

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

**DECLARATION OF ANNA M. BARVIR IN SUPPORT OF  
APPELLANTS' OPPOSITION TO RESPONDENTS'  
MOTION TO STRIKE PORTIONS OF APPELLANTS'  
BRIEF**

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  
MICHEL & ASSOCIATES, P.C.  
180 East Ocean Blvd., Suite 200  
Long Beach, CA 90802  
Telephone: (562) 216-4444  
Email: [abarvir@michellawyers.com](mailto:abarvir@michellawyers.com)

*Counsel for Plaintiffs-Appellants*

I, Anna M. Barvir, declare as follows:

1. I am an attorney licensed to practice law in the state of California. I am a Partner at the law firm Michel & Associates, P.C. (“MAPC”), attorneys of record for Plaintiffs-Appellants in this action. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto.

2. This declaration is submitted in support of Appellants’ Opposition to Respondents’ Motion to Strike Portions of Appellants’ Brief.

3. On or about November 11, 2022, my office served written discovery, including several requests for the production of documents, on Defendant-Respondent Department of Justice on behalf of Plaintiff-Appellant Franklin Armory, Inc. Attached as **Exhibit A** is a true and correct copy of relevant portions of Plaintiff Franklin Armory, Inc.’s Request for Production of Documents, Set Three, to Defendant California Department of Justice.

4. On or about February 2, 2023, in response to Plaintiff-Appellant Franklin Armory, Inc.’s requests for the production of documents, Defendant-Respondent served a series of objections and responses. Attached as **Exhibit B** is a true and correct copy of relevant portions of Defendant-Respondent Department of Justice’s Response to Request for Production, Set One, Propounded by Plaintiff–Petitioner Franklin Armory, Inc.

5. The State did not provide a privilege log detailing its objections based on any privilege, including the attorney-client,

work product, or official information privileges, in connection with its February 2, 2023, responses and objections.

6. On or about February 13, 2024, my office served supplemental written discovery, including several supplemental requests for the production of documents, on Defendant-Respondent Department of Justice on behalf of Plaintiff-Appellant Franklin Armory, Inc. Attached as **Exhibit C** is a true and correct copy of relevant portions of Plaintiff's February 13, 2024, Supplemental Request for Production of Documents to Defendant California Department of Justice, Set One.

7. On or about June 19, 2024, in response to Plaintiff-Appellant Franklin Armory, Inc.'s requests for the production of documents, Defendant-Respondent served a series of objections and responses. Attached as **Exhibit D** is a true and correct copy of relevant portions of Defendant's June 19, 2024, Response to Supplemental Request for Production of Documents.

8. The State did not provide a privilege log detailing its objections based on any privilege, including the attorney-client, work product, or official information privileges, in connection with its June 19, 2024, supplemental responses and objections.

9. On December 28, 2021, counsel for Plaintiffs took the first deposition of Cheryle Massaro Florez. Attached as **Exhibit E** is a true and correct copy of relevant portions of the verified transcript of the December 28, 2021, deposition of Cheryle Massaro Florez.

10. On September 8, 2023, counsel for Plaintiffs took the second deposition of Cheryle Massaro Florez. Attached as **Exhibit**

F is a true and correct copy of relevant portions of the verified transcript of the September 8, 2023, deposition of Cheryle Massaro Florez.

11. On November 27, 2023, counsel for Plaintiffs took the deposition of Christina Rosa Robinson. Attached as **Exhibit G** is a true and correct copy of relevant portions of the verified transcript of the November 27, 2023, deposition of Christina Rosa Robinson.

12. On June 7, 2024, counsel for Plaintiffs took the deposition of Allison Mendoza. Attached as **Exhibit H** is a true and correct copy of relevant portions of the verified transcript of the June 7, 2024, deposition of Allison Mendoza.

Date: July 7, 2025

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

*s/ Anna M. Barvir*

Anna M. Barvir  
Attorneys for Plaintiffs-Appellants

# **EXHIBIT A**

1 C.D. Michel – SBN 144258  
2 Anna M. Barvir – SBN 268728  
3 Jason A. Davis – SBN 224250  
4 MICHEL & ASSOCIATES, P.C.  
5 180 E. Ocean Blvd, Suite 200  
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10 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, ROBERT A. BONTA, in his  
official capacity as Attorney General for the  
State of California, and DOES 1-10,

Respondents-Defendants.

Case No: 20STCP01747

**PLAINTIFF FRANKLIN ARMORY, INC.’S  
REQUEST FOR PRODUCTION OF  
DOCUMENTS, SET THREE, TO  
DEFENDANT CALIFORNIA DEPARTMENT  
OF JUSTICE**

Action filed: May 27, 2020

PROPOUNDING PARTY: Plaintiff Franklin Armory, Inc.

RESPONDING PARTY: Defendant California Department of Justice

SET NO.: Three

## **INSTRUCTIONS**

PLEASE TAKE NOTICE that Plaintiff Franklin Armory, Inc. hereby formally demands that Defendant California Department of Justice, produce for inspection and/or photocopying, all documents, papers, books, account letters, department files, letters, notes, photographs, objects, and all other things designated herein.

This request is made pursuant to Code of Civil Procedure sections 1109 and 2031.010.

7 Within 30 days after service of this request, Defendant must serve a written response subscribed  
8 under oath describing the documents/things Defendant will produce and stating any objections  
9 Defendant has to the production or difficulties associated with the production of any  
10 documents/things described below. Failure to serve a response within the allotted time shall be  
11 deemed a waiver of any objections to production of the demanded documents/things. Failure to  
12 properly identify objections and/or difficulties associated with these records may subject Defendant  
13 to orders from this court.

14 If Defendant withholds, under claim of privilege or otherwise, any document, or part  
15 thereof, which is requested to be produced in an effort to produce a full and complete record in this  
16 proceeding, the following information must be provided for each such document:

- (a) The date the document was dated, or if undated, the date prepared;
- (b) The name, address, and title of the person preparing the document;
- (c) The name, address, and title of the person for or to whom the document was prepared or addressed;
- (d) The name, address, and title of all persons to whom copies of the document were provided or otherwise furnished;
- (e) Without revealing any privileged or otherwise protected information, a detailed description of the subject matter and content of the document;
- (f) The name, address, location, and title of the person or persons having possession, custody or control of the document at the present time; and
- (g) The grounds upon which the claim of privilege or other reason for failure to produce document, or part thereof, rests.

As to all documents required to be produced hereby, duplicates or photocopies may be provided in place of the original documents where duplicates or photocopies are identical in every respect to the originals and are clear, legible copies.

With respect to the following requests, to the extent reasonably possible, the documents are to be produced in all of the following formats: hard (i.e., paper) copies of all of the requested information, native file format, including all metafiles and metatags, portable document files (PDF), and tagged image file format (TIFF). Any document written in a language other than English shall be provided in the original language the document exists in. Alternatively, if no information is omitted, you may provide documents in “usable form” including translating any data compilation into a reasonably usable form.

## **DEFINITIONS**

(a) The terms "COMMUNICATION" or "COMMUNICATIONS" include, but are not limited to, the following: (a) any written letter, memorandum, or other DOCUMENT of any kind transmitted from one PERSON to another PERSON by hand, mail, courier, other delivery service, telecopy, facsimile, telegraph, electronic mail, voicemail, text message, or any other means; (b) recordings, notes, or any other memorialization of telephone calls; and (c) recordings, notes, or any other memorialization of telephone calls of any conversation or meeting between two or more PERSONS.

(b) The terms "DOCUMENT" or "DOCUMENTS" have the same meaning as the definition of "document" and "writing" in Evidence Code section 250 and Code of Civil Procedure section 2016.020, and further means any written, printed, typed, photostatic, photographed, recorded or otherwise reproduced communication or record of every kind and description, whether comprised of letters, words, numbers, pictures, sounds, or symbols, or any combinations thereof, whether prepared by hand or electronic, magnetic, photographic, mechanic or other means, including audio or video recordings or communications, occurrences or events. This definition includes, but is not limited to, any and all of the following: correspondence, notes, minutes, records, message, memoranda, diaries, contracts, agreements, invoices, orders, acknowledgments, receipts, bills, statements, journals, ledgers, appraisals, reports, forecasts, compilations, schedules, studies,

1 summaries, analyses, pamphlets, brochures, advertisements, newspaper clippings, articles, tables,  
2 tabulations, plans, photographs, pictures, film, microfilm, microfiche, computer-stored (whether  
3 stored on a desktop computer, laptop computer, tablet, smart phone, backup storage, or other  
4 electronic system) or computer-readable data, computer programs, computer printouts,  
5 electronically stored information (as defined under Code of Civil Procedure section 2016.020), e-  
6 mails, texts, telegrams, telexes, facsimiles, tapes, transcripts, recordings, and all other sources or  
7 formats from which data, information, or communications can be obtained. This definition shall  
8 also include any draft, preliminary version, or revisions of the foregoing, and all copies of a  
9 document shall be produced to the extent that the copies differ from the document production due to  
10 notations, additions, insertions, deletions, comments, attachments, enclosures, or markings of any  
11 kind.

12 (c) PERSON or PERSONS refers not only to natural persons, but also any corporation,  
13 partnership, organization, association, industry group, entity, joint venture, corporation, natural  
14 person, or any government or government entity, commission, or agency, or any divisions,  
15 departments, or other units of any of the entities put forth herein.

16 (d) The terms “YOU”, “YOUR”, and “YOURS” refer to the Defendant, the California  
17 Department of Justice, including its agents, its officers, employees, contractors, attorneys,  
18 accountants, investigators, representatives, and any other person or entity acting or purporting to act  
19 on its behalf or over whom it exercises management and control.

20 (e) “RELATE TO”, “RELATES TO”, “RELATED TO”, and “RELATING TO” shall be  
21 construed in their broadest possible sense and shall mean and refer to reflecting, referring,  
22 evidencing, describing, constituting, showing, memorializing, or otherwise connected to the subject  
23 matter referred to in a particular request.

24 (f) “DES” refers to the Dealer’s Record of Sale Entry System maintained by the  
25 California Department of Justice.

