

No. B340913

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION SEVEN

FRANKLIN ARMORY, INC., et al.,
Plaintiffs and Appellants,
v.

CALIFORNIA DEPARTMENT OF JUSTICE, et al.,
Defendants and Respondents.

Los Angeles County Superior Court, Case No.
20STCP01747

The Honorable Daniel S. Murphy, Judge

RESPONDENTS' APPENDIX

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|---|-------------|
| Stipulated Judgment and Consent Decree in the matter of Sharp. v. Becerra, U.S. District Court, Eastern District, Case No. 2:18-cv-02317-MCE-AC, dated 3/29/21 which is Exhibit A to Franklin Armory's Request for Judicial Notice filed on 6/29/21 | 1 |

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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, ROB BONTA, in his official
capacity as Attorney General for the State of
California, and DOES 1-10,

Respondents-Defendants.

Case No.: 20STCP01747

[Assigned for all purposes to the Honorable
James C. Chalfant; Department 85]

REQUEST FOR JUDICIAL NOTICE

Action Filed: May 27, 2020

1

REQUEST FOR JUDICIAL NOTICE

2 Under Evidence Code section 452 and California Rule of Court 3.1306(c), Petitioners -
3 Plaintiffs Franklin Armory, Inc., and California Rifle & Pistol Association, Incorporated, through
4 their counsel of record, request that this Court take judicial notice of the following documents:

5 1. Stipulated Judgment and Consent Decree in the matter of *Sharp. v. Becerra*, U.S.

6 District Court for the Eastern District of California Case No. 2:18-cv-02317-MCE-AC,
7 signed by Judge Morrison C. England, Jr. on March 29, 2021. A true and correct copy is
8 attached as **Exhibit A**.

9 2. Decision in the matter of *Miller v. Bonta*, U.S. District Court for the Southern

10 District of California Case No. 3:19-cv-1537-BEN-JLB, filed on June 4, 2021. A true and
11 correct copy is attached as **Exhibit B**.

12 3. Judgment in the matter of *Miller v. Bonta*, U.S. District Court for the Southern

13 District of California Case No. 3:19-cv-1537-BEN-JLB, filed on June 4, 2021. A true and
14 correct copy is attached as **Exhibit C**.

15 The Court must take the requested judicial notice if the moving party “(a) [g]ives each
16 adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such
17 adverse party to prepare to meet the request; and [,] (b) [f]urnishes the court with sufficient
18 information to enable it to take judicial notice of the matter.” (Evid. Code, § 453.)

19 Here, Exhibit A, a true and correct copy of the stipulated judgment and consent decree in
20 the matter of *Sharp. v. Becerra*, is plainly judicially noticeable under Evidence Code section 452,
21 subdivision (d), which permits courts to take notice of “Records of (1) any court of this state or (2)
22 any court of record of the United States or of any state of the United States.” Exhibits B and C,
23 which are true and correct copies of the decision and judgment, respectively, in the matter of
24 *Miller v. Bonta*, are judicially noticeable for the same reason.

25 Judicial notice under section 452 is at a court’s discretion, and a major factor courts have
26 considered in deciding whether to grant judicial notice is relevance. (See, e.g., *People v. Galvan*
27 (2008) 168 Cal.App.4th 846, 854, fn. 8 [“The request for judicial notice is denied. The articles are
28 irrelevant to our resolution of defendant Zaiza’s issue.”].) All three exhibits are relevant here in

1 light of the Court’s earlier ruling that Petitioners’ claims are moot as to centerfire Title 1 firearms
2 because, following the adoption of Senate Bill 118, those firearms are now classified as “assault
3 weapons” and the public can no longer take possession of them. (See Decision on Demurrer,
4 January 27, 2021, pp. 2-3.) Because all three documents relate to the regulation of “assault
5 weapons” in California and have a direct impact on whether Petitioners can transfer or take
6 possession of centerfire Title 1s, the exhibits are relevant and subject to judicial notice.

7 In the *Sharp* matter, the California Department of Justice entered into a settlement which
8 involved agreeing to the stipulated judgment and consent decree submitted here as Exhibit A. As
9 part of that stipulated judgment, the DOJ agreed to re-open the assault weapon registration period
10 for individuals who possessed eligible firearms and started the process of submitting an application
11 to the DOJ’s Bureau of Firearms before July 1, 2018, but could not complete the process due to
12 technical difficulties. (Exhibit A, p. 2-3.) This is relevant here because technical difficulties are
13 also what prevented Petitioners’ customers and members from completing the purchase of their
14 centerfire Title 1s before SB 118 took effect. And *Sharp* shows that there is precedent for the DOJ
15 reopening the assault weapon registry to correct its own prior errors.

