

1 [Parties and counsel listed on signature pages]
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SACRAMENTO

11 KELLEY and DENIS O’SULLIVAN, in
12 their Individual Capacity and KELLY
13 O’SULLIVAN as Administrator of the
14 Estate of TARA O’SULLIVAN, Deceased,

15 Plaintiffs,

16 vs.

17 GHOST GUNNER INC., d/b/a
18 GHOSTGUNNER.NET, et al.,

19 Defendants.

Case No. 34-2021-00302934-CU-PO-GDS

[Assigned to the Honorable Judge Lauri A. Damrell; Dept. 22]

**STIPULATION AND [PROPOSED]
ORDER RE: MOTION TO COMPEL
COMPLIANCE WITH RECORDS
SUBPOENA**

20
21 Pursuant to Cal. Rules of Court 3.503 and 5.94 and Local Rule 5.14, subject to the Court’s
22 approval, Plaintiffs and third party the Sacramento Police Department (the “Department”), by and
23 through their respective counsel of record, hereby stipulate as follows:

24 WHEREAS, on January 22, 2026—following extensive coordination between the parties
25 in this matter, counsel for the People and the criminal defendant in the related criminal matter,
26 and the Department—Plaintiffs served on the Department a business records subpoena (the
27 “Records Subpoena”) detailing the conditions for the parties’ inspection of certain critical
28 evidence in the Department’s custody;

1 WHEREAS, as set forth in Plaintiffs' Proposed Motion to Compel Compliance with
2 Records Subpoena (the "Proposed Motion"), attached hereto as **Exhibit A**, and as will be further
3 set forth in the Department's anticipated response, it is the Department's position that the
4 Department requires a court order to comply with the Records Subpoena;

5 WHEREAS, the Department stipulates that there is no substantive issue with the Records
6 Subpoena, which represents the agreement of all interested parties as to acceptable conditions for
7 an evidence inspection;

8 WHEREAS, the Department stipulates that Plaintiffs need not wait 60 days to file the
9 Proposed Motion as set forth in Cal. Civ. Code § 2025.480(b);

10 WHEREAS, Plaintiffs and the Department agree that these unique circumstances present
11 good cause for an expedited schedule for briefing and hearing Plaintiffs' Proposed Motion;

12 IT IS THEREFORE STIPULATED AND AGREED by the undersigned parties, subject to
13 the Court's approval, as follows:

- 14 - Plaintiffs may file Plaintiffs' Motion to Compel Compliance with Records Subpoena
15 once this order is entered;
- 16 - Any party who wishes to file a response, including the Sacramento Police Department,
17 shall do so no later than 9:00 a.m. on February 11, 2026;
- 18 - No replies shall be filed; and
- 19 - If necessary, Plaintiffs' Motion to Compel Compliance with Records Subpoena will be
20 heard at the Case Management Conference before this Court on February 13, 2026 at
21 10:30 a.m.

22
23 Dated: February 5, 2026

**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**

/s/ Robert J. Nelson

Robert J. Nelson

*Attorneys for Plaintiffs Kelley and Denis
O'Sullivan*

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Dated: February 5, 2026

**OFFICE OF THE SACRAMENTO CITY
ATTORNEY**

/s/ Beau Parkhurst
Beau Parkhurst
*Attorneys for Third Party SACRAMENTO
POLICE DEPARTMENT*

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[PROPOSED] ORDER

Having reviewed the parties' stipulation and for good cause shown, it is hereby ORDERED that:

- Plaintiffs may file Plaintiffs' Motion to Compel Compliance with Records Subpoena once this order is entered;
- Any party who wishes to file a response, including the Sacramento Police Department, shall do so no later than 9:00 a.m. on February 11, 2026;
- No replies shall be filed; and
- If necessary, Plaintiffs' Motion to Compel Compliance with Records Subpoena will be heard at the Case Management Conference before this Court on February 13, 2026 at 10:30 a.m.

Date: _____

Hon. Lauri A. Damrell
Judge of the Superior Court

EXHIBIT A

1 Robert J. Nelson (State Bar No. 2999217)
2 Caitlin M. Woods (State Bar No. 335601)
3 Lieff Cabraser Heimann & Bernstein, LLP
4 275 Battery Street, 29th Floor
5 San Francisco, CA 94111-3339
6 Telephone: 415.956.1000
7 Facsimile: 415.956.1008
8 rnelson@lchb.com
9 cwoods@lchb.com

10 *Attorneys for Plaintiffs*

Philip Bangle (admitted *pro hac vice*)
Brady: United Against Gun Violence
840 First Street, NE Suite 400
Washington, DC 20002
Telephone: 202-370-8100
Facsimile: 202-898-8100
pbangle@bradyunited.org

Attorneys for Plaintiffs

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

KELLEY and DENIS O’SULLIVAN, in
their Individual Capacity and KELLY
O’SULLIVAN as Administrator of the
Estate of TARA O’SULLIVAN, Deceased,

Plaintiffs,

vs.

GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET, et al.,

Defendants.

Case No. 34-2021-00302934-CU-PO-GDS

[Assigned to the Honorable Judge Lauri A.
Damrell; Dept. 22]

**[PROPOSED] NOTICE OF MOTION AND
MOTION TO COMPEL COMPLIANCE
WITH RECORDS SUBPOENA**

Date: February 13, 2026

Time: 10:30 a.m.

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE:** On February 13, 2026 at 10:30 a.m., or as soon thereafter as
4 the matter may be heard, in Department 22 of the above-captioned Court, located at 720 9th Street,
5 Sacramento, CA 95814, Plaintiffs Kelley and Denis O’Sullivan (“Plaintiffs”) will and hereby do
6 move for an order compelling the Sacramento Police Department (“SPD”) to comply with
7 Plaintiffs’ third-party records subpoena. The motion will be made on the grounds that, given the
8 sensitive nature of the items to be produced for inspection pursuant to the subpoena, SPD is
9 unwilling to comply with the subpoena absent a court order. The motion is based on this notice,
10 the accompanying memorandum of points and authorities, the declaration of Caitlin M. Woods in
11 support of the motion, the records and file herein, and any other such matters as may be presented
12 to the Court at the time of the scheduled hearing.

13 **NOTICE OF TENTATIVE RULING SYSTEM:** Pursuant to Local Rule 1.06 (A) the
14 court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before
15 the hearing. The complete text of the tentative rulings for the department may be downloaded off
16 the court’s website. If the party does not have online access, they may call the dedicated phone
17 number for the department as referenced in the local telephone directory between the hours of
18 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If
19 you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no
20 hearing will be held.

21
22 DATED: **TBD**

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

23 /s/ Robert J. Nelson
24 Robert J. Nelson

BRADY: UNITED AGAINST GUN VIOLENCE

25 /s/ Philip Bangle
26 Philip Bangle

27 *Attorneys for Plaintiffs*
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1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS’**
2 **MOTION TO COMPEL COMPLIANCE WITH RECORDS SUBPOENA**

3
4 **I. INTRODUCTION**

5 As previewed in the parties’ January 29, 2026 Case Management Conference Statement,
6 Plaintiffs seek an order compelling the Sacramento Police Department (“SPD”) to comply with a
7 records subpoena served upon SPD’s counsel on January 22, 2026.¹ Plaintiffs anticipate no
8 objection to the present motion from any of the Defendants in this matter, nor from any of the
9 parties in the related criminal prosecution, nor from SPD.

10 **II. BACKGROUND**

11 On June 19, 2019, an individual wielding multiple firearms, including “ghost guns”²,
12 killed Plaintiffs’ daughter, Sacramento Police Officer Tara O’Sullivan while Officer O’Sullivan
13 was acting in the line of duty. On June 17, 2021, Plaintiffs filed the Complaint in this action,
14 seeking to hold Defendants—manufacturers of “ghost gun” products—accountable for their
15 reckless business practices. In the Complaint, Plaintiffs committed to “make all reasonable efforts
16 through discovery and use of experts to make a good faith determination as to which of
17 DEFENDANTS’ ‘ghost gun’ products killed TARA O’SULLIVAN,” but noted that if such a
18 determination could not be made due to the untraceable nature of these products, Defendants’
19 damages in the event of liability could be awarded “consistent with each DEFENDANT’s market
20 share at the time of the shooting.”

21 Since filing of the Complaint, this action has been largely stayed because critical
22 evidence—including, as relevant here, the firearms used in the rampage that killed Officer
23 O’Sullivan—has been unavailable pending resolution of the prosecution of the shooter.
24 Declaration of Caitlin M. Woods (“Decl.”) at ¶ 2. After sentencing concluded in the criminal
25 prosecution action in late June 2025, the parties began working with the Sacramento City
26

27 ¹ In a separate filing, Plaintiffs and SPD have stipulated that Plaintiffs need not wait 60 days to file the present
28 motion. *See* Cal. Civ. Code § 2025.480(b).