26 (g) “UNDEFINED FIREARM SUBTYPE” and “UNDEFINED FIREARM  
27 SUBTYPES” refers to any FIREARM that is neither a RIFLE, nor a SHOTGUN, nor a  
28 HANDGUN, but is currently lawful to transfer in California.

(h) TITLE 1 refers to any version of a FIREARM manufactured by Franklin Armory, Inc. under the model designation "Title 1" with a rifled barrel bore and a barrel that is sixteen (16) inches or greater in length that is functionally able to fire a single cartridge, eject the empty case, and reload the chamber each time the trigger is pulled and released, but not a machinegun. The Title 1 is also not designed or redesigned, made or remade, and intended to be fired from the shoulder.

(i) LONG GUNS DROPDOWN LIST refers to the list of long gun types that populates when processing long gun transactions within the DES.

(j) CALIFORNIA OFFICE OF THE GOVERNOR refers to the California Office of the Governor, its agents, officers, employees, contractors, attorneys, accountants, investigators, and anyone else acting on behalf of California Office of the Governor, or any combination thereof, including but not limited to Governor Gavin Newsom.

(k) CALIFORNIA STATE ASSEMBLY refers to the California State Assembly, any duly elected member of the California State Assembly, their agents, officers, employees, contractors, attorneys, accountants, investigators, and anyone else acting on behalf of the California State Assembly or any member thereof including but not limited to JENNIFER KIM, CHRISTIAN GRIFFITH, and JASON SISNEY.

(l) CALIFORNIA STATE SENATE refers to the California State Senate, any duly elected member of the California State Senate, their agents, officers, employees, contractors, attorneys, accountants, investigators, and anyone else acting on behalf of the California State Senate or any member thereof including but not limited to IRWIN NOWICK, CHRISTOPHER A. FRANCIS, MARVIN DEON, NANCY SKINNER, and ANTHONY PORTANTINO.

(m) CALIFORNIA DEPARTMENT OF FINANCE refers to the California Department of Finance, its agents, officers, employees, contractors, attorneys, accountants, investigators, and anyone else acting on behalf of the California Department of Finance, or any combination thereof, including but not limited to EMMA JUNGWIRTH, AARON EDWARDS, KEELY BOSLER, AMY JARVIS, VIVEK VISWANATHAN, H.D. PALMER, CLINT KELLUM, KARI KROGSENG, and JOLIE ONODERA.

(n) "OTHER" FIREARMS mean any semiautomatic centerfire firearm with pistol

1 style buffer tube installed but no stock installed on the buffer tube; and minimum sixteen (16) inch  
2 barrel.

3 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

4 **REQUEST FOR PRODUCTION NO. 28:**

5 Produce all DOCUMENTS dated or prepared on or after January 1, 2019, that RELATE TO  
6 amending Penal Code section 30515.

7 **REQUEST FOR PRODUCTION NO. 29:**

8 Produce all DOCUMENTS that RELATE TO the modifications to the DES that are  
9 necessary to enable the DES to process the sales of UNDEFINED FIREARM SUBTYPES,  
10 including but not limited to the TITLE 1.

11 **REQUEST FOR PRODUCTION NO. 30:**

12 PRODUCE all DOCUMENTS that RELATE TO the work and services performed to enable  
13 the DES to process the sales of UNDEFINED FIREARM SUBTYPES, including but not limited to  
14 the TITLE 1.

15 **REQUEST FOR PRODUCTION NO. 31:**

16 PRODUCE all DOCUMENTS dated or prepared on or after January 1, 2019, that RELATE  
17 TO changes to the DES “Gun Type” field.

18 **REQUEST FOR PRODUCTION NO. 32:**

19 PRODUCE all DOCUMENTS that RELATE TO “OTHER” FIREARMS dated or prepared  
20 on or after January 1, 2019.

21 **REQUEST FOR PRODUCTION NO. 33:**

22 PRODUCE all DOCUMENTS that RELATE TO any and all COMMUNICATIONS dated  
23 or prepared on or after January 1, 2014, regarding the ability of the DES to process the transfer of  
24 UNDEFINED FIREARM SUBTYPES.

25 **REQUEST FOR PRODUCTION NO. 34:**

26 PRODUCE all DOCUMENTS that RELATE TO any COMMUNICATION dated or  
27 prepared on or after January 1, 2014, regarding the inability of the DES to process the transfer of  
28 UNDEFINED FIREARM SUBTYPES.

1 **REQUEST FOR PRODUCTION NO. 35:**

2 PRODUCE all DOCUMENTS that RELATE TO any entry into the JIRA database  
3 regarding UNDEFINED FIREARM SUBTYPES dated or prepared on or after January 1, 2019.

4 **REQUEST FOR PRODUCTION NO. 36:**

5 PRODUCE all DOCUMENTS that RELATE TO any and all entries into the JIRA database  
6 for DES field modifications (e.g., JIRA Numbers DES-934 and DES-958) dated or prepared on or  
7 after January 1, 2014, including but not limited to time logs, time estimates, or time billed.

8 **REQUEST FOR PRODUCTION NO. 37:**

9 PRODUCE all DOCUMENTS that RELATE TO the prioritization of matters within the  
10 JIRA database.

11 **REQUEST FOR PRODUCTION NO. 38:**

12 PRODUCE all DOCUMENTS that RELATE TO the addition of the United Arab Emirates  
13 or any abbreviation thereof within the DES drop-down list for the field listing a purchaser's country  
14 of birth dated or prepared on or after June 1, 2019, including but not limited to any DOCUMENT  
15 that describes the services to be performed, the services performed, time logs, time estimates, or  
16 time billed.

17 **REQUEST FOR PRODUCTION NO. 39:**

18 Produce all DOCUMENTS and COMMUNICATIONS within the Bureau of Firearms that  
19 mention, directly or by implication, UNDEFINED FIREARM SUBTYPES.

20 **REQUEST FOR PRODUCTION NO. 40:**

21 Produce all DOCUMENTS and COMMUNICATIONS between September 1, 2019, and  
22 October 1, 2021, within the Bureau of Firearms that reference the LONG GUNS DROPDOWN  
23 LIST.

24 **REQUEST FOR PRODUCTION NO. 41:**

25 Produce all COMMUNICATIONS since September 1, 2019, regarding UNDEFINED  
26 FIREARM SUBTYPES that came from, or was sent to, any person or entity that is not employed  
27 within the Bureau of Firearms.

28 ///

1 CALIFORNIA STATE SENATE RELATING TO firearms that are neither shotguns, nor rifles, nor  
2 handguns.

3 **REQUEST FOR PRODUCTION NO. 67:**

4 Produce all of YOUR COMMUNICATIONS since January 1, 2019, with the  
5 CALIFORNIA STATE SENATE RELATING TO any proposed amendments to Penal Code  
6 section 30515.

7 **REQUEST FOR PRODUCTION NO. 68:**

8 Produce all of YOUR COMMUNICATIONS since January 1, 2019, with the  
9 CALIFORNIA STATE SENATE RELATING TO Plaintiff Franklin Armory, Inc.

10 Dated: November 11, 2022

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

12 

13 Anna M. Barvir  
14 Attorneys for 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 November 11, 2022, I served the foregoing document(s) described as

**PLAINTIFF FRANKLIN ARMORY, INC.'S REQUEST FOR PRODUCTION OF  
DOCUMENTS, SET THREE, TO DEFENDANT CALIFORNIA DEPARTMENT OF  
JUSTICE**

on the interested parties in this action by placing

[X] the original

[ ] 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](mailto:Kenneth.Lake@doj.ca.gov)  
California Department of Justice  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
*Attorney for Respondents-Defendants*

(BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.

**(BY OVERNIGHT MAIL)** As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices.

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

Executed on November 11, 2022, at Long Beach, California.

California.  
*Laura Palmerin*

# **EXHIBIT B**

1 ROB BONTA  
2 Attorney General of California  
3 DONNA M. DEAN  
4 Supervising Deputy Attorneys General  
5 KENNETH G. LAKE (STATE BAR 144313)  
6 ANDREW F. ADAMS (STATE BAR 275109)  
7 Deputy Attorneys General  
8 300 South Spring Street  
9 Los Angeles, CA 90013  
Telephone: (213) 269-6525  
Facsimile: (916) 731-2120  
E-mail: Kenneth.Lake@doj.ca.gov  
*Attorneys for State of California, acting by and  
through the California Department  
of Justice, Former Attorney General Xavier  
Becerra in his personal capacity only and Attorney  
General Rob Bonta in his official capacity only*

10  
11  
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF LOS ANGELES  
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15 **FRANKLIN ARMORY, INC., ET AL.,**  
16 Plaintiffs-Petitioners,  
17  
18 v.  
19  
20 **CALIFORNIA DEPARTMENT OF  
JUSTICE ET AL.,**  
21 Respondents-Defendants.

Case No. 20STCP01747

**RESPONSE TO REQUEST FOR  
PRODUCTION**

22  
23 PROPOUNDING PARTY: Plaintiff Franklin Armory

24 RESPONDING PARTY: Defendant State of California, acting by  
25 and through the California Department of Justice

26 SET NO.: Three

27 Defendant State of California, acting by and through the California Department of Justice,  
28 submits responses to Plaintiff Franklin Armory's request for production, set three, as follows:

1        Responding party has not yet fully completed the investigation of the facts relating to this  
2 case and has not yet fully completed discovery in this action. All of the responses contained  
3 herein are based solely upon information and documents which are presently available to, and  
4 specifically known by responding party and disclose only those contentions which presently  
5 occur to responding party. It is anticipated that further discovery, independent investigation, legal  
6 research and analysis will supply additional facts and lead to additions, changes, and variations  
7 from the answers herein.