16 As for the decision and judgment in *Miller*, their relevance is more straightforward.
17 Petitioners’ mandamus claim as to centerfire Title 1 is, at least partially, rooted in the argument
18 that California’s “assault weapons” ban, as far as it concerns centerfire Title 1s, is unconstitutional.
19 (See Second Amended Complaint, ¶ 193.) In *Miller*, the Southern District of California held that
20 California’s ban on “assault weapons” is unconstitutional, invalidating the entire law and enjoining
21 its enforcement. (Ex. B, p. 92; Ex. C.) While that decision has been stayed pending appeal to the
22 Ninth Circuit (*Miller v. Bonta* (9th Cir. June 21, 2021, No. 21-55608) 2021 U.S. App. LEXIS
23 18452), if it is upheld, then SB 118 would have no effect. And Petitioners’ claims as to centerfire
24 Title 1s would not be moot.

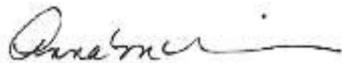
25 Unfortunately for Petitioners, all of these relevant developments occurred well after the 10-
26 day window to file a motion for reconsideration following the Court’s January 28, 2021 order
27 adopting its tentative ruling and sustaining the DOJ’s demurrer. (See Code Civil Proc., § 1008,
28 subd. (a.)) Petitioners thus seek judicial notice of these court proceedings simply to preserve this

1 issue for appeal.

2 For these reasons, the Court should grant Petitioners' Request for Judicial Notice.

3 Dated: June 28, 2021

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

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Anna M. Barvir
7 Attorneys for Petitioners-Plaintiffs

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

EXHIBIT A

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARRY SHARP; DAVID AJIROGI; RYAN
GILARDY; DARIN PRINCE; TODD
FELTMAN; DAVID KUEH; TERRY
JAHRAUS; THE CALGUNS FOUNDATION;
FIREARMS POLICY COALITION;
FIREARMS POLICY FOUNDATION;
SECOND AMENDMENT FOUNDATION;
and MADISON SOCIETY FOUNDATION,

Case No. 2:18-cv-02317-MCE-AC

**STIPULATED INJUNCTION AND
CONSENT DECREE**

Plaintiffs and Petitioners,

vs.

XAVIER BECERRA, in his official capacity as
Attorney General of California; LUIS LOPEZ,
in his official capacity as Director of the
Department of Justice Bureau of Firearms; JOE
DOMINIC, in his official capacity as Chief of
the Department of Justice California Justice
Information Services

1 Division; CALIFORNIA DEPARTMENT OF
 2 JUSTICE; and DOES 1 through 20, inclusive,

3 Defendants and Respondents.

5 **STIPULATED INJUNCTION AND CONSENT DECREE**

6 The above-captioned Plaintiffs and Defendants, by and through their respective counsel,
 7 hereby enter into this Stipulated Injunction and Consent Decree.

8 Through this action—filed in state court and later removed to this Court on federal
 9 question grounds—Plaintiffs alleged that the California Department of Justice’s online program
 10 for registering “bullet button” firearms, as required by a 2016 amendment to California’s
 11 Roberti-Roos Assault Weapons Control Act (“ACWA”), *inter alia*, subjected them and those
 12 similarly situated to constitutional due process violations by failing to afford them adequate
 13 opportunity to complete the registration necessary for purposes of maintaining lawful possession
 14 of such firearms.

15 Defendants moved to dismiss Plaintiffs’ complaint for failure to state a claim, which this
 16 Court denied. Since then, Defendants have answered Plaintiffs’ Second Amended Complaint and
 17 the parties have conducted various forms of discovery.

18 The parties have now entered into a Settlement Agreement, by which the parties also
 19 have agreed to enter into this stipulated injunction, and mutually consent to the judicial decrees
 20 necessary to effectuate the same.

21 The terms and conditions of this Stipulated Injunction and Consent Decree are as follows:

22 **Reopening of Assault Weapons Registrations Under Pen. Code § 30900(b)**

23 1. Defendants shall re-open the registration period, for individuals who possessed
 24 eligible firearms (Cal. Penal Code § 30900, subdiv. (b)) and started the process of submitting
 25 applications to the Department of Justice (“Department”), Bureau of Firearms (“Bureau”), before
 26 July 1, 2018, but who were unable to complete the submission process because of technical
 27 difficulties. This re-opened registration period shall be available only to persons meeting all of
 28 the following requirements: (1) prior to January 1, 2017, the person would have been eligible to

1 register an assault weapon pursuant to subdivision (b) of Penal Code § 30900; (2) the person
2 lawfully possessed each assault weapon to be registered, prior to January 1, 2017; (3) the person
3 attempted to register the assault weapon prior to the original registration deadline of midnight on
4 July 1, 2018, but was unable to do so because of technical difficulties; and (4) the person timely
5 registers the assault weapon(s) in accordance with the terms of this Stipulation. Collectively,
6 these four requirements shall be referred to herein as “the Registration Requirements.”

