

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE SECOND APPELLATE DISTRICT

FRANKLIN ARMORY, INC., and
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,

Plaintiffs and Appellants,

v.

CALIFORNIA DEPARTMENT OF
JUSTICE, XAVIER BECERRA, in his
Official Capacity as Attorney General
for the State of California, and DOES 1-
10,

Defendants and Respondents.

Case No. B340913

**APPELLANTS' APPENDIX
VOLUME XI OF XX
Pages 1430-1463**

Superior Court of California, County of Los Angeles
Case No. 20STCP01747
Honorable Daniel S. Murphy, Judge

C.D. Michel – SBN 144258
Jason A. Davis – SBN 224250
Anna M. Barvir – SBN 268728
Konstadinos T. Moros – SBN 306610
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EXHIBIT 14

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3
4 FRANKLIN ARMORY, INC. and)
5 CALIFORNIA RIFLE & PISTOL)
6 ASSOCIATION, INCORPORATED,)
7 Petitioners-Plaintiffs,)
8 vs.) Case No.
9 CALIFORNIA DEPARTMENT OF JUSTICE,)
10 XAVIER BECERRA, in his official)
11 capacity as Attorney General for)
12 the State of California, and DOES)
13 1-10,)
14 Respondents-Defendants.)
15 _____

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REMOTE DEPOSITION OF
MARICELA LEYVA
PMK FOR THE CALIFORNIA DEPARTMENT OF JUSTICE
VOLUME I
Sacramento, California
Thursday, January 11, 2024

Reported by: Linda Jones
CSR No. 9054
LitiCourt Job No. 206152

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

4 FRANKLIN ARMORY, INC. and)
5 CALIFORNIA RIFLE & PISTOL)
ASSOCIATION, INCORPORATED,)
Petitioners-Plaintiffs,)
vs.) Case No.
CALIFORNIA DEPARTMENT OF JUSTICE,)
XAVIER BECERRA, in his official)
capacity as Attorney General for)
the State of California, and DOES)
1-10,)
Respondents-Defendants.)

15 REMOTE DEPOSITION OF MARICELA LEYVA, PMK FOR
16 the CALIFORNIA DEPARTMENT OF JUSTICE, VOLUME
17 I, from Sacramento, California, taken on behalf
18 of Petitioners-Plaintiffs, commencing at 10:08 a.m.
19 and ending at 11:48 a.m., Thursday, January 11,
20 2024, before Linda Jones, CSR No. 9054, a Certified
21 Shorthand Reporter for the State of California,
22 pursuant to Notice, reporting remotely.

1 APPEARANCES OF COUNSEL

2

3 FOR PETITIONERS/PLAINTIFFS:

4

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9 FOR RESPONDENTS/DEFENDANTS:

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15 ALSO PRESENT VIA ZOOM VIDEOCONFERENCE:

16

TOPE ONI, Technician

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16	QUESTIONS WITNESS		
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18	(None)		
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22	(None)		
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24			
25			

1 A Correct.

2 Q How long has that been your position?

3 A Since September 1st, 2023.

4 Q And what department -- I'm sorry. The carry
5 concealed weapons program, is that a department of the
6 DOJ or program of the DOJ?

7 A Yes.

8 Q And what department of the DOJ does that
9 position fall under?

10 A Bureau of Firearms.

11 Q Who was your direct supervisor as the staff
12 services manager 2 over the CCW program?

13 A Elizabeth Trozel.

14 Q Is there anyone that she reports to that you
15 might also report to sometimes?

16 A Yes.

17 Q Who is that?

18 A It would be Myra Morales.

19 Q What is Ms. Trozel's title, do you know?

20 A Staff services manager 3.

21 Q And Ms. Morales?

22 A Assistant director.

23 Q Of the?

24 A Bureau of Firearms.

25 Q Thank you.

1 In your current position with the DOJ as staff
2 services manager 2 over the CCW program, what are your
3 day-to-day responsibilities?

4 A I ensure that the program runs effectively and
5 we process backgrounds for individuals wanting to obtain
6 a carry concealed weapon permit.

7 Q When you were last deposed in this case, you
8 testified that you have worked with the DOJ since about
9 2012. Is that still -- is it still your recollection
10 that you have worked with DOJ since 2012?

