In August 2022, former LASD Sheriff Alex Villanueva announced that
23 “LASD will only accept first-time CCW applications from those who reside within
24 our contract cities or unincorporated communities. Applicants residing in a
25 municipality other than those served by LASD shall contact their local police
26 department and apply for a CCW license.” This meant that several cities in Los

27 ⁵ 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 Angeles County, that had not set up a CCW permit program, like La Verne, would
2 now need to do so, even though the Sheriff is obligated to accept and process such
3 applications from *any* county resident—whether they live in a “non-contract” city
4 or not—under California Penal Code section 26150.

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

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

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

23 104. CRPA responded on March 14, 2023 writing that, while Sheriff Luna’s
24 letter was encouraging, another six months was not an acceptable timeframe, given
25 the thousands of applications lingering for a year or more. CRPA also noted that
26 LASD previously admitted that long wait times are unconstitutional. In a July 7,
27 2022, letter to the Chief of Police of San Gabriel explaining why LASD could no
28 longer accept applications from residents of San Gabriel, the Department wrote in

1 pertinent part:

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

8 211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

9 *A Tradition of Service*
10 *— Since 1850 —*

11 RECEIVED
12 JUL 11 2022
13 SAN GABRIEL PD
14 ADMINISTRATION

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

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

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

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

109. CRPA sent a final letter to the Sheriff on September 14, 2023, warning
that litigation was imminent if no immediate changes to accelerate application
processing were made. A response was received from the Sheriff on November 1,

1 2023, making the same vague promises as before, however, no concrete steps to
2 implement these purported fixes or timelines for doing so were identified.

3 **LVPD’s Exorbitant Fees and Unconstitutional Psychological Exam**
4 **Requirement**

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

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

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

21 112. However, the outrageous fee schedule included \$398 for “processing,”
22 \$150 for “administrative” costs, \$93 for “licensing,” \$20 for fingerprinting, \$150
23 for a psychological exam, \$20 for a card-issuance fee, and \$250 for a training
24 course. Applicants would thus have to pay *more than \$1,000* merely to be approved
25 to exercise their constitutional self-defense right. Following the filing of the
26 original complaint, La Verne reduced its fees slightly, by \$145. As of now, the total
27 cost to the applicant will be around \$750 to \$950, with the variance depending on
28 the precise cost of the training course. Renewals every two years will cost

⁶ See <https://lasd.org/ccw/#ccw_fees> (as of November 30, 2023).

1 somewhere around \$550 to \$750, again depending on the cost of the training
2 course.

3 113. This cumulative fee schedule significantly exceeds what CCW
4 applicants in other states pay. For example, in Arizona, where applying for a permit
5 is entirely optional because Arizona is a constitutional carry state, the application
6 fee is \$60 plus the cost of fingerprinting that must be submitted with the
7 application.⁷ In Texas, the application fee is \$40.⁸ Florida charges \$55 for its
8 issuance fee and \$42 for fingerprinting.⁹ Utah charges \$53.25 for Utah residents,
9 and \$63.25 for non-residents.¹⁰ In Minnesota, the fee may not exceed \$100.¹¹
10 Nevada charges \$100.25.¹² Washington State charges \$36 plus fingerprinting fees.¹³

11 114. California's short two-year permit period is also an outlier that makes
12 the average annual to exercise the carry right much greater than other states'. An
13 Arizona CCW permit, for example, is good for five years and costs only \$60. Thus,
14 an Arizona permit costs roughly \$12 a year, whereas a La Verne permit costs no

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

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

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

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

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

27 ¹² See "Concealed Firearms Permits," <<https://www.lvmpd.com/en-us/RecordsFingerprintBureau/Pages/ConcealedFirearms.aspx>> (as of November
28 30, 2023).

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

1 less than \$500 per year.

2 115. The fees LVPD charges eclipse even other issuing authorities *within*
3 *California*. Defendant LASD, for example, charges a \$43 initial fee,¹⁴ a \$173
4 issuance fee, plus the cost of training¹⁵ and livescan,¹⁶ which applicants contract for
5 on their own through a third party. The San Diego County Sheriff's Department
6 charges a \$27.60 application fee,¹⁷ a \$93 livescan fee, and a \$110.40 final fee, with
7 the training provider chosen and contracted with by the applicant. The Orange
8 County Sheriff's Department's fees total \$169 for the application,¹⁸ with applicants
9 completing the livescan and training through third parties they choose and contract
10 with.