8        The following responses are given without prejudice to the right to produce evidence or  
9 witnesses which responding party may later discover. Responding party accordingly reserves the  
10 right to change any and all responses herein as additional facts are ascertained, witnesses  
11 identified and legal research is completed. The responses contained herein are made in good faith  
12 in an attempt to supply as much factual information and as much specification of legal contention  
13 as is presently known and should in no way prejudice Responding party in relation to further  
14 discovery and proceedings.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

16        Responding party objects that said request is vague, ambiguous, overbroad,  
17 overburdensome, oppressive, not full and complete in and of itself, is not reasonably  
18 particularized, seeks documents that are not relevant nor reasonably calculated to lead to the  
19 discovery of admissible evidence and that are equally available to propounding party.  
20 Responding party further objects that said request seeks documents protected by the attorney-  
21 client, work product and/or official information privileges. This request also improperly repeats  
22 Request for Production No. 3 previously responded to by responding party.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

24        Responding party objects that said request is vague, ambiguous, overbroad,  
25 overburdensome, not full and complete in and of itself, is not reasonably particularized and seeks  
26 documents that are not relevant nor reasonably calculated to lead to the discovery of admissible  
27 evidence. Responding party further objects to the extent this request seeks documents protected  
28

**RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

Responding party objects that said request is vague, ambiguous, overbroad, overburdensome, not full and complete in and of itself, is not reasonably particularized and seeks documents that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects to the extent this request seeks documents protected by the attorney-client, work product and/or official information privileges. This request also improperly repeats Request for Production No. 10 previously responded to by responding party.

Based on and reserving said objections, responding party will produce JIRA documents that relate to the modification of the DES comprising 26 pages. See also all documents previously produced in this action by responding party and the depositions of Cheryle Massaro-Florez and Maricela Leyva.

## **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

Responding party objects that said request is vague, ambiguous, overbroad, overburdensome, not full and complete in and of itself, is not reasonably particularized and seeks documents that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects to the extent this request seeks documents protected by the attorney-client, work product and/or official information privileges. This request also improperly repeats Request for Production No. 17 previously responded to by responding party.

Based on and reserving said objections, responding party will produce JIRA documents that relate to the modification of the DES comprising 26 pages. See also all documents previously produced in this action by responding party and the depositions of Cheryle Massaro-Florez and Maricela Leyva.

## RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Responding party objects that said request is vague, ambiguous, overbroad, overburdensome, not full and complete in and of itself, is not reasonably particularized and seeks documents that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects to the extent this request seeks documents protected

1 discovery of admissible evidence and that are equally available to propounding party.  
2 Responding party further objects that said request seeks documents protected by the attorney-  
3 client, work product and/or official information privileges.

4 Dated: February 2, 2023

5 Respectfully submitted,  
6 ROB BONTA  
7 Attorney General of California  
8 DONNA M. DEAN  
9 Supervising Deputy Attorney General

10 

11 KENNETH G. LAKE  
12 Deputy Attorney General  
13 *Attorneys for State of California, acting by  
14 and through the California Department of  
15 Justice, Former Attorney General Xavier  
16 Becerra in his personal capacity only and  
17 Attorney General Rob Bonta in his official  
18 capacity only*

19

## VERIFICATION

RE: Franklin Armory, Inc., et al. v. California Department of Justice, et al. Los Angeles County  
Superior Court Case No. 20STCP01747

I, Maricela Leyva, am a Staff Services Manager I at the State of California Department of Justice, Bureau of Firearms, and as such I am authorized to verify the response to REQUEST FOR PRODUCTION, set three, propounded to Defendant State of California acting by and through the California Department of Justice. I have reviewed the responses and they are true and accurate to the best of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February \_\_, 2023.

**DECLARATION OF SERVICE BY ELECTRONIC MAIL**

RE: *Franklin Armory, Inc., v. California Department of Justice.*  
Case No. 20STCP01747

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 February 2, 2023, I served the documents named below on the parties in this action as follows:

## RESPONSE TO REQUEST FOR PRODUCTION, SET THREE

C.D. Michel  
Anna M. Barvir  
Jason A. Davis  
MICHEL & ASSOCIATES, P.C.  
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[CMichel@michellawyers.com](mailto:CMichel@michellawyers.com)  
[Jason@calgunlawyers.com](mailto:Jason@calgunlawyers.com)  
*Attorneys for Plaintiffs-Petitioners*

(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.

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

(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 February 2, 2023, at Los Angeles, California.

Sandra Dominguez  
Declarant

/s/ Sandra Dominguez  
Signature

# **EXHIBIT C**

1 C.D. Michel – SBN 144258  
1 Jason A. Davis – SBN 224250  
2 Anna M. Barvir – SBN 268728  
2 Konstadinos T. Moros – SBN 306610  
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5 Email: CMichel@michellawyers.com

6 Attorneys for Petitioners - Plaintiffs

7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

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

12 Petitioners-Plaintiffs,

13 v.

14 CALIFORNIA DEPARTMENT OF JUSTICE,  
15 ROBERT A. BONTA, in his official capacity  
as Attorney General for the State of California,  
and DOES 1-10,

16 Respondents-Defendants.

17 Case No.: 20STCP01747

**PLAINTIFF'S SUPPLEMENTAL REQUEST  
FOR PRODUCTION OF DOCUMENTS TO  
DEFENDANT CALIFORNIA DEPARTMENT  
OF JUSTICE, SET ONE**

18 Action filed: May 27, 2020

19 PROPOUNDING PARTY: Plaintiff Franklin Armory, Inc.

20 RESPONDING PARTY: Defendant California Department of Justice

21 SET NO: Supplemental, Set One

22

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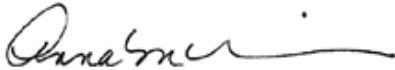
1 Plaintiff Franklin Armory, Inc. (“Plaintiff”) hereby requests that Defendant California  
2 Department of Justice (“Defendant”) produce for Plaintiff’s identification, inspection, and copying each  
3 and all of the following documents and tangible things:

4 **SUPPLEMENTAL REQUEST FOR PRODUCTION**

5 1. Pursuant to Code of Civil Procedure section 2031.050, Defendant is asked to review all  
6 requests for production of documents previously served on Defendant by Plaintiff, as well as the  
7 responses that were made to those requests, and to amend said responses based upon any and all later  
8 acquired information. If any response is no longer correct or complete, identify the response and state  
9 and/or provide copies of whatever information and/or documentation is necessary to make it correct and  
10 complete as of this date. If there are no changes, please provide a response to that effect.

11 Date: February 13, 2024

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

13   
14

15 Anna M. Barvir  
16 Attorneys for Petitioners-Plaintiffs  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## 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 February 13, 2024, I served the foregoing document(s) described as

**PLAINTIFF'S SUPPLEMENTAL REQUEST FOR PRODUCTION OF DOCUMENTS TO  
DEFENDANT CALIFORNIA DEPARTMENT OF JUSTICE, SET ONE**

on the interested parties in this action by placing

the original

[ ] 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

Email: [Andrew.Adams@doj.ca.gov](mailto:Andrew.Adams@doj.ca.gov)  
California Department of Justice

California Department of Justice  
300 South Spring Street, Suite 1702

500 South Spring Street  
Los Angeles, CA 90013

Los Angeles, CA 90013  
Attorney for Respondents-Defendants

(BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.

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 February 13, 2024, at Long Beach, California.

Laura Palmerin

# **EXHIBIT D**

1 ROB BONTA  
2 Attorney General of California  
3 DONNA M. DEAN  
4 Supervising Deputy Attorneys General  
5 KENNETH G. LAKE (STATE BAR 144313)  
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8 300 South Spring Street  
9 Los Angeles, CA 90013  
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*Attorneys for State of California, acting by and  
through the California Department  
of Justice and Former Attorney General Xavier  
Becerra in his personal capacity only*

10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12

13 COUNTY OF LOS ANGELES

14

15 **FRANKLIN ARMORY, INC., ET AL.,**

16 Plaintiffs-Petitioners,

17 **v.**

18 **CALIFORNIA DEPARTMENT OF  
19 JUSTICE ET AL.,**

20 Respondents-Defendants.

Case No. 20STCP01747

**RESPONSE TO SUPPLEMENTAL  
REQUEST FOR PRODUCTION OF  
DOCUMENTS**

**(Civ. Proc., § 2031.050)**

22 **PROPOUNDING PARTY: Plaintiff**

23 **RESPONDING PARTY: State of California, acting by and  
24 through the California Department  
of Justice**

25 **SET NO.: Supplemental One**

26 Pursuant to Code of Civil Procedure section 2031.050, defendant State of California, acting  
27 by and through the California Department of Justice hereby responds to the supplemental request  
28 for production of documents to inspect any later acquired or discovered documents, tangible

1 things, or land or other property that are in the possession, custody, or control of the responsive  
2 party that relate to answers previously made in response to a request for production in this action  
3 as follows:

4 Responding party has not yet fully completed the investigation of the facts relating to this  
5 case and has not yet fully completed discovery in this action. All of the responses contained  
6 herein are based solely upon information and documents which are presently available to, and  
7 specifically known by responding party and disclose only those contentions which presently  
8 occur to responding party. It is anticipated that further discovery, independent investigation, legal  
9 research and analysis will supply additional facts and lead to additions, changes, and variations  
10 from the answers herein. The following responses are given without prejudice to the right to  
11 produce evidence or witnesses which responding party may later discover. Responding party  
12 accordingly reserves the right to change any and all responses herein as additional facts are  
13 ascertained, witnesses identified and legal research is completed. The responses contained herein  
14 are made in good faith in an attempt to supply as much factual information and as much  
15 specification of legal contention as is presently known and should in no way prejudice  
16 Responding party in relation to further discovery and proceedings.