11 A Yes.

12 Q So it would be safe to say that you were
13 employed with DOJ between October 2019th (sic) and --
14 May -- between October of 2019 and May 2020, yes?

15 A Yes.

16 Q Were you employed as the staff services
17 manager -- was it staff services manager 1?

18 A Yes.

19 Q Were you employed as the staff services manager
20 1 over customer support center between October 2019 and
21 May 2020?

22 A Yes.

23 Q And could you remind me -- no, strike that.

24 When you were last deposed in this case in 2021,
25 we talked about the dealers record of sale entry system.

1 Again can we agree to call that the DES?

2 A Yes.

3 Q And you know what I'm referring to when I refer
4 to the DES? Do you know what that is?

5 MR. ADAMS: Wait. Let me interject. You said the
6 dealer record of sale.

7 MS. BARVIR-BOONE: Entry system.

8 MR. ADAMS: Oh, entry system. Okay. Because those
9 are two separate things as I understand it.

10 MS. BARVIR-BOONE: Correct. Well, the DROS is the
11 thing that goes into the DES.

12 MR. ADAMS: We use DROS for dealer record of sale
13 and DES for entry of sale; is that right?

14 MS. BARVIR-BOONE: Entry of sale, yes.

15 BY MS. BARVIR-BOONE:

16 Q Do you know what I'm referring to, Ms. Levya,
17 when I refer to the DES?

18 A Yes.

19 Q Could you really quickly refresh my memory and
20 briefly explain what the DES is?

21 A The DES is a system application used -- an
22 application used by firearm dealers to submit
23 transactions, firearm transactions or ammunition
24 transactions to the bureau for us to conduct backgrounds
25 and determine eligibility.

1 Q And this is an online program computer-based
2 system?

3 A Correct.

4 Q When you were last deposed in this case in 2021,
5 we also talked about bulletins or memoranda known as
6 "important notices" that are distributed by the DOJ to
7 licensed firearm dealers in California.

8 Do you know what I'm referring to when I refer
9 to "important notices"?

10 A Yes.

11 Q And what are important notices very briefly?

12 A They're bulletins released to firearm dealers
13 with any information.

14 Q Information about what exactly?

15 A It could be anything. It could be new
16 legislation updates, system updates, if any safety
17 devices have been recalled, any information on firearms.

18 Q When you say "system updates," do you mean DES
19 that system updates to the DES?

20 A Yes.

21 Q At the time of your deposition in December of
22 2021, you explained that at that time some of your
23 responsibilities in your role as staff services manager 1
24 over the customer support center included drafting some
25 important notices.

1 Were you involved in drafting any important
2 notices in your role as staff services manager 1 at the
3 DOJ between October of 2019 and May 2020?

4 A Yes.

5 Q How many important notices would you say you
6 were involved in drafting between October of 2019 and May
7 2020?

8 A I don't recall.

9 Q Were there other individuals involved in
10 drafting important notices with you between October of
11 2019 and May 2020?

12 A I don't recall.

13 Q Do you draft important notices by yourself?

14 A Not all the time.

15 Q Not all the time but sometimes you do?

16 A Yes.

17 Q Did you draft important notices by yourself
18 between October of 2019 and May 2020?

19 A It's possible.

20 Q Who else generally in that time -- let's say
21 what are the job titles of individuals at the DOJ that
22 might work on, you know, worked at drafting important
23 notices, generally speaking, not necessarily between that
24 time period, but what are the job titles of folks that do
25 this? There's staff services manager 1 of the customer

1 care center. Who else?

2 A It would be staff services manager 1. And for
3 my team it would be an associate governmental program
4 analyst.

5 Q I'm sorry. Could you repeat that for me?

6 A Associate governmental program analyst.

7 Q Thank you.

8 Is that all?

9 A That I'm aware, yes.

10 Q Do you recall who the associate government
11 program analyst was in October of 2019 to May 2020?

12 A Stephanie Brooks.

13 Q When working on important notices, did you
14 report to a manager, you know, a supervisor to discuss
15 those or do that or the staff services manager just does
16 them?

17 A Before we move to that question, can we go back.
18 You asked me who the AGPA was at that time.

19 Q Yes.

20 A There was another AGPA.

21 Q Okay.

22 A Erika Brown.

23 Q Thank you. I'm sorry about that.

24 A Anyone else that was in that role?

25 A No.

1 A Yes.

2 Q And what is the job role title of that person?

3 A Staff services manager 3.

4 Q Do you know who was the staff services manager 3
5 during the period of October of 2019 to May 20 -- I'm
6 sorry. I'm going to say that again -- between the period
7 of October 2019 and May 2020?

