

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 7. Mediation Questionnaire

Instructions for this form: <https://www.ca9.uscourts.gov/forms/form07instructions.pdf>

9th Cir. Case Number(s)	25-693
Case Name	Richards, et al. v. Newsom, et al.
Counsel submitting this form	C.D. Michel
Represented party/parties	Plaintiffs Adam Richards, et al.

Briefly describe the dispute that gave rise to this lawsuit.

On September 30, 2022, Governor Gavin Newsom signed Senate Bill 1384, which added section 26806 to the California Penal Code. Taking effect on January 1, 2024, the law requires all firearm retailers (FFLs) to ensure that their business premises are monitored by a digital video surveillance system that clearly records images and, for systems located inside the premises, audio of the area under surveillance. Among other requirements, FFLs must install cameras that are permanently mounted in a fixed location and record all (a) interior views of all entries or exits to the premises, (b) all areas where firearms are displayed, and (c) all points of sale, sufficient to identify the parties involved in the transaction. The system must continuously record for 24 hours per day, and recordings must be maintained for a minimum of 1 year.

The law prohibits FFLs from using, sharing, allowing access, or otherwise releasing access to the recordings to any person except (1) to agents of the DOJ or a licensing authority conducting an inspection of the licensee's premises, for the purpose of inspecting the system for compliance, and only if a warrant or other court order would not generally be required for access; (2) to any person pursuant to a search warrant or other court order; or (3) to any person in response to subpoenas, requests for production or inspection, or other court order.

Appellants are individual FFLs, brick-and-mortar retailers, and nonprofit organizations committed to protecting and preserving the constitutional rights of gun owners to acquire, possess, use, and carry firearms for lawful purposes. Appellants challenged the law under the First, Fourth, and Fifth Amendments.

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Briefly describe the result below and the main issues on appeal.

The district court granted Defendant's motion to dismiss all claims under FRCP 12(b)(6), giving Appellants the opportunity to amend. Appellants elected to stand on their First Amended Complaint, and the district court entered a final judgment on January 28, 2025, dismissing all claims.

The issues on appeal are:

(1) Whether section 26806 violates the First Amendment because it (a) unconstitutionally chills protected speech; (b) violates Appellants' right to free association; (c) violates Appellants' right to anonymous speech; (4) is an unconstitutional content- and viewpoint-based restriction on speech; and (5) is overbroad.

(2) Whether section 26806, which requires 24/7 audio and visual surveillance of all activities that take place in the business premises of FFLs, violates the Fourth Amendment.

(3) Whether section 26806 constitutes an unconstitutional taking under the Fifth Amendment.

Describe any proceedings remaining below or any related proceedings in other tribunals.

There are no proceedings remaining in the court below.

Appellants are unaware of any related proceedings in other tribunals.

Signature s/C.D. Michel

Date February 10, 2025

(use "s/[typed name]" to sign electronically-filed documents)