17 Updated responses are so indicated in the response:

18 **REQUEST FOR PRODUCTION NO. 1:**

19 **PRODUCE all DOCUMENTS that RELATE TO the TITLE 1.**

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

21 Defendant objects to this request on the ground it is overbroad, and unduly burdensome  
22 and harassing, in that it contains no limitation as to time or scope and fails to describe the  
23 documents sought with reasonable particularity. Defendant further objects to this request on the  
24 ground it seeks documents which are neither relevant nor reasonably calculated to lead to the  
25 discovery of admissible evidence, exceeds the limited discovery allowed by the Court regarding  
26 the current claims, and seeks documents subject to privileges, including the official information  
27 privilege, the attorney-client privilege, and the attorney-work product privilege. (Evid. Code, §  
28 1040 [official information]; Evid. Code § 954 [attorney-client]; Code Civ. Proc., § 2018.030

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

2 Defendant objects to this request on the ground it is overbroad, and unduly burdensome  
3 and harassing, and fails to describe the documents sought with reasonable particularity.  
4 Defendant further objects to this request on the ground it seeks documents which are neither  
5 relevant nor reasonably calculated to lead to the discovery of admissible evidence, exceeds the  
6 limited discovery allowed by the Court regarding the current claims, and seeks documents subject  
7 to privileges, including the official information privilege, the attorney-client privilege, and the  
8 attorney-work product privilege. (Evid. Code, § 1040 [official information]; Evid. Code § 954  
9 [attorney-client]; Code Civ. Proc., § 2018.030 [attorney work-product].)

10 *Update* – Reserving said objections, see all depositions taken in this action, all documents  
11 produced in this action by both sides and documents produced in response to Public Records Act  
12 requests pertaining to the Title 1 as well as documents filed by defendants relative to their motion  
13 for judgment on the pleadings and motion for summary judgment including exhibits thereto. Said  
14 documents are incorporated by reference herein. As to additional documents, discovery and  
15 investigation are continuing.

16 **REQUEST FOR PRODUCTION NO. 10:**

17 PRODUCE all DOCUMENTS that RELATE TO any entry into the **JIRA**  
18 **DATABASE** regarding **UNDEFINED FIREARM SUBTYPES** dated or prepared on or after  
19 January 1, 2019.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

21 Defendant objects to this request on the ground it is overbroad, and unduly burdensome  
22 and harassing, and fails to describe the documents sought with reasonable particularity.  
23 Defendant further objects to this request on the ground it seeks documents which are neither  
24 relevant nor reasonably calculated to lead to the discovery of admissible evidence, exceeds the  
25 limited discovery allowed by the Court regarding the current claims, and seeks documents subject  
26 to privileges, including the official information privilege, the attorney-client privilege, and the  
27 attorney-work product privilege. (Evid. Code, § 1040 [official information]; Evid. Code § 954  
28 [attorney-client]; Code Civ. Proc., § 2018.030 [attorney work-product].)

1        *Update* – Reserving said objections, see all depositions taken in this action, all documents  
2 produced in this action by both sides and documents produced in response to Public Records Act  
3 requests pertaining to the Title 1 as well as documents filed by defendants relative to their motion  
4 for judgment on the pleadings and motion for summary judgment including exhibits thereto. Said  
5 documents are incorporated by reference herein. As to additional documents, discovery and  
6 investigation are continuing.

7 **REQUEST FOR PRODUCTION NO. 11:**

8        **PRODUCE** all **DOCUMENTS** dated or prepared on or after January 1, 2019 that  
9 **RELATE TO** instructions to dealers on how to submit a transaction within the **DES**.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

11        Defendant objects to this request on the ground it is overbroad, and unduly burdensome  
12 and harassing, and fails to describe the documents sought with reasonable particularity.

13        Defendant further objects to this request on the ground it exceeds the limited discovery allowed  
14 by the Court regarding the current claims, and seeks documents subject to privileges, including  
15 the official information privilege, the attorney-client privilege, and the attorney-work product  
16 privilege. (Evid. Code, § 1040 [official information]; Evid. Code § 954 [attorney-client]; Code  
17 Civ. Proc., § 2018.030 [attorney work-product].)

18        Without waiving or prejudicing the foregoing objections, Defendant responds as follows:

19        Defendant will produce any non-privileged documents in its possession, custody or  
20 control located after a diligent search and reasonable inquiry that are responsive to this request  
21 and relate to instructions made available to all firearms dealers.

22        *Update* – Reserving said objections, see all depositions taken in this action, all documents  
23 produced in this action by both sides and documents produced in response to Public Records Act  
24 requests pertaining to the Title 1 as well as documents filed by defendants relative to their motion  
25 for judgment on the pleadings and motion for summary judgment including exhibits thereto. Said  
26 documents are incorporated by reference herein. As to additional documents, discovery and  
27 investigation are continuing.

1 documents that are not relevant nor reasonably calculated to lead to the discovery of admissible  
2 evidence. Responding party further objects to the extent this request seeks documents protected  
3 by the attorney-client, work product and/or official information privileges. This request also  
4 improperly repeats Request for Production No. 15 previously responded to by responding party.  
5 See *Professional Career Colleges, Magna Institute, Inc. v. Superior Court* (1989) 207 Cal.App.3d  
6 490, 494.

7 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

8 Responding party objects that said request is vague, ambiguous, overbroad,  
9 overburdensome, not full and complete in and of itself, is not reasonably particularized and seeks  
10 documents that are not relevant nor reasonably calculated to lead to the discovery of admissible  
11 evidence. Responding party further objects to the extent this request seeks documents protected  
12 by the attorney-client, work product and/or official information privileges. This request also  
13 improperly repeats Request for Production No. 16 previously responded to by responding party.  
14 See *Professional Career Colleges, Magna Institute, Inc. v. Superior Court* (1989) 207 Cal.App.3d  
15 490, 494.

16 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

17 Responding party objects that said request is vague, ambiguous, overbroad,  
18 overburdensome, not full and complete in and of itself, is not reasonably particularized and seeks  
19 documents that are not relevant nor reasonably calculated to lead to the discovery of admissible  
20 evidence. Responding party further objects to the extent this request seeks documents protected  
21 by the attorney-client, work product and/or official information privileges. This request also  
22 improperly repeats Request for Production No. 10 previously responded to by responding party.  
23 See *Professional Career Colleges, Magna Institute, Inc. v. Superior Court* (1989) 207 Cal.App.3d  
24 490, 494.

25 Based on and reserving said objections, responding party will produce JIRA documents  
26 that relate to the modification of the DES comprising 26 pages. See also all documents  
27 previously produced in this action by responding party and the depositions of Cheryle Massaro-  
28 Florez and Maricela Leyva.

1        *Update* – Reserving said objections, see all depositions taken in this action, all documents  
2 produced in this action by both sides and documents produced in response to Public Records Act  
3 requests pertaining to the Title 1 as well as documents filed by defendants relative to their motion  
4 for judgment on the pleadings and motion for summary judgment including exhibits thereto. Said  
5 documents are incorporated by reference herein. As to additional documents, discovery and  
6 investigation are continuing.

7 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

8        Responding party objects that said request is vague, ambiguous, overbroad,  
9 overburdensome, not full and complete in and of itself, is not reasonably particularized and seeks  
10 documents that are not relevant nor reasonably calculated to lead to the discovery of admissible  
11 evidence. Responding party further objects to the extent this request seeks documents protected  
12 by the attorney-client, work product and/or official information privileges. This request also  
13 improperly repeats Request for Production No. 17 previously responded to by responding party.

14 See *Professional Career Colleges, Magna Institute, Inc. v. Superior Court* (1989) 207 Cal.App.3d  
15 490, 494.

16        Based on and reserving said objections, responding party will produce JIRA documents  
17 that relate to the modification of the DES comprising 26 pages. See also all documents  
18 previously produced in this action by responding party and the depositions of Cheryle Massaro-  
19 Florez and Maricela Leyva.

20        *Update* – Reserving said objections, see all depositions taken in this action, all documents  
21 produced in this action by both sides and documents produced in response to Public Records Act  
22 requests pertaining to the Title 1 as well as documents filed by defendants relative to their motion  
23 for judgment on the pleadings and motion for summary judgment including exhibits thereto. Said  
24 documents are incorporated by reference herein. As to additional documents, discovery and  
25 investigation are continuing.

26 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

27        Responding party objects that said request is vague, ambiguous, overbroad,  
28 overburdensome, not full and complete in and of itself, is not reasonably particularized and seeks

1 communications. To clarify, even if the objections set forth in the first paragraph above could be  
2 overcome, communications by and between Department of Justice, including the Bureau of  
3 Firearms, attorneys and/or officials that relate to this litigation and/or legislation are protected  
4 from disclosure under the privileges set forth above.

5 Based on and reserving said objections, responding party has produced JIRA documents  
6 that relate to the modification of the DES comprising 26 pages. See also all documents  
7 previously produced in this action and the depositions of Cheryle Massaro-Florez and Maricela  
8 Leyva, taken on December 28 and 29, 2021, respectively, wherein the subject modification of the  
9 DES was discussed in detail.

10 *Update* – Reserving said objections, see all depositions taken in this action, all documents  
11 produced in this action by both sides and documents produced in response to Public Records Act  
12 requests pertaining to the Title 1 as well as documents filed by defendants relative to their motion  
13 for judgment on the pleadings and motion for summary judgment including exhibits thereto. Said  
14 documents are incorporated by reference herein. As to additional documents, discovery and  
15 investigation are continuing.

16 Dated: June 19, 2024

17 Respectfully submitted,  
18 ROB BONTA  
19 Attorney General of California  
20 DONNA M. DEAN  
21 Supervising Deputy Attorney General

22 

23 KENNETH G. LAKE  
24 Deputy Attorney General  
25 *Attorneys for State of California, acting by*  
26 *and through the California Department of*  
27 *Justice and Former Attorney General*  
28 *Xavier Becerra in his personal capacity*  
only

**DECLARATION OF SERVICE BY ELECTRONIC MAIL**

RE: *Franklin Armory, Inc., v. California Department of Justice.*  
Case No. 20STCP01747

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 19, 2024, I served the documents named below on the parties in this action as follows:

**RESPONSE TO SUPPLEMENTAL REQUEST FOR  
PRODUCTION OF DOCUMENTS**

C.D. Michel  
Anna M. Barvir  
Jason A. Davis  
MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Blvd., Suite 200  
Long Beach, CA 90802  
Email: [abarvir@michellawyers.com](mailto:abarvir@michellawyers.com)  
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[lpalmerin@michellawyers.com](mailto:lpalmerin@michellawyers.com)  
*Attorneys for Plaintiffs-Petitioners*

(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.

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

(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 19, 2024, at Los Angeles, California.