8 A Myra Morales.

9 Q Is there anyone above the staff services manager
10 3 that would oversee or review important notices before
11 they go out?

12 A Yes.

13 Q What is the job role title of that person?

14 A Deputy attorney general.

15 Q Do you know which deputy attorney general was in
16 the role that would review those notices between the
17 period of October 2019 and May 2020?

18 A I don't remember the full name.

19 Q Do you remember any part of their name?

20 A Robert.

21 Q And I suspect you saw this coming. Is there
22 anyone above a deputy attorney general who would
23 supervise or review an important notice before it goes
24 out?

25 A Yes.

1 Q And what would be the job role title of the
2 person?

3 A Assistant director.

4 Q Of the Bureau of Firearms?

5 A Yes.

6 Q Do you know who served in the role of assistant
7 director of the Bureau of Firearms during the period
8 between October of 2019 and May 2020?

9 A I'm not completely sure.

10 Q Is there anyone above the assistant director of
11 the Bureau of Firearms who would review, look at, approve
12 important notices before they are distributed?

13 A Yes.

14 Q And what is the job role title of that person?

15 A Director of the Bureau of Firearms.

16 Q Do you know who the director of the Bureau of
17 Firearms was during the period between October 2019 and
18 May 2020?

19 A I'm not completely sure.

20 Q Director sounds like we got to the top but I'm
21 going to ask.

22 Is there anyone above the director of the Bureau
23 of Firearms who would review or approve an important
24 notice before distributing?

25 A No.

1 Q Thank you for going through that with me. I
2 appreciate it very much.

3 Do you remember the subject matter of any of the
4 important notices that you were involved in drafting
5 between October 2019 and May 2020?

6 A I don't recall all of the bulletins that were
7 written during that time frame. So I do not recall all
8 the topics for all of them.

9 Q Do you remember the subject matters of any of
10 them?

11 A Regarding the "Other."

12 Q Regarding the "Other." The "Other" firearms,
13 we'll talk more about that later.

14 I want to go back. I'm sorry. In talking about
15 the personnel, you were the staff -- you were the staff
16 services manager 1 -- I want to get it right. I'm so
17 sorry -- over customer support center and you worked on
18 important notices in that role.

19 Is there another staff services manager 1 that
20 might take "Other" important notices or were you the only
21 staff services manager 1 over the customer service
22 center?

23 A I'm sorry. Can you repeat that?

24 Q Of course.

25 So you were the staff services manager 1 over

1 the customer support center during this time period?

2 A Correct.

3 Q Is it only one staff services manager 1 or were
4 there other additional staff services manager 1s employed
5 at the same time?

6 A Employed in the customer service --

7 Q Do multiple people serve in a role and hold the
8 title staff services manager 1 over the customer support
9 center?

10 A At that time, no.

11 Q Okay. Thank you.

12 So you were the only staff services manager 1
13 over the customer support center in the period of October
14 2019 to May 2020?

15 A Correct.

16 Q Okay. Thank you.

17 You identified the bulletin about "Others" as an
18 important notice that you worked on in that time period.

19 Do you recall who worked on the "Others" notice
20 with you?

21 A On the "Other" notice?

22 Q Yeah, in the period of October 2019 to May 2020.

23 A It would be all the people that we just went
24 over.

25 Q That chain of command we identified associate

1 government program analyst Stephanie Brooks and Erika
2 Brown?

3 A I am not sure that they specifically worked on
4 this bulletin.

5 Q But the chain of command that would have gone up
6 to those folks would have worked on it --

7 A Yes.

8 Q -- or would have seen it?

9 A Higher, yes.

10 Q So the staff services manager 2 Elaine McGee,
11 yes?

12 A Yes.

13 Q Staff services manager 3 Myra Morales?

14 A Yes.

15 Q Deputy Attorney General Robert, we're not quite
16 sure full name. The assistant director of the Bureau of
17 Firearms?

18 A Yes.

19 Q And the director of Bureau of Firearms?

20 A Correct.

21 Q Do you know -- could you describe for me your
22 role in preparing the important notice about "Others"?

23 A My role was to gather the information and route
24 it for review and approval before it was released through
25 the DES.