7 2. All new assault weapons registrations shall be implemented by and through the
8 Bureau, through a notice period and a registration window. The notice period, during which time
9 defendants shall make efforts to notify the public of this settlement and the new assault weapons
10 registration period, shall be at least 120 days from the date that this stipulated injunction is
11 entered by the Court, but may be longer if needed by the Department to prepare and implement
12 its systems (“Notice Period”). Following this minimum 120-day Notice Period, the Department,
13 through the Bureau’s website, shall open a website page for new registrations, and thereafter,
14 shall accept registrations for assault weapons, if the applicant meets the Registration
15 Requirements, for a period of 90 days (the “Registration Period”). At the end of the last day of
16 the Registration Period, the system shall be closed to any new registrations, except that the
17 Department will accept as timely paper registrations that are postmarked by the last day of the
18 Registration Period, pursuant to the paper option described in paragraph 5 below.

19 3. Once this stipulated injunction is approved, the Department shall perform the
20 following to begin the Notice Period:

- 21 (a) The Department shall announce and feature the re-opened Registration Period
22 on the Bureau of Firearms website;
- 23 (b) The Department shall provide notice of the re-opened Registration Period to
24 other known firearms rights groups and law firms;
- 25 (c) The Department shall provide notice of the re-opened Registration Period to
26 every person that called or emailed them to complain about not being able to
27 register before or after the original deadline of July 1, 2018, to the extent that
28 information is reasonably available; and

1 (d) The Department will conduct a public outreach campaign (Internet and
2 traditional news) to notify the public about the re-opened Registration Period.

3 (e) The organizational Plaintiffs shall also endeavor to provide notice to their
4 members about the re-opened Registration Period.

5 4. Pursuant to California Penal Code section 30900(b)(2), the Department shall
6 permit persons meeting the Registration Requirements to submit electronically via the Internet,
7 utilizing a public-facing application made available by the Department throughout the
8 Registration Period.

9 5. The Department shall also and alternatively accept paper submissions from
10 persons otherwise meeting the Registration Requirements, on a form that shall incorporate
11 substantially all of the information that is required to be submitted electronically pursuant to
12 California Penal Code section 30900(b)(2). Paper forms submitted in this manner shall be
13 accepted by mail or overnight carrier delivery if accompanied by a postmark or other evidence of
14 submission on or before the last day of the Registration Period.

15 6. For all assault weapon registration submitted in the Registration Period, whether
16 submitted electronically or by paper, the Department may require different or additional
17 information from persons who present, along with their submission, a form of identification that
18 states “FEDERAL LIMITS APPLY.”

19 7. Any other substantive issues with a registration should be handled using
20 substantially the same procedures that the Department used for registrations submitted before
21 July 1, 2018, that is, the Department will provide registrants timely submitting registrations
22 during the Registration Period with the same ability to cure any defects in their submissions,
23 whether submitted electronically or by paper. Such defects may include but are not limited to:
24 incomplete or missing information, typographical errors, information that does not match the
25 information in the Department’s records, and incomplete or unclear photographs.

26 8. During the Registration Period, the Department may require registrants to verify
27 under penalty of perjury that they attempted to register their weapon(s) before July 1, 2018, but
28 were unable to do so because of technical difficulties, by checking a box (or similar mechanism)

1 contained as a part of their registration submission. The Department shall clearly notify any
2 individuals registering firearms during the new Registration Period of the following: (a) that the
3 Department may attempt to verify whether any particular registrant attempted to register their
4 weapon(s) before July 1, 2018; (b) the potential consequences of providing false statements in
5 connection with such registrations; and (c) that if they submit a weapon that was not attempted to
6 be registered before July 1, 2018, they could be subject to consequences as prescribed by law.

7

8 **Statewide Enforcement of Assault Weapons Laws**

9 9. Upon approval and entry of this stipulated injunction by the Court, and throughout
10 the reopened Registration Period, the following shall apply:

11 A. The Department will provide registrants with the same conditions and
12 considerations as during the original registration period. For the duration of the Notice Period
13 and the Registration Period, the Department shall forebear from prosecuting individuals for the
14 charge of possession of an unregistered assault weapon under Penal Code sections 30600 or
15 30605 if they satisfy the Registration Requirements by the end of the Registration Period.

16 B. Persons eligible to register under the Registration Requirements shall be
17 accorded protection under Penal Code section 30680 and may raise their eligibility as an
18 affirmative defense to any and all prosecutions throughout this State for which the valid
19 registration of an assault weapon is or may be a defense.

20 C. In response to any and all inquiries from law enforcement agencies
21 pertaining to requests for information regarding the status of any assault weapon registration(s),
22 the Department shall provide information referencing this injunction providing for the
23 Registration Period.