Sandra Dominguez  
Declarant

Sandra Dominguez  
Signature

# **EXHIBIT E**

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

FRANKLIN ARMORY, INC., and )  
CALIFORNIA RIFLE & PISTOL )  
ASSOCIATION, INCORPORATED, )  
Petitioners-Plaintiffs, )  
vs. ) Case No. 20STCP01747  
CALIFORNIA DEPARTMENT OF )  
JUSTICE, ROBERT A. BONTA, )  
in his official capacity as )  
Attorney General for the )  
State of California, and )  
DOES 1-10, )  
Respondents-Defendants. )

---

DEPOSITION VIA VIDEOCONFERENCE OF

CHERYLE MASSARO-FLOREZ

Tuesday, December 28, 2021

Stenographically Reported by:  
Vicki Resch, RPR, CSR 6645

**SistersInLawCourtReporters@gmail.com  
(714)840-4042**

1 APPEARANCES OF COUNSEL

2 (All Appearances Via Videoconference)

3

4 For the Petitioners-Plaintiffs:

5 MICHEL & ASSOCIATES, P.C.  
6 BY: JASON A. DAVIS, ESQ.  
7 180 East Ocean Boulevard  
8 Suite 200  
9 Long Beach, California 90802  
10 562.216.4444  
11 jdavis@michellawyers.com

12

13 For the Respondents-Defendants:

14 CALIFORNIA DEPARTMENT OF JUSTICE  
15 BY: BENJAMIN BARNOUW, ESQ.  
16 300 South Spring Street  
17 Suite 1702  
18 Los Angeles, California 90013  
19 ben.barnouw@doj.ca.gov

20

21 Also Present:

22 TRAVIS SIMMONS  
23 VIDEO OPERATOR

24

25

**Cheryle Massaro-Florez - December 28, 2021**

10:29 1 Q Those are the jobs we talked about  
2 previously?

3 A Yes.

4 Q And I'm assuming those are the same things  
10:29 5 that you did for the division of law enforcement?

6 A Yes.

7 Q For both bureaus?

8 A No.

9 Q What did you do for the Bureau of Forensic  
10 Service?

11 A I was a student assistant and was -- worked  
12 in latent prints.

13 Q Okay. What did you do under the Bureau of  
14 Firearms?

10:29 15 A I was there for quite a while, so it went  
16 from time sheets to becoming the director or now chief  
17 secretary to supporting the firearms applications on  
18 the client side to becoming the subject matter expert  
19 on the applications.

10:30 20 Q Okay. And you are the subject matter expert  
21 on the applications currently?

22 A Yes.

23 Q Jumping back to your current employment --  
24 never mind. Strike that.

10:30 25 Your declaration states that you are

**Cheryle Massaro-Florez - December 28, 2021**

10:30 1 currently employed with the firearms software  
2 development unit.

3 That's still correct, correct?

4 A Yes.

10:30 5 Q What is the firearm software development  
6 unit?

7 A It's a unit within the Application  
8 Development Bureau that its focus is to maintain  
9 support and develop firearms applications. We are the  
10 main support for the Bureau of Firearms.

11 Q Okay. What does that mean?

12 A That --

13 MR. BARNOUW: I'm going to object as vague.

14 BY MR. DAVIS:

10:31 15 Q When you say you support them, in what ways  
16 do you support them?

17 A We -- we develop and produce products of what  
18 they request for legally required to be developed with  
19 software applications.

10:31 20 Q Okay. How long have you been within the  
21 firearms software unit, development unit?

22 A Seven years.

23 Q In your declaration, you state that you  
24 oversaw a project that was overtaken by the firearm  
10:31 25 software development unit to modify the dealer record

**Cheryle Massaro-Florez - December 28, 2021**

10:32 1 of sale entry system and various other databases.

2 Is that correct?

3 A Yes.

4 Q What, if any, were your -- strike that.

10:32 5 What does it mean when it says you oversaw  
6 the project?

7 A I was the project lead and oversaw to make  
8 sure tasks were completed within the time frame in  
9 which they were required to be completed.

10:32 10 Q What were the specific tasks that needed to  
11 be completed for this project?

12 A Analysis, development, testing.

13 Q What did you analyze?

14 MR. BARNOUW: I'm going to object as vague.

10:33 15 BY MR. DAVIS:

16 Q You stated that you analyzed something as a  
17 part of this project, correct?

18 A I oversaw the analysis.

19 Q Okay. What specifically was the analysis  
10:33 20 analyzing that you oversaw?

21 A The development of the application, what  
22 needed to be changed, and the impact to other  
23 applications for making that change.

24 Q And what was the specific change that you  
10:33 25 were overseeing?

**Cheryle Massaro-Florez - December 28, 2021**

10:33 1 A Changing the -- well, we call it DES, but the  
2 DROS entry record -- entry system, enhancing it to  
3 include a new firearms type of gun type, other.

4 Q And that's the only change that was made to  
10:34 5 the DES as part of this project?

6 A Yes.

7 Q What, if any, were your responsibilities with  
8 regard to designing this change in the DES?

9 A I oversaw the design and led meetings for  
10:34 10 design meetings.

11 Q What, if any, are your responsibilities with  
12 regard to maintaining the DES generally outside of the  
13 project?

14 A Production support and any service requests  
10:34 15 or enhancement requests.

16 Q What are production reports?

17 A Production support is when the Bureau of  
18 Firearms contacts us either requesting stats or a  
19 question on how the application is functioning.

10:35 20 Q And what were the other things that you do  
21 besides production support?

22 A Service requests, enhancement requests.

23 Those are --

24 Q What's a service request?

10:35 25 A Those will be requests to make changes to the

10:35 1 application.

2 Q What kind of changes do you typically get?

3 MR. BARNOUW: I'm going to object. It's  
4 vague, and it's going beyond the scope of what we're  
10:35 5 here for today, this deposition. We're here to talk  
6 about the project, not other projects. So she can  
7 answer.

8 Can you read the question back, please?

9 (Record read.)

10:36 10 MR. DAVIS: Let me rephrase that.

11 BY MR. DAVIS:

12 Q Can you give me some examples of the changes  
13 that you make as a result of your position?

14 MR. BARNOUW: I'm going to object that this  
10:36 15 is beyond the scope of what we're here for today.

16 We're here to talk about the project, and  
17 we're not -- it's outside the scope of discovery at  
18 this stage to talk about other projects. So I'm going  
19 to object and ask her -- instruct her not to answer  
10:36 20 that question.

21 BY MR. DAVIS:

22 Q Was the project that you referred to in your  
23 declaration given a specific name?

24 A You cut out. Can you please repeat?

10:36 25 Q Was the project that you were -- with

10:36 1 reference in your declaration given a specific name, a  
2 title?

3 A Of the application?

4 Q The project as a whole.

10:36 5 A Oh, just gun type, other.

6 Q Gun type, other.

7 In paragraph 2 you state that the project  
8 also included various DOJ applications and databases,  
9 correct?

10:37 10 A Yes.

11 Q Can you clarify what you mean by applications  
12 versus databases?

13 A Yes. So applications link up to databases,  
14 and some of our databases have multiple applications  
10:37 15 that are tied to them.

16 Q And the DES would qualify as an application?

17 A Application and a database.

18 Q And a database. Okay.

19 What applications were included in this  
10:37 20 specific project?

21 A Besides the dealer record of sale of entry  
22 system, there was -- although another one called  
23 dealer record of sale, we call it DROS. The automated  
24 firearms system, we call it AFS. The arms and  
10:38 25 prohibited person system. We call it APPS, A-P-P-S.

**Cheryle Massaro-Florez - December 28, 2021**

10:38 1 We also included one called the California Firearms  
2 Application Reporting System. We call it CFARS. And  
3 we have a middleware that can be considered an  
4 application, which is the California Information  
5 Gateway. We call it CFIG.

6 Q And what databases did this project include?

7 A The DES database, one called Consolidated  
8 Firearms Information System database, and the  
9 California Justice Information System database.

10:38 10 Q And in paragraph 2, you state that the  
11 modifications were deployed on October 21st, 2021; is  
12 that correct?

13 A No.

14 Q When were they deployed?

10:39 15 A October 1st, 2021.

16 Q October 1st?

17 A Yes.

18 Q Thank you. What does the term "deployed"  
19 mean in that context?

10:39 20 A It means that it was implemented and  
21 available to the public to access.

22 Q When was the first time you heard about this  
23 project?

24 A We were moving forward with this starting in  
10:39 25 July.

**Cheryle Massaro-Florez - December 28, 2021**

10:39 1 Q July of?

2 A 2021.

3 Q And that's the first time you ever heard  
4 about this, the other firearm issue?

10:40 5 A No, that was the first time I was assigned  
6 the task to implement it.

7 Q When was the first time you heard about the  
8 issue, the "other" firearm --

9 MR. BARNOUW: I'm going to object. This has  
10:40 10 gone beyond the scope of discovery here. We're here  
11 to talk about the project that the -- to implement, to  
12 deploy the "other" option and your contention that it  
13 somehow does not render this case moot, so I'm going  
14 to instruct her not to answer that question.

10:40 15 MR. DAVIS: I think it's applicable in this  
16 situation because I'd like to know how much time  
17 transpired from the project being started to --  
18 between that period and the time that she actually  
19 heard about it being discussed, how much downtime  
10:40 20 there was before any movement was actually moving  
21 forward on it.

22 (Simultaneous speakers.)

23 MR. BARNOUW: We can go back and look at her  
24 answer to the question. I think she said July.

25 ///

**Cheryle Massaro-Florez - December 28, 2021**

10:41 1 BY MR. DAVIS:

2 Q July was when -- July 1st, 2021 is when it  
3 started, correct, Ms. Massaro-Florez?

4 A Yes.

10:41 5 Q Who -- were you assigned this project by  
6 someone?

7 A Yes.

8 Q Who?

9 A My Information Technology Manager III.

10:41 10 Q What's that person's name?