11 116. LVPD's claimed processing costs are not only excessive, but not even
12 comparable to similar cities' fees. La Verne's next-door neighbor Glendora charges
13 \$243 in total for processing (including livescan), plus the cost of the training
14 course.¹⁹ Burbank charges \$100, plus the cost of livescan and the training course.²⁰
15 Whittier charges \$243 (including livescan), plus the cost of the training course.²¹
16 Even the City of Los Angeles is not as expensive as La Verne, charging \$268 plus
17

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

19 ¹⁵ Training courses are typically offered by an approved list of providers,
20 with the class costing between \$175 and \$400 depending on the provider.

21 ¹⁶ Typically around \$100, depending on the provider.

22 ¹⁷ See <[https://www.sdsheriff.gov/i-want-to/get-a-permit-or-
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
23 30, 2023).

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

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

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

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

1 the cost of livescan and the training course.²² Moreover, none of the examples listed
2 here require a psychological exam, which saves applicants \$150. Permit renewal
3 fees for these localities are generally under \$100.

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

12 118. Part of the LVPD's application process requires Plaintiffs Rigali,
13 Reeves, and Gabaldon to pay to have LVPD Chief Gonzalez interview them for an
14 hour as a condition of receiving a CCW permit. Plaintiffs further allege that this
15 process applies to any member of any of the associational Plaintiffs who is a
16 resident of La Verne who wants to receive a CCW permit, and further allege that
17 such a process applies to any other member of the public who is a resident of La
18 Verne who wants to receive a permit. Not only do Plaintiffs allege that paying for
19 an hour of the Chief's time is constitutionally excessive in terms of the cost
20 imposed for exercising Plaintiffs', associational members' and supporters, and La
21 Verne residents' Second Amendment rights, but that the cost is for a purpose
22 impermissible under the Second Amendment and the test set out in *Bruen*. Plaintiffs
23 allege that any questions or criteria the Chief might ask or assess in such an
24 interview would be necessarily subjective and give discretion to the Chief to deny a
25 permit application in violation of *Bruen*. Plaintiffs thus allege that both the process
26

27 ²² 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 of being interviewed itself as well as the cost of the process to be interviewed by
2 the Chief violates the Second Amendment.

3 *B. Outsourcing Application Processing to Third-party Processor*
4 *MyCCW is Why LVPD is so Much Costlier Than Other Issuing*
5 *Authorities.*

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

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

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

17 b. a renewal fee of \$348, in excess of the current renewal fee allowed
18 under Section 26190.²⁴

19 121. LVPD passes these unconstitutionally high and contrary to state law
20 fees imposed by MyCCW’s use onto its applicants. The \$398 application fee, plus
21 the \$150 psychological examination—which most other cities and LASD do not
22 require—explains in part why LVPD’s CCW fee schedule is exorbitantly high, an

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

24 ²⁴ 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 outlier among outliers.

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

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

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

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

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

22 126. The requirement that a law-abiding person affirmatively and
23 subjectively prove that they are psychologically suitable to exercise the right of
24 self-defense is not grounded in any history or tradition of the right to bear firearms.

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

27
28

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

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

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

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

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

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

1 law, and an 1864 California law.

2 133. An analogous issue was already decided in 2015. Because Ohio would
3 not allow for same sex marriages, James Obergefell and John Arthur decided to
4 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.

20 *Id.* at 680-681.

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

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

1 defiance of California law.

2 **PLAINTIFFS SEEK DECLARATORY AND INJUNCTIVE RELIEF**

3 136. Under *Bruen*, Defendants bear the burden of proving their policies
4 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.

7 137. Accordingly, Plaintiffs seek declaratory relief confirming that Los
8 Angeles County Sheriff's Department's current CCW permit application regime
9 violates the Second Amendment, imposing extraordinary delays and including
10 forbidden suitability determinations. LASD's wait times also violate California
11 Penal Code section 26205 because they exceed the 90 days (or 120 days after
12 January 1, 2024) permitted by statute.²⁵ LASD's practice of exceeding this statutory
13 time limit is facially unconstitutional, as even a mere wait time of 30 days was
14 already deemed an unconstitutional delay on acquiring additional firearms after an
15 additional purchase. *See Nguyen v. Bonta*, No. 320CV02470WQHMMMP, 2024 WL
16 1057241, at *11 (S.D. Cal. Mar. 11, 2024). At minimum though, it is at least
17 unconstitutional as applied to each of the individual Plaintiffs and the members and
18 supporters of the associational Plaintiffs who have waited more than 120 days for
19 their permits since submitting their applications.²⁶ These Plaintiffs seek declaratory
20 relief that their rights were violated beginning on the 121st day following their
21

22 ²⁵ Plaintiffs do not concede that either of these time periods is a permissible
23 impediment to the exercise of an enumerated right.