24 D. The Attorney General shall inform all district attorneys' offices, sheriffs'
25 offices, and other law enforcement agencies in California of this Stipulated Injunction and
26 Consent Decree, and advise that all pending investigations and prosecutions for Penal Code
27 sections 30600 and/or 30605 for which valid registration of an assault weapon is or may be a
28 defense should be stayed or postponed if there is reason to believe the subject would be able to

1 meet the Registration Requirements and register the firearms appropriately. Upon proof that the
 2 subject has successfully completed the Registration Requirements, any pending investigation or
 3 prosecution as to a violation of section 30600 and/or 30605 for which valid registration of an
 4 assault weapon is a defense shall be ceased and any pending charges dismissed as to those
 5 violations.

6 E. Anyone who has a firearm being detained or held by a law enforcement
 7 agency, and who is not otherwise prohibited from owning or possessing firearms (see
 8 <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/pdf/prohibcatmisd.pdf>), shall not be
 9 barred from registering said firearm(s) if the person is otherwise eligible to register the firearm(s)
 10 under the Registration Requirements and can satisfy the Registration Requirements during the
 11 Registration Period.

12 10. Approval of this stipulation and entry of the injunction shall constitute a voluntary
 13 dismissal of the cases pending in this Court and in Shasta County Superior Court, except as may
 14 be necessary to enforce the injunction and the parties' settlement. The Court shall retain
 15 jurisdiction to enforce the terms of this stipulation, and the parties' settlement.

16 11. Plaintiffs shall recover from Defendants the sum of \$151,821.42, payment to be
 17 received by counsel for the Plaintiffs within sixty (60) days from the date that this Stipulated
 18 Injunction and Consent Decree is entered by the Court below.

19 ■ ■ ■

20 By the signatures of their counsel below, the parties stipulate and agree to be bound by
 21 the foregoing terms and conditions of the foregoing stipulation, and request the Court to enter the
 22 injunction and consent decree accordingly.

23 **SEILER EPSTEIN LLP**

24 _____
 25 /s/ George M. Lee
 George M. Lee

26 Attorneys for Plaintiffs
 27 HARRY SHARP, DAVID AJIROGI, RYAN
 GILARDY, DARIN PRINCE, TODD
 28 FELTMAN, DAVID KUEHL, TERRY

OFFICE OF THE ATTORNEY GENERAL

 /s/ John W. Killeen
 John W. Killeen
 Deputy Attorney General

Attorneys for Defendants
 XAVIER BECERRA, in his official capacity
 as Attorney General of California; LUIS

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2 FOUNDATION, FIREARMS POLICY
3 COALITION, FIREARMS POLICY
4 FOUNDATION, SECOND AMENDMENT
5 FOUNDATION and MADISON SOCIETY
6 FOUNDATION

LOPEZ, in his official capacity as Director of
the Department of Justice Bureau of Firearms,
JOE DOMINIC, in his official capacity as
Chief of the Department of Justice California
Justice Information Services Division and the
CALIFORNIA DEPARTMENT OF
JUSTICE

ORDER OF INJUNCTION AND CONSENT DECREE

8 It is hereby ORDERED that the Stipulated Injunction and Consent Decree, as set forth
9 above, is GRANTED AND APPROVED.

10 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the parties
11 are bound by the Stipulated Injunction and Consent Decree as set forth above, which shall
12 resolve and dispose of this matter in accordance with the terms and conditions of the same, with
13 the Court to retain jurisdiction in this matter as to the enforcement of this injunction, and the
14 parties' settlement agreement. The matter having now been concluded in its entirety, the Clerk
15 of Court is directed to close the file.

16 IT IS SO ORDERED.

17 Dated: March 29, 2021


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19 MORRISON C. ENGLAND, JR.
20 SENIOR UNITED STATES DISTRICT JUDGE
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DECLARATION OF ELECTRONIC SERVICE AND BY U.S. MAIL

Case Name: **Franklin Armory, Inc. v. California Department of Justice**
Case No.: **B340913**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On July 31, 2025, I electronically served the attached **RESPONDENS' APPENDIX** by transmitting a true copy via this Court's TrueFiling system on:

Anna Barvir
Michel & Associates, P.C.
180 East Ocean Blvd., Suite 200
Long Beach CA 90802-4079

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on July 31, 2025, at Los Angeles, California.

Lisa Martinez
Declarant

Lisa Martinez
Signature

Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on July 31, 2025, a true copy thereof enclosed in a sealed envelope has been placed in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230, addressed as follows:

Los Angeles Superior Court Judge
Honorable Daniel S. Murphy
111 North Hill Street
Dept. 32
Los Angeles, CA 90012

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on July 31, 2025, at Los Angeles, California.

Jasmine Zarate
Declarant for U.S. Mail

s/Jasmine Zarate
Signature

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