1 Q Did you like personally draft any portion of it?

2 A No.

3 Q Who would have personally drafted the material
4 inside the notice?

5 A That information came from Blake.

6 Q Are you referring to Blake Graham?

7 A Yes.

8 Q Do you know what his role was? Was he working
9 with the Department of Justice at that time?

10 A Yes.

11 Q Do you know what his job title was when -- in
12 that time period of October 2019 to May 2020?

13 A No.

14 Q What exactly would the staff services manager 2
15 do with that? You know, it's drafted by Blake Graham.
16 You've compiled the information. I assume you then give
17 it to Ms. McGee. What would she have done with it?

18 A Review it.

19 Q Review it for?

20 A Accuracy. So I don't know what each of the
21 reviewers specifically look for, but what we're looking
22 for before we release is that it's accurate, the
23 information is accurate, formatting, grammar, contact
24 information if they need to -- if we're referring them to
25 contact anyone.

1 Q That's helpful.

2 So a lot of those eyes, quality control, making
3 sure that it's accurate and helpful?

4 A Correct.

5 Q Who then then -- who then then.

6 Who then has like the final say that okay this
7 is ready to be posted?

8 A It would be once the director of the bureau
9 signs off.

10 Q Is that the course that all important notices
11 take? Would this be the course that the "Others" notice
12 took?

13 A Yes.

14 Q Between October 2019 and May 2020, do you recall
15 being involved in the drafting of -- I'm not going to go
16 there. Sorry.

17 Would you say that you have the most knowledge
18 among those at the DOJ about important notices drafting
19 directed to firearm dealers between October 2019 and May
20 2020?

21 A Yes.

22 Q Do you think -- so you don't think anyone,
23 especially of all those people we've identified, none of
24 those folks would have more information about important
25 notices that went out at that time period?

1 A No.

2 Q Okay. October 2019 through May 2020, do you
3 recall being involved in the drafting of an important
4 notice concerning the Franklin Armory Title 1
5 semi-automatic center firearm specifically?

6 A Yes.

7 Q And would you say that you would have the most
8 knowledge among those employed at the DOJ about the
9 drafting of an important notice about the Franklin Armory
10 Title 1?

11 A Yes.

12 Q And you would say no one else would have more
13 information than you about that issue?

14 A I don't believe so.

15 Q Thank you.

16 Were you involved in the drafting of any
17 bulletins or letters to law enforcement agencies in your
18 role as staff services manager 1 at the DOJ between
19 October of 2019 and May 2020?

20 A I don't recall.

21 Q In your role as staff services manager 1 over
22 the customer services center at the DOJ, were you ever
23 involved in the drafting of bulletins or letters to law
24 enforcement agencies in California?

25 A Can you repeat the question?

1 Q Of course.

2 Were you ever involved in the drafting of
3 bulletins or letters to law enforcement agencies in
4 California in your role as a staff services manager 1 at
5 the DOJ, the staff services manager 1 over the customer
6 support center?

7 A I don't recall.

8 Q Do you know if any letters or bulletins went out
9 to law enforcement agencies in California between October
10 of 2019 and May 2020 about "Other" firearms?

11 A I don't know.

12 Q Do you know if any bulletins or letters went out
13 to law enforcement agencies in California about the
14 Franklin Armory Title 1 between October of 2019 and May
15 2020?

16 A I don't know.

17 Q So is your testimony that you were not involved
18 in the drafting of a letter or bulletin to law
19 enforcement agencies in California about the Franklin
20 Armory Title 1 or that you simply don't remember if you
21 were?

22 A This is specific to law enforcement agencies?

23 Is that what you're --

24 Q Correct, correct.

25 A I don't recall drafting a letter to agencies.

1 I further certify that I am not a relative or
2 employee or attorney or counsel of any of the parties,
3 nor am I a relative or employee of such attorney or
4 counsel, nor am I financially interested in the outcome
5 of this action.

6

7 IN WITNESS WHEREOF, I have subscribed my name
8 this 16th day of January, 2024.

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LINDA JONES, CSR No. 9054

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11 Attorneys for Petitioners - Plaintiffs

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC. and
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED

Petitioners-Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF JUSTICE,
XAVIER BECERRA, in his official capacity
as Attorney General for the State of California,
and DOES 1-10,

Respondents-Defendants.