24 ²⁶ Contrary to representations made by Defendants at the hearing on
25 preliminary injunction, once an applicant submits the application to LASD, there is
26 no additional task the applicant needs to complete for LASD to start processing the
27 application or start the running of the statutory 120-day deadline to process the
28 application. *See* Cal. Penal Code §§ 26150, 26170. Following submission of the
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.

1 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 121st day following his application being submitted, and
5 continuing until his permit was finally issued in May of 2024.

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

8 140. Plaintiffs also seek declaratory relief confirming that LVPD's current
9 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 26190(f)(1), because its fee
12 schedule is exorbitantly expensive, and because permit issuance is conditioned
13 upon unconstitutional suitability determinations instead of narrow, objective, and
14 definite standards. Each of these are both facially unconstitutional, and
15 unconstitutional as applied to the Plaintiffs and the members and supporters of the
16 associational Plaintiffs.

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

25 142. Defendant Bonta has the burden of proving that Penal Code section
26 26190(f)(1)'s psychological examination requirement for obtaining a CCW license
27 comports with the Second Amendment in light of *Bruen*'s prohibition on suitability
28 determinations for CCW licenses. He will fail to do so. Constitutional rights are

1 not conditioned on a quasi-medical professional’s opinion of a person’s emotional
2 bona fides.

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

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

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

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

- 23 a. On the issue of LASD’s lengthy wait times, Plaintiffs Messel’s,
24 Weimer’s, and Yun’s more specific proposed course of conduct, and the
25 members and supporters of the associational Plaintiffs’ more specific
26 proposed course of conduct, is lawfully carrying firearms publicly for self-

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

1 defense without an unreasonable wait time to receive a permit to lawfully
2 carry, which Plaintiffs define here as at least a wait time exceeding the 120
3 days allowed by State law. Plaintiffs allege that a wait time in excess of at
4 least state law’s requirements for issuing a permit violate the Second
5 Amendment. Plaintiffs further allege that they are not aware of a historical
6 tradition of laws or regulations from the applicable historical period
7 conditioning the exercise of the right to carry for self-defense on waiting in
8 excess of 120 days for a permit in order to lawfully carry.

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

21 c. On the issue of nonresident carry, Plaintiffs Broady’s and
22 Hoover’s more specific proposed course of conduct, and the members and
23 supporters of the associational Plaintiffs’ more specific proposed course of
24 conduct is lawfully carrying firearms publicly for self-defense in California,
25 primarily by having California honor the permits of other states under the
26 Second Amendment, and Privileges and Immunities and Equal Protection
27 clauses of the Fifth and Fourteenth Amendments. Plaintiffs allege that not
28 honoring their out-of-state permits, which were obtained under the same or

1 similar requirements or burdens that California law imposes on its
2 permittees, or which, in the alternative, have sufficient background checks
3 and other processes that are both constitutionally sound and adequately
4 reflect the reasons similar historical laws and regulations from the applicable
5 historical period allowed restrictions on public carry, violates Plaintiffs’
6 rights under the Second Amendment, and Privileges and Immunities and
7 Equal Protection clauses. Plaintiffs further allege that they are not aware of a
8 historical tradition of laws or regulations from the applicable historical period
9 conditioning the exercise of the right to carry for self-defense—either
10 generally or for the specific purposes cited above—on being a resident of the
11 state in which the carry is to occur.