11 A I can't pronounce his last name very well.  
12 His first name is Naren. Let me pull it up for you  
13 and spell it for you. My apologies. It is --

14 MR. DAVIS: That's N-o-r-i-n?

10:42 15 THE WITNESS: It's N-a-r-e-n. The last name  
16 is Mikkilineni. It's M-i-k-k-i-l-i-n-e-n-i.

17 BY MR. DAVIS:

18 Q Was there anyone else assigned to this  
19 project before you?

10:42 20 MR. BARNOUW: I'm going to object. It's  
21 vague.

22 Go ahead.

23 THE WITNESS: Yes. My -- my copartner. We  
24 are sister units. We were both tasked to -- and  
10:42 25 there's a document that was sent to you -- to discuss

**Cheryle Massaro-Florez - December 28, 2021**

10:42 1 the work effort and come up with certain dates we  
2 could potentially get this change out.

3 BY MR. DAVIS:

4 Q What's that person's name?

10:43 5 A Debbie Morisawa.

6 Q How do you spell that last name?

7 A M-o-r -- when you put me on the spot --  
8 M-o-r-i-s-a-w-a.

9 Q And you say copartner. What unit is she  
10:43 10 within?

11 A She's in the firearms application support  
12 unit.

13 Q You said she was assigned that before you  
14 were assigned yours, or was it a simultaneous  
10:43 15 assignment?

16 A We were assigned it together.

17 Sorry. That's my dog. He just opened the  
18 door. Okay.

19 Q How many persons worked on this project?

10:44 20 A I need a moment. Jeez, I won't be able to  
21 give you a full number. My entire staff worked on it.  
22 That's at least 12, and a few of Debbie's staff worked  
23 on it as well. And then there's the Bureau of  
24 Firearms, which I can't count.

10:44 25 Q Next question was, can you state the names

**Cheryle Massaro-Florez - December 28, 2021**

10:44 1 and titles of each person that worked on it, but it  
2 sounds like you can't; is that correct?

3 A Yes.

4 Q Do you have a list?

10:44 5 A No.

6 Q Is there a log of every person who worked on  
7 this so they can track their time?

8 A We have documentation, but I don't have a  
9 list.

10:45 10 Q When you say you have documentation, what do  
11 you mean? What kind of documentation?

12 A There are -- from all the meeting attendees  
13 and their tasks. I know -- I know my unit.

14 Q Is that in the documentation that you  
10:45 15 provided?

16 A No.

17 Q Is it something that you could provide?

18 MR. BARNOUW: I'm going to object that -- we  
19 redacted the names of individuals from the documents  
10:45 20 and we have a concern about those names being  
21 publicized, and so we're going -- it's really beyond  
22 the scope of the discovery at this point.

23 If there were a protective order in place at  
24 some point in the future, we would consider doing  
10:46 25 that. But at this point, we're not going to identify

**Cheryle Massaro-Florez - December 28, 2021**

10:46 1 all these individuals who worked on the project.

2 MR. DAVIS: That's fair.

3 BY MR. DAVIS:

4 Q Was there a stated goal of this project?

10:46 5 A Yes.

6 Q And what was that stated goal?

7 A To enhance the DES system and relationship  
8 applications to accept gun type, other.

9 Q And you told me that you were assigned the  
10:46 10 project in July.

11 When did the project actually start other  
12 than the assignment?

13 A It started in July.

14 Q And did they use a Jira service desk system  
10:46 15 in order to get this project started?

16 A We used the Jira system to log any issues or  
17 defects found in our development.

18 Q Was it used in this project?

19 A Yes.

10:47 20 Q And that log maintains what kind of  
21 information?

22 A Specific to this project?

23 Q Correct.

24 A Defects, change requests.

10:47 25 Q Does it outline the project as a whole, step

**Cheryle Massaro-Florez - December 28, 2021**

10:47 1 by step as to what needs to be done?

2 A No.

3 Q Is there a document that does?

4 A Yes. It's been provided to you.

10:47 5 Q And just for clarification, what is Jira  
6 Service Desk?

7 A Jira is a tool for tracking software  
8 applications, enhancements, defects, service requests,  
9 issues, project stories.

10:48 10 Q Does it give documents and projects specific  
11 key designees to identify the task that needs to be  
12 done a number?

13 MR. BARNOUW: Can you read that question  
14 back, please?

10:48 15 MR. DAVIS: I can rephrase it.

16 BY MR. DAVIS:

17 Q Have you ever heard the term "key  
18 designation" with regard to Jira Service Desk?

19 A No.

10:48 20 Q Have you ever heard the term "key" with  
21 regard to Jira Service Desk?

22 A No.

23 Q As a field, no?

24 A No.

10:48 25 Q Do the different tasks within Jira get

1

2 I, VICKI RENEE RESCH, RPR, CSR No. 6645,  
3 certify: that the foregoing proceedings were taken  
4 before me at the time and place herein set forth; at  
5 which time the witness was duly sworn; and that the  
6 transcript is a true record of the testimony so given.

7

8 Witness review, correction and signature was

9 (X) by Code. (X) requested.

10 ( ) waived. ( ) not requested.

11 ( ) not handled by the deposition officer due to  
12 party stipulation.

13

14           The dismantling, unsealing, or unbinding of the  
15 original transcript will render the reporter's  
16 certificate null and void.

17

18 interested in the action, and I am not a relative or  
19 employee of any attorney of the parties, nor of any of  
20 the parties.

21

Dated this 6th day of January, 2022.

22

23

24

VICKI RESCH

25

# **EXHIBIT F**

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

FRANKLIN ARMORY, INC., and )  
CALIFORNIA RIFLE & PISTOL )  
ASSOCIATION, INCORPORATED, )  
Petitioners-Plaintiffs, )  
vs. ) Case No. 20STCP01747  
CALIFORNIA DEPARTMENT OF )  
JUSTICE, ROBERT A. BONTA, )  
in his official capacity as )  
Attorney General for the )  
State of California, and )  
DOES 1-10, )  
Respondents-Defendants. )

---

DEPOSITION VIA VIDEOCONFERENCE OF  
CHERYLE MASSARO-FLOREZ  
FRIDAY, SEPTEMBER 8, 2023

Stenographically Reported by:  
Vicki Resch, RPR, CSR 6645

**SistersInLawCourtReporters@gmail.com  
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**Cheryle Massaro-Florez - September 8, 2023**

1 BY MR. DAVIS:

2 Q What priority was given when you first spoke  
3 with your supervisor about this?

4 A My priority, it was highly critical.

5 Q Highly critical. Did that change over time?

6 A No.

7 Q It was always highly critical?

8 MR. ADAMS: Objection. Asked and answered.

9 You can answer if you understand it,  
10 Ms. Massaro.

11 THE WITNESS: Because it was a very short  
12 time frame, you can't change the priority to meet that  
13 same deadline.

14 BY MR. DAVIS:

15 Q You mentioned earlier that you had  
16 discussions about delaying it. What was discussed  
17 during those discussions?

18 MR. ADAMS: Objection. Misstates former  
19 testimony. And again, Jason, we are getting close to  
20 that exact same assignment period and the specific DES  
21 modification that was already covered. So just to  
22 give you a warning, you're getting close to the edge  
23 here.

24 MR. DAVIS: Are you instructing her not to  
25 answer?

**Cheryle Massaro-Florez - September 8, 2023**

1 MR. ADAMS: No.

2 THE WITNESS: I believe I misunderstood a  
3 question, then. I believe I answered yes, I've heard  
4 about delay. I was not in a discussion about delay.

5 BY MR. DAVIS:

6 Q Okay. That makes it clear for me. I  
7 appreciate that.

8 In a previous deposition, you indicated that  
9 there's a prior enhancement to add the term "other" to  
10 the DES other than the one that was actually  
11 implemented, correct? Let me rephrase it.

12 A Yeah.

13 Q How many enhancements in total were there to  
14 add the term "other" to the drop-down list?

15 A Making the change is considered one  
16 enhancement.

17 Q Was there any canceled enhancements prior to  
18 the one that actually implemented the term "other" to  
19 the drop-down list?

20 A Yes.

21 Q How many?

22 A Just one.

23 Q When did that one start?

24 A I don't remember.

25 Q When did it end?

**Cheryle Massaro-Florez - September 8, 2023**

1 A I don't remember.

2 Q Would it be documented?

3 A I don't know.

4 Q Typically, aren't enhancements started and  
5 entered through the Jira process?

6 A Yes.

7 Q Would that one have been entered in the Jira  
8 system process?

9 A It should have been, yes.

10 Q But you don't know if it was?

11 A No. This is too many years back for me. I'm  
12 sorry.

13 Q Why was that one terminated?

14 A I don't know.

15 Q Do you know who terminated it?

16 A Right. I know because this is a discussion  
17 we also had. I was not involved. I believe it was  
18 the Bureau of Firearms.

19 Q That wasn't the question. We did have it.  
20 It was cut short because of the confidentiality issues  
21 that we discussed a second ago.

22 MR. DAVIS: And I think it was towards the  
23 end if you want to look at the previous transcript,  
24 Andrew.

25 ///

**Cheryle Massaro-Florez - September 8, 2023**

1 BY MR. DAVIS:

2 Q But the question was, do you know who stopped  
3 it?

4 A No.

5 Q Was there a name for that prior enhancement  
6 or a nickname?

7 A No. We just called it -- I think it was  
8 "type other."

9 Q Was there a purpose of that prior  
10 enhancement?

11 A Yes.

12 Q What was that purpose?

13 A We had a firearms type as "other."

14 Q Was there a stated need or reason for that  
15 prior enhancement?

16 A Yes.

17 Q What was the stated need or reason?

18 A Well, it was a request that we need to add  
19 that new firearms type to DES.

20 Q And you don't remember who submitted that  
21 request?

22 MR. ADAMS: Objection. Asked and answered.

23 You can answer again, if you want,  
24 Ms. Massaro.

25 THE WITNESS: The Bureau of Firearms.

**Cheryle Massaro-Florez - September 8, 2023**

1 BY MR. DAVIS:

2 Q Do you know who?

3 MR. ADAMS: Same objection.

4 But you can answer --

5 THE WITNESS: All right. Okay. No, I don't  
6 remember.

7 BY MR. DAVIS:

8 Q When did you first learn of that prior  
9 enhancement?

10 A I don't know.

11 Can I correct that? I don't remember.

12 Q Do you have any documentation that might help  
13 you with that?

14 A No.

15 Q Do you know of any emails or correspondence  
16 addressing this prior enhancement?

17 A I don't remember.

18 Q Was that prior enhancement ever completed?

19 A No.

20 Q And you don't know why that prior enhancement  
21 was never completed, correct?

22 A Correct.

23 Q Did anyone within the Department of Justice  
24 request that this prior enhancement be terminated?

25 MR. ADAMS: Jason, we're still lingering on

1 this prior enhancement, which is the same thing in my  
2 mind as the DES enhancement that was made. And, you  
3 know, I don't want to be a stickler, but we covered  
4 that.