Case No.: 20STCP01747

[Assigned for all purposes to the Honorable
Daniel S. Murphy; Department 32]

**AMENDED NOTICE OF DEPOSITION
OF PERSON MOST KNOWLEDGEABLE
AT THE CALIFORNIA DEPARTMENT
OF JUSTICE AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

Action filed: May 27, 2020

DEPOSING PARTY: Plaintiff Franklin Armory, Inc.
DEPONENT: Defendant California Department of Justice's Person Most Knowledgeable
DATE & TIME: January 11, 2024 at 10:00 AM
LOCATION: Remote via Zoom

EXHIBIT
27

1 PLEASE TAKE NOTICE that Petitioners-Plaintiffs will take the deposition of the Person Most
2 Knowledgeable at the California Department of Justice regarding several subject matters (listed below).
3 The deposition will be taken by remote means pursuant to Code of Civil Procedure section 2025.310
4 and, pursuant to the agreement of the parties, it will commence on **January 11, 2024 at 10:00 AM**. Such
5 deposition will be taken before an officer authorized to administer oaths in the State of California, and
6 will continue from day to day thereafter, excluding Saturdays, Sundays, and holidays until completed, or
7 until seven hours of deposition has occurred.

8 YOU ARE FURTHER NOTIFIED THAT the deposing party intends to cause the proceedings to
9 be recorded stenographically. The deposing party reserves the right to record the deponent's testimony
10 by audiotape, videotape, or by real-time transcription, or any combination thereof, pursuant to California
11 Code of Civil Procedure section 2025.220(a)(5), and to use such recorded testimony at the trial of this
12 matter, or any other proceeding or hearing herein.

13 The deponent is not a natural person. Pursuant to Code of Civil Procedure section 2025.230,
14 Defendant California Department of Justice must designate its Person Most Knowledgeable to testify to
15 the subject matters upon which examination is requested, to the extent of any information known or
16 reasonably available to the deponent.

SUBJECT MATTERS

18 1. Any and all notices, letters, or bulletins drafted or sent to law enforcement agencies in
19 California between October 2019 and May 2020 CONCERNING the Franklin Armory, Inc., Title 1
20 semi-automatic, centerfire firearm.

21 2. Any and all notices, letters, or bulletins drafted or sent to law enforcement agencies in
22 California between October 2019 and May 2020 CONCERNING the Automated Firearms System
23 (“AFS”) entry requirements for firearm types identified as “OTHER.”

24 3. Any and all notices, letters, or bulletins drafted or sent to Federal Firearms Licensees
25 ("FFLs") in California between October 2019 and May 2020 CONCERNING the Franklin Armory, Inc.,
26 Title 1 semi-automatic, centerfire firearm.

27 4. Any and all notices, letters, or bulletins drafted or sent to Federal Firearms Licensees
28 ("FFLs") in California between October 2019 and May 2020 CONCERNING the sale of "OTHER"

1 firearms.

2 **DEFINITIONS**

3 The following definitions apply to the request for production of documents included herein:

4 (a) “AUTOMATED FIREARMS SYSTEM” or “AFS” means an electronic repository of
5 firearm records maintained by the Department of Justice as established by Penal Code section 11106.

6 (b) “CONCERNING” shall be construed in its broadest possible sense and shall mean and
7 refer to reflecting, referring, evidencing, describing, constituting, showing, memorializing, or otherwise
8 connected to the subject matter referred to in a particular request.

9 (c) “DOCUMENTS” means any written, printed, typed, photostatic, photographed, recorded
10 or otherwise reproduced communication or record of every kind and description, whether comprised of
11 words, numbers, pictures, sounds, or symbols, or any combinations thereof, whether prepared by hand or
12 electronic, magnetic, photographic, mechanic, or other means, including audio or video recordings or
13 communications, occurrences or events. This definition includes, but is not limited to, any and all of the
14 following: correspondence, notes, minutes, records, message, memoranda, diaries, contracts,
15 agreements, invoices, orders, acknowledgments, receipts, bills, statements, journals, ledgers, appraisals,
16 reports, forecasts, compilations, schedules, studies, summaries, analyses, pamphlets, brochures,
17 advertisements, newspaper clippings, articles, tables, tabulations, plans, photographs, pictures, film,
18 microfilm, microfiche, computer-stored (whether stored on a desktop computer, laptop computer, tablet,
19 smart phone, backup storage, or other electronic system) or computer-readable data, computer programs,
20 computer printouts, emails, texts, telegrams, telexes, facsimiles, tapes, transcripts, recordings, and all
21 other sources or formats from which data, information, or communications can be obtained. This
22 definition shall also include any draft, preliminary version, or revisions of the foregoing, and all copies
23 of a document shall be produced to the extent that the copies differ from the document production due to
24 notations, additions, insertions, deletions, comments, attachments, enclosures, or markings of any kind.