12 d. On the issue of nonresident carry, Plaintiffs Broady’s and
13 Hoover’s more specific proposed course of conduct, and the members and
14 supporters of the associational Plaintiffs’ more specific proposed course of
15 conduct is lawfully carrying firearms publicly for self-defense in California
16 by alternatively allowing nonresidents to obtain California CCW permits in a
17 manner that is constitutionally sound as to both the timing and the cost for
18 obtaining those California permits. Plaintiffs further allege that timeliness for
19 purposes of complying with the Second Amendment, and Privileges and
20 Immunities, Due Process, and Equal Protection clauses, is the same amount
21 of time, or sooner, that a resident of California would receive such a permit.
22 Plaintiffs further allege that appropriate cost for purposes of complying with
23 the Second Amendment, and Due Process and Equal Protection clauses, is
24 the same cost for a permit, or less, than a resident of California would pay to
25 receive such a permit. Plaintiffs allege that not allowing nonresidents to carry
26 in California with a California permit issued with the same costs and within
27 the same timeframe residents receive their permits, violates Plaintiffs’ rights
28 under the Second Amendment, and Privileges and Immunities and Equal

1 Protection clauses. Plaintiffs further allege that they are not aware of a
2 historical tradition of laws or regulations from the applicable historical period
3 conditioning the exercise of the right to carry for self-defense—either
4 generally or for the specific purposes cited above—on being a resident of the
5 state in which the carry is to occur.

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

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

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

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

14 g. Plaintiff Velasquez’s more specific proposed course of conduct
15 is lawfully carrying firearms publicly for self-defense without being
16 prevented from doing so because he had firearms stolen from his locked
17 vehicle. Plaintiff alleges that disqualifying a person from lawfully carrying
18 for self-defense, where there was no charged crime, no charged crime
19 involving dangerousness, or no court or other adversarial proceeding,
20 violates his Second Amendment and due process rights. Plaintiff alleges that
21 he is not aware of a single law or regulation, much less a historical tradition
22 of such laws or regulations, from the applicable period which held that a
23 citizen forfeits his or her right to carry for self-defense if they had firearms
24 stolen from them, nor is Plaintiff aware of a single law or regulation, much
25 less a historical tradition of such laws or regulations, from the applicable
26 period which held that a disqualifying condition for carrying a firearm for
27 self-defense could include the allegation committing a crime of recklessness
28

1 in possessing a firearm where such crime was never charged nor adjudicated
2 by a neutral magistrate.

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

17 **FIRST 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 DEFENDANTS LOS ANGELES COUNTY SHERIFF’S**
22 **DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10**

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

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

26 149. To the extent that the Los Angeles County Defendants contend they
27 will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due the
28 prohibitions in Penal Code sections 26202(a)(3), 26202(a)(5), and 26202(a)(9),

1 such provisions are unconstitutional both facially and as applied to Plaintiffs
2 Velasquez and Partowashraf, and are not a constitutionally-permissible basis for
3 denying a permit to carry for self-defense.

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

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

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

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

15
16 **SECOND CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
17 **U.S. CONST. AMENDS. II, XIV**
18 **RIGHT TO BEAR ARMS**
19 **42 U.S.C. § 1983**

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

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

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

156. As described previously, LVPD has violated and continues to violate
the rights of CCW permit applicants by requiring them to pay for and sit for a
subjective interview with the LVPD Chief that allows the Chief to exercise

1 unconstitutional discretion to deny a permit based on such interview.

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

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

9 159. Defendants cannot satisfy their burden to justify these customs,
10 policies, and practices that preclude Plaintiffs from exercising their enumerated
11 rights.

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

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

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

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

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

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

27 164. California also refuses to recognize CCW permits issued by other
28 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.

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

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

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

13 168. Plaintiffs are entitled to declaratory and injunctive relief against such
14 unconstitutional laws, customs, policies, and practices.

15 **FOURTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
16 **VIOLATIONS OF THE CALIFORNIA PENAL CODE**
17 **AGAINST DEFENDANTS LOS ANGELES COUNTY SHERIFF’S**
18 **DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10**

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

21 170. LASD’s CCW permit process violates California Penal Code section
22 26205 by taking over a year to process permit applications.

23 171. Additionally, Plaintiffs’ Second Amendment rights, as incorporated
24 under the Fourteenth Amendment, as well as the rights of the associational
25 Plaintiffs’ members and supporters, are violated.

26 172. Defendants LASD and Sheriff Robert Luna are thus enforcing laws
27 that violate the constitutional right to bear arms outside the home for self-defense
28 “in case of confrontation,” as guaranteed by the Second and Fourteenth
Amendments.