5 MR. DAVIS: It's a different enhancement in  
6 that one was started and then stopped and the other  
7 one started and was completed.

8 MR. ADAMS: I understand. But the  
9 specific -- whatever one that was canceled, the one  
10 that went through, those were all discussed before.  
11 And which --

12 MR. DAVIS: Well, they weren't, though,  
13 because you kept asking me to clarify which  
14 enhancement I was referring to, and I kept referring  
15 to it as the one that was completed. So there's two  
16 different enhancements.

17 MR. ADAMS: The point is that that second  
18 one, if it was canceled -- whatever this prior  
19 enhancement was, if it was canceled, it should have  
20 been discussed at the last deposition.

21 MR. DAVIS: And we brought it up, but you  
22 said there were some concerns by -- not you, but  
23 whoever was the attorney said that there were some  
24 issues with regard to confidentiality.

25 MR. ADAMS: I'm not seeing that. Can you

**Cheryle Massaro-Florez - September 8, 2023**

1 it critical? Was it high? I don't remember.

2 BY MR. DAVIS:

3 Q Were instructions given with regard to the  
4 start date for that prior enhancement?

5 A Yes, but I don't remember.

6 MR. DAVIS: I think where we got objected to  
7 last time, if I recall, is when I asked was the prior  
8 enhancement completed. And we'll go from there.

9 MR. ADAMS: She already answered that in this  
10 one, right?

11 MR. DAVIS: I think so. I'm just -- we can  
12 go back and have her review the record or have her  
13 answer this one more time and move forward.

14 MR. ADAMS: If you want to answer again,  
15 Ms. Massaro, please do.

16 THE WITNESS: No.

17 BY MR. DAVIS:

18 Q Why was the prior enhancement not completed?

19 A I do not know.

20 Q Do you know who does know?

21 A The Bureau of Firearms.

22 Q Who within the Bureau of Firearms?

23 A I don't recall the exact names.

24 Q So in order for this not to be completed,  
25 someone within the Bureau of Firearms would have had

1 to have requested the termination of the prior  
2 enhancement?

3 A Yes.

4 Q Do you know when that occurred?

5 A No.

6 Q Is there typically someone who would be the  
7 point of contact for terminating enhancements?

8 A So to terminate that would have to go to my  
9 upper management.

10 Q And who would that have been at that time?

11 A It would be the same manager,  
12 Naren Mikkilineni.

13 Q Do you know how far that prior enhancement  
14 progressed in development?

15 A Up to the beginning of beta testing.

16 Q And what does that mean?

17 A I was using your words from the last  
18 deposition. I call it quality assurance testing, and  
19 you said, "Is that like beta testing?"

20 Q So quality assurance to make sure everything  
21 functions?

22 A Yes.

23 Q So it had been pretty much implemented to the  
24 point of testing, then the next step would be  
25 implementation going live?

1           A     Yes. It's a long testing process, but yes.

2           Q     How long is the testing process?

3           A     There's functional testing, which is just at  
4 the application level, and then there is  
5 interrelationship testing where you have to test like  
6 the waterfall effect, how it impacts other  
7 applications.

8                   Then we have to have the Bureau of Firearms  
9 verify and test it that we implemented the  
10 functionality in which they requested. So that all --  
11 that usually takes between -- usually between six to  
12 eight weeks.

13           Q     Basically, about the same time that the  
14 second project that was implemented took?

15           A     No. That one took about four months.

16           Q     Was that because of the assault weapons  
17 portion of it?

18                   MR. ADAMS: Objection. This is getting  
19 really specific into that -- that one instance that we  
20 already did cover.

21                   So I'm not going to instruct you not to  
22 answer, but we'll start doing that soon.

23                   THE WITNESS: No problem. That was a  
24 separate project in its own timeline.

25                   ///

**Cheryle Massaro-Florez - September 8, 2023**

1 BY MR. DAVIS:

2 Q In order to get to the point of quality  
3 assurance testing, a project normally has tickets in  
4 the Jira system, correct?

5 A Yes.

6 Q And do you recall the number for the  
7 enhancement -- the prior enhancement, the Jira number?

8 A No.

9 MR. DAVIS: I don't think I have any other  
10 questions.

11 MR. ADAMS: Okay. I don't have any  
12 questions. Code?

13 MR. DAVIS: Yes. I think that's what we'll  
14 do.

15 MR. ADAMS: I want a rush.

16 (Proceedings concluded at 11:30 a.m.)

17 \* \* \*

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24

25

1 I, VICKI RENEE RESCH, RPR, CSR No. 6645,  
2 certify: that the foregoing proceedings were taken  
3 before me at the time and place herein set forth; at  
4 which time the witness was duly sworn; and that the  
5 transcript is a true record of the testimony so given.

6

7 Witness review, correction and signature was

8  by Code.  requested.

9  waived.  not requested.

10  not handled by the deposition officer due to  
11 party stipulation.

12

13 The dismantling, unsealing, or unbinding of the  
14 original transcript will render the reporter's  
15 certificate null and void.

16 I further certify that I am not financially  
17 interested in the action, and I am not a relative or  
18 employee of any attorney of the parties, nor of any of  
19 the parties.

20 Dated this 13th day of September, 2023.

21

22 

23 VICKI RESCH

24

25

# **EXHIBIT G**

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

FRANKLIN ARMORY, INC., and )  
CALIFORNIA RIFLE & PISTOL )  
ASSOCIATION, INCORPORATED, )  
Petitioners-Plaintiffs, )  
vs. ) Case No. 20STCP01747  
CALIFORNIA DEPARTMENT OF )  
JUSTICE, ROBERT A. BONTA, )  
in his official capacity as )  
Attorney General for the )  
State of California, and )  
DOES 1-10, )  
Respondents-Defendants. )

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DEPOSITION VIA VIDEOCONFERENCE OF  
CHRISTINA ROSA-ROBINSON  
MONDAY, NOVEMBER 27, 2023

Stenographically Reported by:  
Vicki Resch, RPR, CSR 6645

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20

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22

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24

25

1 right? We're never just working on one mandate or one  
2 project at a time.

3 So there's always, you know, resource  
4 allocation that -- you know, that come into play as  
5 well. If we happen to get other -- you know, other  
6 showstoppers or other, you know, critical tickets that  
7 might have to come, we have to address those, too.

8 So just like taking that into account and  
9 then, you know, usually taking about two or three  
10 months of requirements gathering just for that, and  
11 then there's development and testing. I mean, that --  
12 a year and a half is definitely -- could be typical  
13 for adding something like "other" gun into -- into the  
14 DES.

15 Q Okay. And just not to beat the dead horse  
16 here, but you said it could be typical. Is it typical  
17 or isn't it?

18 A I don't know. I don't know.

19 Q All right. So you had this meeting at some  
20 time in early 2020, you estimate?

21 A Yeah.

22 Q When was the next time the "other" option  
23 came up that you can recall after that meeting?

24 A I'm sorry. Can you say --

25 Q Sure. Sure. So you had that meeting in

1 early 2020 at some point?

2 A Okay.

3 Q In the first two months of 2020 after that  
4 meeting where you discuss the "other" option, when did  
5 you next work on this project?

6 A Well, I do remember that when we had that  
7 meeting, right, that it was going to be coming up.  
8 That's when we had to start doing analysis. And we  
9 did some requirements gathering with the Bureau of  
10 Firearms, and so I would imagine -- I think we began  
11 working on it in the beginning of February of 2020,  
12 yeah.

13 Q And what -- if you recall, what urgency  
14 classification did the project -- I don't know if the  
15 whole project has an urgency classification or if it's  
16 individual tasks. Why don't we ask that first.

17 Did the adding the "other" option have its  
18 own designation like showstopper, high or critical, or  
19 is that system reserved for tasks within a project?

20 A I don't recall if it had a showstopper, you  
21 know, priority to it. I just remember that it was  
22 something that we had to basically, you know, devote  
23 all of our attention to. I don't recall, right, if  
24 there was a Jira or what the Jira's classification  
25 was. I just remember that we had a very limited, you

1 know, amount of time and we had -- we couldn't -- we  
2 couldn't -- how do I say this? We couldn't -- you  
3 know, that was just the top of our priority, so we had  
4 to, you know, like, keep pressing on it, keep trying  
5 to get it done. You know, like not let it slow any  
6 traction or anything like that.

7 So we just had to keep trying to get it done.  
8 Meaning, you know, stay on Bureau of Firearms to  
9 gather requirements, you know, make sure we are on  
10 schedule when it comes to development and testing,  
11 things like that, just to make sure we stay on  
12 schedule as much as possible.

13 Q So when considering -- was this your top  
14 priority from early 2020 until implementation in  
15 October of 2021, or was it just one of many top  
16 priorities?

17 A Well, again, my main -- you know, my main  
18 system was CFARS. So I was really only brought into  
19 DES to, like, help test, you know, and to maybe help  
20 with some documentation. But it was definitely -- you  
21 know, yeah, always one of our top priorities.

22 Q Do you remember work ever being paused on the  
23 DES? Was there ever any instruction to hold off on it  
24 or come back to it later, anything like that?