25 (d) “FEDERAL FIREARMS LICENSEE” or “FFL” means an individual who is licensed to
26 engage in the business of manufacturing, importing, and/or dealing in firearms. (Pen. Code, § 26700)

27 (e) “OTHER” means a firearm that does not meet the statutory definition of a rifle (Pen.
28 Code, § 17090), shotgun (Pen. Code, § 17190), pistol (Pen. Code, § 16350), or an assault weapon

1 (Pen. Code, § 30515) in California.

2 (f) "TITLE 1" means a firearm manufactured by Franklin Armory with the model name
3 "Title I" in the /17 WSM rimfire variant.

4 (g) As used herein, the terms "and" and "or" are both conjunctive and disjunctive.

5 (h) As used herein, the singular shall include the plural, and the plural the singular, whenever
6 the effect of doing so is to increase the information responsive to the request.

7 **REQUEST FOR PRODUCTION OF DOCUMENTS**

8 **REQUEST FOR PRODUCTION NO. 1**

9 Any and all DOCUMENTS constituting a notice, letter, or bulletin sent to law enforcement
10 agencies in California between October 1, 2019, and April 30, 2020, CONCERNING the Franklin
11 Armory TITLE 1.

12 **REQUEST FOR PRODUCTION NO. 2**

13 Any and all DOCUMENTS constituting a notice, letter, or bulletin sent to law enforcement
14 agencies in California between October 1, 2019, and April 30, 2020, CONCERNING the AFS entry
15 requirements for firearm types identified as "Other."

16 **REQUEST FOR PRODUCTION NO. 3**

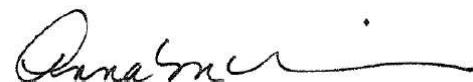
17 Any and all DOCUMENTS constituting a notice, letter, or bulletin directed to FFLs in
18 California, drafted between October 1, 2019, and April 30, 2020, CONCERNING the Franklin Armory
19 TITLE 1.

20 **REQUEST FOR PRODUCTION NO. 4**

21 Any and all DOCUMENTS constituting a notice, letter, or bulletin directed to FFLs in
22 California, drafted between October 1, 2019, and April 30, 2020, CONCERNING the sale of "OTHER"
23 firearms.

24 Date: December 12, 2023

MICHEL & ASSOCIATES, P.C.

25 
26

27 Anna M. Barvir

28 Attorneys for Petitioners-Plaintiffs

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

On December 14, 2023, I served the foregoing document(s) described as

**AMENDED NOTICE OF DEPOSITION OF PERSON MOST KNOWLEDGEABLE AT THE
CALIFORNIA DEPARTMENT OF JUSTICE AND REQUEST FOR PRODUCTION OF
DOCUMENTS**

on the interested parties in this action by placing

[] the original

[X] a true and correct copy

thereof by the following means, addressed as follows:

Kenneth G. Lake

Deputy Attorney General

Email: Kenneth.Lake@doj.ca.gov

Andrew Adams

Email: Andrew.Adams@doi.gov

California Department of Justice

California Department of
300 South Spring Street,

6 South Spring Street, Suite 1702
Los Angeles, CA 90013

X **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 14, 2023, at Long Beach, California.

Laura Palmerin



IMPORTANT NOTICE
Regarding the Sale of “Other” Firearms

The purpose of this notice is to provide information on firearms categorized as firearm type "Other" and to advise California Firearm Dealers (CFD's) how to submit a Dealer Record of Sale (DROS) transaction in the DROS Entry System (DES) for an "Other" type firearm. The gun type option, "Other" will be available within the DES at 5:00 am Friday, October 1, 2021.