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

3
4 **FIFTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
5 **VIOLATIONS OF THE CALIFORNIA PENAL CODE**
6 **AGAINST DEFENDANTS LA VERNE POLICE DEPARTMENT, LA VERNE**
7 **CHIEF OF POLICE SAMUEL GONZALEZ, AND DOES 1-10**

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

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

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

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

18 178. Additionally, Plaintiffs' Second Amendment rights, as incorporated
19 under the Fourteenth Amendment, as well as the rights of the associational
20 Plaintiffs' members and supporters, are violated.

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

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

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

AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10

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

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

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

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

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

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

20 187. This policy is especially egregious because here California’s policy
21 prevents Plaintiff Hoover from exercising the constitutionally protected right to be
22 armed in public recognized in *Bruen*. It also violates the constitutionally protected
23 right to travel under the Equal Protection Clause of the Fourteenth Amendment, and
24 forces Hoover to choose between exercising his Second Amendment right to be
25 armed and his constitutional right to travel. *Harper v. Virginia State Bd. of*
26 *Elections*, 383 U.S. 663 (1966); *United States v. Guest*, 383 U.S. 745 (1966);
27 *Shapiro v. Thompson*, 394 U.S. 618 (1969); and *Zobel v. Williams*, 457 U.S. 55
28 (1981).

1 **SEVENTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
2 **U.S. CONST. ART. IV, § 2**
3 **PRIVILEGES AND IMMUNITIES CLAUSE**
4 **42 U.S.C. § 1983**

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

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

8 189. The Privileges and Immunities Clause of Article IV, § 2 of the United
9 States Constitution provides that “the Citizens of each State shall be entitled to all
10 Privileges and Immunities of Citizens in the several states.” This Constitutional
11 provision removes “from the citizens of each State the disabilities of alienage in the
12 other States.” *Saenz v. Roe*, 526 U.S. 489 (1999) (quoting *Paul v. Virginia*, 8 Wall.
13 168, 180 (1868)). The Privileges and Immunities Clause bars discrimination against
14 citizens of other states based on their status as a citizen of another state. *Toomer v.*
15 *Witsell*, 334 U.S. 385 (1948).

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

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

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

26 193. California’s law of refusing to accept CCW applications from citizens
27 of other states, like Plaintiff Hoover, violates this constitutional provision because
28 California’s policy discriminates against out of state residents solely because they
are out-of-state residents. This policy does not even offer a non-resident a chance at
applying for a permit. This policy denies a non-resident the ability to exercise the

1 enumerated right to be armed in public, and thus violates the privilege and
2 immunities clause.

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

5
6 **EIGHTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
7 **U.S. CONST. AMENDMENT XIV**
8 **DUE PROCESS OF LAW**
9 **42 U.S.C. § 1983**

10 **AGAINST LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, SHERIFF**
11 **ROBERT LUNA, LA VERNE POLICE DEPARTMENT, LA VERNE CHIEF OF**
12 **POLICE SAMUEL GONZALEZ, ATTORNEY GENERAL ROB BONTA, AND**
13 **DOES 1-10**

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

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

27 197. California Penal Code section 26190(f) (soon to be 26190(g) under
28 SB2) violates procedural Due Process rights because it impermissibly shifts the
burden of proof of a constitutionally significant fact to an individual seeking to
exercise a fundamental right. Furthermore, the psychological testing regime does
not permit an adversarial process to adjudicate the scientific validity of the
underlying test or the validity of the psychologists' opinions and conclusions.

1 Furthermore, there is no provision in this law for a right to appeal the results of the
2 psychological testing. Furthermore, there is no provision in this law to discover or
3 test the impartiality of the personnel administering the psychological testing.

4 Furthermore, there is no provision in this law allowing the CCW applicant to
5 submit evidence from their own medical expert to rebut the government's evidence,
6 on a crucial question that might result in denial of a constitutional right.

7 198. To the extent that the Los Angeles County Defendants contend they
8 will not issue a CCW permit to Plaintiff Velasquez due to the theft of his firearms
9 or alleged reckless use of a firearm, which they contend constituted a Penal Code
10 violation, such denial, without a process for adjudicating or an actual adjudication
11 of Velasquez having committed a crime, is unconstitutional as a violation of
12 Velasquez's due process rights.