25 A -- I don't know. I don't recall.

1 I, VICKI RENEE RESCH, RPR, CSR No. 6645,  
2 certify: that the foregoing proceedings were taken  
3 before me at the time and place herein set forth; at  
4 which time the witness was duly sworn; and that the  
5 transcript is a true record of the testimony so given.

6

7 Witness review, correction and signature was

8 (X) by Code. (X) requested.

9 ( ) waived. ( ) not requested.

10 ( ) not handled by the deposition officer due to  
11 party stipulation.

12

13           The dismantling, unsealing, or unbinding of the  
14 original transcript will render the reporter's  
15 certificate null and void.

16

17 interested in the action, and I am not a relative or  
18 employee of any attorney of the parties, nor of any of  
19 the parties.

20

Dated this 7th day of December, 2023.

21

22

23

24

25

Vicki Rosch

VICKI RESCH

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# **EXHIBIT H**

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, ) 20STCP01747  
XAVIER BECERRA, in his official )  
capacity as Attorney General for )  
the State of California, and DOES )  
1-10, )  
Respondents-Defendants. )

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 ALLISON MENDOZA, taken  
16 on behalf of Petitioners-Plaintiffs, from  
17 Sacramento, California, beginning at 10:13 a.m.  
18 and ending at 4:33 p.m., on Friday, June 7, 2024,  
19 before Katie Hufstetler, California CSR No. 13483,  
20 Washington CSR No. 21003003, reporting remotely.

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12 FOR THE DEFENDANTS-RESPONDENTS:

13 CALIFORNIA DEPARTMENT OF JUSTICE  
14 BY: KENNETH G. LAKE, ESQ.  
15 (VIA ZOOM VIDEOCONFERENCE)  
16 300 South Spring Street  
17 Suite 1702  
18 Los Angeles, California 90013  
19 (213) 269-6525  
20 kenneth.lake@doj.ca.gov

21 ALSO PRESENT VIA ZOOM VIDEOCONFERENCE:

22 NED CHRISTENSEN, THE TECHNICIAN  
23 TOPE ONI, THE TECHNICIAN

24

25

1 through DES lawfully?

2 MR. LAKE: Objection. Vague as to time.

3 Go ahead.

4 THE WITNESS: I'm not aware of any guidance  
5 that was provided.

6 BY MR. BRADY:

7 Q. And do you know who else at DOJ saw this  
8 letter?

9 A. Not specifically.

10 Q. And you don't recall who provided it to you?

11 A. I do not.

12 Q. Do you know whether attorney general -- then  
13 Attorney General Becerra saw this letter?

14 A. I do not personally know that.

15 Q. Do you know whether Attorney General Becerra's  
16 executive staff received this letter?

17 A. I do not know that.

18 Q. Are you aware of any changes proposed for the  
19 purpose of adding the term "other" to the dropdown list  
20 for long gun types in the DES?

21 MR. LAKE: I'm just begun a object to the term  
22 "proposed" as vague and ambiguous and also as to time.

23 But go ahead.

24 THE WITNESS: Yeah, I'm not sure what you mean  
25 by "proposed changes."

1 BY MR. BRADY:

2 Q. Sure. Did anybody ever propose that the DES,  
3 the dropdown menu for long guns in the DES system, be  
4 changed to include the word "other"?

5 A. There were conversations as addressed in my  
6 declaration, at the end of 2019 and through 2020, of  
7 potential changes to the DES system.

8 Q. And what did that -- that involve?

9 A. Conversations between, again, subject matter  
10 experts from both the Bureau and the CJIS staff, that  
11 maintain the systems, would include various legal staff,  
12 and it would kind of entail discussing what those  
13 changes might be, resources that could be available,  
14 what the impact time would be, whether they're even  
15 feasible.

16 Q. And that was at the end of 2019, you said?

17 MR. LAKE: Well, misstates the testimony.

18 But go ahead if you --

19 THE WITNESS: Starting at the end of 2019 into  
20 2- -- 2020.

21 BY MR. BRADY:

22 Q. Was a JIRA ever submitted for -- at that time,  
23 for a change to the DES to add the term "other" to the  
24 long gun dropdown menu?

25 A. I don't recall.

1           Q.    Do you recall whether any work was performed by  
2 DOJ to make the change -- make a change to add the term  
3 "other" to the long gun dropdown list in DES?

4           MR. LAKE: Object. It's vague and ambiguous  
5 and overbroad. "Work performed." It's also vague as to  
6 time.

7           Go ahead, if you can.

8           MR. BRADY: Okay. Well, actually, don't --  
9 don't bother answering. Let me rephrase so that we're  
10 clear.

11 BY MR. BRADY:

12           Q.    When a change is going to be made to DES, who  
13 does the work to actually make the change in the system?

14           A.    That would be the IT staff within CJIS.

15           Q.    Okay. Did the IT staff in CJIS at any time at  
16 the end of it 2019 or the beginning of 2020, do any work  
17 to add the term "other" to the long gun dropdown list in  
18 DES?

19           MR. LAKE: This is same objection as before.  
20 The term "work" in this context is vague and ambiguous  
21 and overbroad.

22           But go ahead, if you can.

23           THE WITNESS: No. Not to my knowledge.

24 BY MR. BRADY:

25           Q.    So is it your testimony that no -- that you did

1 previous page -- continuing on from the previous page;  
2 correct?

3 A. Yes.

4 Q. And there is a comment by somebody named Edmond  
5 Ho that says, "We completed all these JIRAs back in  
6 September October 2021. Just cleaning up the status of  
7 this JIRA." Do you see that?

8 A. I do see that.

9 Q. So do you read that to mean that this JIRA was  
10 completed in September October of 2021?

11 A. That's how I would take that, yes.

12 Q. So the -- the August 6th date at the top, would  
13 not be the termination date; right?

14 A. Did you say would not be determination date?

15 Q. Would not be the -- the termination date, the  
16 ending date of the project; right?

17 A. Correct.

18 Q. And it's, most likely, the beginning of the  
19 project date; is that correct? Okay.

20 THE COURT REPORTER: I'm sorry, Counsel. I did  
21 not hear that last answer.

22 THE WITNESS: I said "correct."

23 THE COURT REPORTER: Thank you.

24 BY MR. BRADY:

25 Q. I believe you testified previously that the

1 change to add other to DES was finished in October of  
2 2020; is that correct?

3 A. I did say that, but I believe I misstated, and  
4 it was October 2021.

5 Q. Okay. So you -- you were just misremembering  
6 the year; is that fair?

7 A. Yes.

8 Q. Okay. Now, does your -- does that change your  
9 testimony that conversations about making the change of  
10 adding other to the DES system, began in late 2019?

11 A. That does not change my testimony on that.

12 Q. Okay. So conversations began on whether to add  
13 other to the DES long gun dropdown list in 2000 -- the  
14 end of 2019, and a JIRA did not get created to begin  
15 that change until August 6, 2021; is that correct?

16 A. That's correct.

17 Q. Okay. Do you know who submitted this JIRA?

18 A. I am not sure if the reporter that is listed on  
19 the JIRA, is the person that submitted the JIRA. If  
20 that is the case, then it would be Christina  
21 Rosa-Robinson.

22 Q. Do you recall whether you played any role in  
23 submitting this JIRA?

24 A. No, I -- I would not have directed Christina to  
25 submit the JIRA. She works for CJIS.

1           Q.    Okay.  So if it was Christina who submitted  
2 this JIRA, does that mean that it would have -- the  
3 request would have been made by CJIS?

4           A.    Not necessarily.  Again, things are very  
5 situational sometimes, so it could have just been  
6 through the discussions, that she, you know, had the  
7 availability to submit the JIRA, based on the  
8 conversations that were taking place between the  
9 two bureaus.  I don't --

10          Q.    Do you recall?  I'm sorry?

11          A.    I don't recall who would have given her the  
12 direction, the explicit direction to log the JIRAs.

13          Q.    Do you recall having conversations with her  
14 about this JIRA?

15          A.    I do not recall.

16          Q.    Would a request that somebody submit a JIRA,  
17 from higher up, would that generally be made, that  
18 request generally be made in writing?

19          A.    Not necessarily, no.

20          Q.    Are they ever made in writing?

21          A.    Potentially, I -- I -- I'm not sure.

22          Q.    You're not sure if you've ever seen a request  
23 for a JIRA made in writing?

24          A.    It would be likely that there would be  
25 direction that, you know, please have so and so log a

1 STATE OF IDAHO )  
2 COUNTY OF KOOTENAI ) ss:  
3 )

4 I, KATIE HUFSTETLER, do hereby certify:

5  
6 That I am a duly qualified Certified Shorthand  
7 Reporter, for the State of California, holder of  
8 certificate number 13483, which is in full force and  
9 effect and that I am authorized to administer oaths and  
10 affirmations;

11 That the foregoing deposition testimony of the  
12 herein named witness was taken before me at the time and  
13 place herein set forth;

14 That prior to being examined, the witness named  
15 in the foregoing deposition, was duly sworn or affirmed  
16 by me, to testify the truth, the whole truth, and  
17 nothing but the truth;

18 That the testimony of the witness and all  
19 objections made at the time of the examination were  
20 recorded stenographically by me, and were thereafter  
21 transcribed under my direction and supervision;

22 That the foregoing pages contain a full, true  
23 and accurate record of the proceedings and testimony to  
24 the best of my skill and ability;

25

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 12th day of June, 2024.

9

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KATIE HUFSTETLER, CSR No. 13483

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## 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.

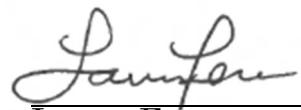
On July 7, 2025, I served a copy of the foregoing document described as **DECLARATION OF ANNA M. BARVIR IN SUPPORT OF APPELLANTS' OPPOSITION TO RESPONDENTS' MOTION TO STRIKE PORTIONS OF APPELLANTS' BRIEF**, on the following parties, as follows:

Kenneth G. Lake  
[Kenneth.Lake@doj.ca.gov](mailto:Kenneth.Lake@doj.ca.gov)  
Andrew F. Adams  
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Office of the Attorney General  
300 South Spring Street  
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### *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 July 7, 2025, at Long Beach, California.



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Laura Fera  
Declarant