WHAT IS CONSIDERED AN “OTHER” FIREARM

An "Other" type firearm is a firearm that does not meet the definition of a rifle (Pen. Code, § 17090), shotgun (Pen. Code, § 17190), or pistol (Pen. Code, § 16350.) An "Other" can also be considered an assault weapon.

Note: Prior to the sale, loan, or transfer of an "Other" type firearm you must confirm:

1. That it has a fixed magazine that accepts 10 rounds or fewer.
2. That it has an overall length of 30 inches or more.

If the "Other" does not meet the criteria above or is considered an "Other" Assault Weapon pursuant to Penal Code 30900, **the “Other” may not be sold, loaned or transferred** in the DES.

WHAT IS CONSIDERED AN “OTHER” ASSAULT WEAPON

Pursuant to Penal Code section 30900, subdivision (c), paragraph (1), effective September 1, 2020, an "Other" assault weapon is defined in Penal Code section 30515, subdivision (a), paragraphs (9), (10), or (11), as:

9. A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that does not have a fixed magazine, but that has any one of the following:
 - A. A pistol grip that protrudes conspicuously beneath the action of the weapon.
 - B. A thumbhole stock.
 - C. A folding or telescoping stock.
 - D. A grenade launcher or flare launcher.
 - E. A flash suppressor.
 - F. A forward pistol grip.
 - G. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
 - H. A second handgrip.
 - I. A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.
 - J. The capacity to accept a detachable magazine at some location outside of the pistol grip.
10. A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has a fixed magazine with the capacity to accept more than 10 rounds.
11. A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has an overall length of less than 30 inches.

For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

EXHIBIT
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IMPORTANT NOTICE
Regarding the Sale of “Other” Firearms

Penal Code section 30900, as amended, requires any person who, prior to September 1, 2020, lawfully possessed an assault weapon as defined by Penal Code Section 30515 subdivision (a) paragraphs (9), (10), and (11), and is eligible to register an assault weapon as set forth in Penal Code Section 30900, subdivision (c), to submit an application to the DOJ to register the firearm **before January 1, 2022**.

The “Other” Assault Weapon Registration will take place between 9:00 a.m. PST on October 1, 2021 through 11:59 p.m. PST on December 31, 2021.

RESTRICTIONS THAT DO NOT APPLY TO THE SALE OF NON-ASSAULT WEAPON “OTHER” FIREARMS

30-DAY RESTRICTION

Penal Code section 27535, subdivision (a), provides in pertinent part that “A person shall not make an application to purchase more than one handgun or semiautomatic centerfire rifle within any 30-day period. This restriction does **NOT** apply to “Other” type firearms.

AGE RESTRICTION

Penal Code section 27510, subdivision (a), provides “A person licensed under sections 26700 to 26915, inclusive, shall not sell, supply, deliver, or give possession or control of a firearm to any person who is under 21 years of age. This restriction does **NOT** apply to a fully assembled “Other” type firearm.

Under federal law, an “Other” frame or receiver may not be sold, loaned or transferred to an individual less than 21 years of age. [18 U.S.C. 921(a)(5) and (7) and 922(b)(1); 27 CFR 478.11 and 478.99(b)]

SALE OR TRANSFER OF SELF-MANUFACTURED “OTHER” FIREARMS PROHIBITED

The sale or transfer of ownership of a firearm manufactured or assembled pursuant to Penal Code section 29180, subdivision (d)(1) is prohibited. This includes “Other” type firearms. The serial number on this particular firearm contains the abbreviation “FMBUS” (Firearm Manufactured by Unlicensed Subject) and additional numbers and letters.



IMPORTANT NOTICE
Regarding the Sale of “Other” Firearms

HOW TO SUBMIT AN “OTHER” FIREARM IN THE DES

The DROS Entry System (DES) **Gun Type** field, for long gun transactions only, has been enhanced with an “Other” firearm option. Below are instructions on how to submit an “Other” type firearm.

STEP 1

Select the **Long Gun Transactions** type related to the sale you are conducting.

- Long Gun Transactions
 - Dealer Long Gun Sale
 - Private Party Long Gun Transfer
 - Pawn/Consignment Long Gun Redemption
 - Curio/Relic Long Gun Sale
 - Long Gun Loan

STEP 2

Under the Transaction and Firearm Information, **Gun Type** drop down, select “Other”.

