

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION 7

FRANKLIN ARMORY, INC.,

Plaintiff and Appellant,

v.

**CALIFORNIA DEPARTMENT OF
JUSTICE et al.,**

Defendants and Respondents.

Case No. B340913

Appeal from Los Angeles County Superior Court, Case No. 20STCP01747
The Honorable Daniel S. Murphy, Presiding

**[PROPOSED] ORDER GRANTING MOTION TO STRIKE PORTIONS OF
APPELLANTS' BRIEF RELATING TO APPELLANTS' ALLEGATION THAT
DEFENDANTS IMPROPERLY WITHHELD DOCUMENTS FROM DISCOVERY
AND ARGUMENT RELATIVE THERETO**

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Document received by the CA 2nd District Court of Appeal.

The court has read and considered defendants/respondents' motion to strike portions of appellants' brief relating to appellants' allegation that defendants improperly withheld documents from discovery and argument relative thereto filed on June 18, 2025. Good cause appearing therefor,

IT IS HEREBY ORDERED that the motion is granted. The following portions of appellants' brief are hereby stricken:

-Pg. 18, second par., last sentence:

“Appellants have since discovered, in documents improperly withheld from discovery, that work began on a fix for the DES as early as January 2020.”

-Pg. 30, first par., second to last sentence phrase:

“and other evidence contradicting those claims.”

-Pg. 30, footnote 7, starting with the second sentence:

“But as FAI learned just weeks before this brief was due, Respondents had withheld evidence that could have provided that very rebuttal. (Davis Decl. Supp. Req. Jud. Notice, ¶¶ 4-6, 12-13.) That evidence, requested but not produced in discovery, appears to confirm that the “Other” enhancement had been initiated (and may have been completed) as early as January 2020 and identified the DOJ employee responsible for the work. (Id. at ¶¶ 7-11 & Ex. B.) Without the opportunity to question the employee who made the DES changes or to conduct discovery about the contents of the withheld documents, Appellants' ability to challenge the narrative Mendoza created was stymied. Respondents cannot withhold evidence and then benefit from a lack of factual rebuttal.”

Presiding Justice

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I declare: I am employed in the City of Los Angeles, County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 300 South Spring Street, Room 1700, Los Angeles, California 90013. On June 23, 2025, I served the documents named below on the parties in this action as follows:

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(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Los Angeles, California. I am readily familiar with the practice of the Office of the Attorney General for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

(BY OVERNIGHT DELIVERY) I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery with the GOLDEN STATE OVERNIGHT courier service.

(BY FACSIMILE) I caused to be transmitted the documents(s) described herein via fax number.

X (BY ELECTRONIC MAIL) I caused to be transmitted the document(s) described herein via electronic mail to the email address(es) listed above.

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

(FEDERAL) I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on June 23, 2025, at Los Angeles, California.

/s/ Sandra Dominguez
Signature

Document received by the CA 2nd District Court of Appeal.