13 199. To the extent that the Los Angeles County Defendants contend they
14 will not issue a CCW permit to Plaintiff Partowashraf due to Plaintiff having been
15 the subject of an ex parte restraining order which was dissolved upon adjudication
16 in an adversarial setting, without a process for adjudicating or an actual
17 adjudication of Velasquez being dangerous such that he should be denied his right
18 to carry for self-defense, is as a violation of Partowashraf's due process rights. To
19 the extent the Los Angeles County Defendants rely as a basis for denying Plaintiff a
20 permit upon SB 2's prohibition on issuing a CCW to a person like Plaintiff who
21 was the subject of an ex parte restraining order without an adversarial proceeding or
22 adjudication of dangerousness in such an adversarial proceeding, such law, as set
23 forth above, violates due process and the Second Amendment, and reliance by
24 Defendants upon that law to deny a permit to lawfully carry, absent some other
25 process that affords Partowashraf adequate process, further violates Plaintiff's due
26 process rights.

27 200. Finally, the CCW psychological testing requirement contradicts
28 existing law in California that already regulates firearms possession in the context

1 of mental health holds and mental health adjudications. *See* California Welfare and
2 Institutions Code §§ 5150, 5250, 8100-8108.

3 **PRAYER**

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

6 1. A declaration that LASD taking over 120 days to process permits
7 violates the constitutional right to carry;

8 2. A declaration that these delays also violate California Penal Code
9 section 26205;

10 3. A declaration that LASD's denial of Plaintiff Velasquez's CCW
11 permit renewal application violates his constitutional right to carry;

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

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

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

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

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

26 9. A declaration that the Attorney General must honor CCW permits
27 issued by other states, whether the permit holder is a resident of California or not,
28

1 and/or a declaration that the Attorney General must permit residents of other states
2 to acquire CCW permits in California;

3 10. A declaration that Penal Code sections 26202(a)(3), 26202(a)(5), and
4 26202(a)(9), as applied to Plaintiffs Partowashraf and Velasquez, violate the
5 Second Amendment and violate the Due Process Clause;

6 11. A declaration that the associational Plaintiffs' resources and litigation
7 experience are necessary to vindicate the Second Amendment rights of individual
8 Plaintiffs who lack the means and capacity to challenge the constitutionality of the
9 practices of LASD and the Sheriff, the fees and policies of LVPD and the Chief,
10 and of the non-resident prohibition on carry and psychological examination
11 requirements of California law.

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

15 13. An order preliminarily and permanently enjoining Los Angeles LASD,
16 and Sheriff Luna in his official capacity, from refusing to process or issue a CCW
17 Permit to any qualified applicant 120 days after submission of such applicant's
18 initial application for a new license or a license renewal, or 30 days after receipt of
19 the applicant's criminal background check from the Department of Justice,
20 whichever is later;

21 14. An order preliminarily and permanently enjoining LASD, and Sheriff
22 Luna in his official capacity, from requiring more information from applicants in
23 the CCW permitting process that are not based on "narrow, objective, and definite"
24 standards;

25 15. An order preliminarily and permanently enjoining LVPD and La
26 Verne Chief of Police Samuel Gonzalez in his official capacity, from charging
27 applicants nearly \$1,000 for processing CCW Permit applications;
28

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

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

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

12 19. Costs of suit, including attorney’s fees and costs pursuant to 42 U.S.C.
13 § 1988;

14 20. Nominal damages; and

15 21. All other relief the court deems appropriate.

16 Respectfully Submitted,

17 Dated: September 13, 2024

MICHEL & ASSOCIATES, P.C.

18

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

19

20

Dated: September 13, 2024

LAW OFFICES OF DON KILMER

21

/s/ Don Kilmer
Don Kilmer
Counsel for Plaintiff The Second Amendment
Foundation

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ATTESTATION OF E-FILED SIGNATURES

I, C. D. Michel, am the ECF User whose ID and password are being used to file this FIRST AMENDED AND SUPPLEMENTAL COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. In compliance with Central District of California L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers and have concurred in this filing.

Dated: September 13, 2024

s/ C. D. Michel
C. D. Michel

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

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

Case No.: 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:

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

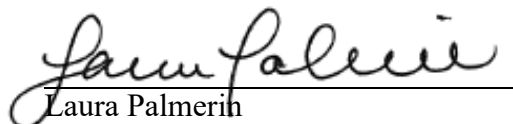
on the following parties, as follows:

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 13, 2024.



Laura Palmerin

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