Transaction and Firearm Information

***Gun Show Transaction?** **Waiting Period Exemption**
Select

30-Day Restriction Exemption
Select 30-Day Restriction Exemption

***Receiver Only** ***Make** ***Model**
Select

***Caliber**
Select Caliber Additional Caliber
Select Additional Caliber

Additional Caliber
Select Additional Caliber Additional Caliber
Select Additional Caliber

***Barrel Length** ***Unit** ***Gun Type** ***Category**
Select Unit Select Gun Type
Select Gun Type

***Serial Number** ***Re-enter** RIFLE ***Color**
Select Select Color

***New/Used Gun** ***Firearm Safety Device (FSD)** **Select Age Exemption**
Select Select Age Exemption

Comments
200 character limit. Characters remaining: 200



STEP 3

Follow the steps identified in the DES Firearms and Ammunition Dealer User Guide titled, “Previewing, Printing, and Submitting/Delivering Firearm DROS Transaction” to complete and submit the transaction.

IMPORTANT NOTICE
Regarding the Sale of “Other” Firearms

CALIFORNIA FIREARMS LICENSEE CHECK SYSTEM

When completing the firearms shipment verification request, an “Other” type firearm should be documented as a “long gun” in the number of weapons to be shipped field.



The screenshot shows the California Department of Justice website for firearms licensees. The top navigation bar includes links for 'AG HOME PAGE', 'AG HOME PAGE', 'Skip to Content', 'Office of the Attorney General', 'HELP', 'CONTACT US', and 'LOGOFF'. The user is identified as 'User: JAMES HEWITT | January 27, 2020'. The main page title is 'Firearms Shipment Verification Request'. Below the title, there are three fields: 'Shipment Recipient CL Number' (with a link to 'View CL Number Information'), 'Number of weapons to be shipped' (with a link to 'View CL Number Information'), and 'Shipment Invoice Number'. The 'Number of weapons to be shipped' field has a dropdown menu showing 'Handguns' and 'Long Guns', with 'Long Guns' selected. A red box and an arrow point to the 'Long Guns' option. At the bottom of the form are buttons for 'Submit', 'Clear', and 'Main Menu'.

WHERE CAN I FIND ADDITIONAL INFORMATION ABOUT “OTHER” ASSAULT WEAPONS?

Additional information can be found within the [“Other” Assault Weapons Frequently Asked Questions](#) on the Bureau of Firearms website at <https://oag.ca.gov/firearms/regagunfaqs>.

If you have any questions, please contact the Bureau of Firearms, Customer Support Center at (855) 365-3767 or via e-mail at bofdes@doj.ca.gov Monday through Saturday 8:00 am to 9:00 pm and Sunday 8:00 am to 4:30 pm. You may also seek guidance with interpretation of this law from your legal counsel.

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

On June 27, 2024, I served the foregoing document(s) described as

DECLARATION OF ANNA M. BARVIR IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION; EXHIBITS 11-14 OF 19

on the interested parties in this action by placing

[] the original

[X] a true and correct copy

thereof by the following means, addressed as follows:

Kenneth G. Lake

Deputy Attorney General

Email: Kenneth.Lake@doj.ca.gov

Andrew Adams

Email: Andrew.Adams@doj.ca.gov

California Department of Justice

300 South Spring Street, Suite 1702

Los Angeles, CA 90013

Los Angeles, CA 90012
Attorney for Respondents-Defendants

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

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

Executed on June 27, 2024, at Long Beach, California.

nia. *Jan Salter*

Laura Palmerin

PROOF OF SERVICE

PROOF OF SERVICE

Case Name: *Franklin Armory, Inc., et al. v. California Department of Justice, et al.*
Court of Appeal Case No. B340913
Superior Court Case No. 20STCP01747

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

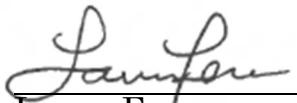
On May 21, 2025, I served a copy of the foregoing document described as: **APPELLANTS' APPENDIX, VOLUME XI OF XX, Pages 1430-1463**, on the following parties, as follows:

Kenneth G. Lake
Kenneth.Lake@doj.ca.gov
Andrew F. Adams
Andrew.Adams@doj.ca.gov
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

Attorneys for Respondent

These parties were served as follows: I served a true and correct copy by electronic transmission through TrueFiling. Said transmission was reported and completed without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 21, 2025, at Long Beach, California.



Laura Fera
Declarant