² “Ghost guns” refer to firearm-related parts that are easily assembled by consumers into fully functional weapons,
designed to evade background check and serialization requirements for traditional firearms.
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1 Attorney's office (as counsel for the Sacramento Police Department, which has custody of the at-
2 issue evidence) to discuss how and when the parties in this civil action can gain access. Decl. at ¶
3 3. Through a lengthy negotiation process between the parties in this matter, counsel for the People
4 and the defendant in the criminal matter, and counsel for SPD, all agreed upon language for a
5 business records subpoena detailing the conditions for such an inspection. Decl. at ¶ 4. On
6 January 22, 2026, Plaintiffs served the subpoena with the negotiated language regarding the
7 inspection conditions on counsel for SPD. *See* Decl., Ex. A. On January 27, 2026, counsel for
8 SPD confirmed that SPD requires a court order to comply with the subpoena because of the
9 sensitive nature of the evidence to be inspected, but otherwise has no objection to proceeding as
10 described in the subpoena. Decl. at ¶ 6.

11 **III. STANDARD**

12 Any party may obtain discovery regarding any non-privileged matter that is relevant to the
13 subject matter of the pending action or to the determination of any motion made in that action, if
14 the matter either is itself admissible or appears reasonably calculated to lead to the discovery of
15 admissible evidence. Cal. Civ. Code § 2017.010. In civil litigation, discovery may be obtained
16 from a nonparty through a deposition subpoena. *Id.* § 2031.010(b). A deposition for the
17 production of business records directs a nonparty's custodian of records to make the original
18 records available to the subpoenaing party for inspection and copying at the witness' business
19 address. *Id.* § 2020.010(a)(3), 2020.430(e). If the custodian fails to produce the items specified in
20 the deposition subpoena, the subpoenaing party may move the court for an order compelling
21 production. *Id.* § 2026.480(a). Such a motion must set forth specific facts showing good cause
22 justifying the discovery sought by the demand. *Id.* § 2031.310.

23 **IV. ARGUMENT**

24 *First*, Plaintiffs' subpoena is unopposed. The situation here is unusual: SPD has no
25 substantive objection to producing the discovery sought for Plaintiffs' inspection and copying.
26 Rather, it is SPD's position that the sensitive nature of the discovery—evidence in a capital
27 murder conviction, for which the criminal defendant may one day file an appeal—warrants a
28 court order compelling compliance. In other words, it is only out of an abundance of caution to

1 preserve the record for the criminal prosecution in the event of appeal that SPD has requested
2 Plaintiffs to file this motion. In fact, the language in the subpoena detailing the inspection
3 conditions was crafted through a collaborative process between the parties in this civil matter, as
4 well as counsel for the People and the defendant in the criminal matter, as well as counsel for
5 SPD. SPD has advised that once the Court issues an order compelling SPD's compliance with
6 Plaintiffs' subpoena, these groups will again work cooperatively to set a mutually agreeable date
7 for the inspection.

8 *Second*, the discovery sought—the “ghost gun(s)” that was discharged during the rampage
9 that killed Plaintiffs' daughter—is essential. Indeed, it is difficult to conceive of a more important
10 piece of evidence relevant to Plaintiffs' claims. Plaintiffs have waited several years to be able to
11 move forward in this litigation, while also enduring delay after delay in the criminal prosecution
12 against their daughter's murderer. All parties in this civil matter have long agreed that a physical
13 inspection is a critical threshold step, as it may reveal the identity of the manufacturer of the
14 relevant lower receiver, or at least provide additional information as to which Defendants could
15 not have manufactured it. Plaintiffs expect that once the inspection is complete, the remaining
16 parties will finally be able to move forward with setting a schedule for discovery and possible
17 demurrers. Particularly in light of the fact that SPD has no substantive objection to allowing the
18 parties' inspection to proceed under the conditions set forth in Plaintiffs' subpoena, the critical
19 nature of the evidence at issue easily provides good cause for an order compelling SPD to
20 comply.

21 **V. CONCLUSION**

22 For the foregoing reasons, Plaintiffs respectfully request that the Court enter an order
23 compelling the Sacramento Police Department to comply with Plaintiffs' records subpoena.
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DATED: TBD

**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**

/s/ Robert J. Nelson _____
Robert J. Nelson

DATED: TBD

**BRADY: UNITED AGAINST GUN
VIOLENCE**

/s/ Philip Bangle _____
Philip Bangle

Attorneys for Plaintiffs