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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]*

**NOTICE OF MOTION AND MOTION TO
COMPEL COMPLIANCE WITH
RECORDS SUBPOENA**

Date: February 20, 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 20, 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: February 12, 2026

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**

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4 **I. INTRODUCTION**

5 As previewed in the parties’ January 29, 2026 Case Management Conference Statement,
6 and pursuant to the Court’s February 11, 2026 Order Granting Stipulation Regarding Motion to
7 Compel, Plaintiffs seek an order compelling the Sacramento Police Department (“SPD”) to
8 comply with a records subpoena served upon SPD’s counsel on January 22, 2026.¹ Plaintiffs
9 anticipate no objection to the present motion from any of the Defendants in this matter, nor from
10 any of the parties in the related criminal prosecution, nor from SPD.

11 **II. BACKGROUND**

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

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

27 ¹ Plaintiffs and SPD have stipulated that Plaintiffs need not wait 60 days to file the present motion. *See* Cal. Civ.
Code § 2025.480(b). The Court granted the parties’ stipulation to this effect on February 11, 2026.

28 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.

1 prosecution action in late June 2025, the parties began working with the Sacramento City
2 Attorney’s office (as counsel for the Sacramento Police Department, which has custody of the at-
3 issue evidence) to discuss how and when the parties in this civil action can gain access. Decl. at ¶
4 3. Through a lengthy negotiation process between the parties in this matter, counsel for the People
5 and the defendant in the criminal matter, and counsel for SPD, all agreed upon language for a
6 business records subpoena detailing the conditions for such an inspection. Decl. at ¶ 4. On
7 January 22, 2026, Plaintiffs served the subpoena with the negotiated language regarding the
8 inspection conditions on counsel for SPD. *See* Decl., Ex. A. On January 27, 2026, counsel for
9 SPD confirmed that SPD requires a court order to comply with the subpoena because of the
10 sensitive nature of the evidence to be inspected, but otherwise has no objection to proceeding as
11 described in the subpoena. Decl. at ¶ 6.

12 **III. STANDARD**

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

24 **IV. ARGUMENT**

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

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

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

22 **V. CONCLUSION**

23 For the foregoing reasons, Plaintiffs respectfully request that the Court enter an order
24 compelling the Sacramento Police Department to comply with Plaintiffs' records subpoena.
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DATED: February 12, 2026

**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**

/s/ Robert J. Nelson
Robert J. Nelson

DATED: February 12, 2026

**BRADY: UNITED AGAINST GUN
VIOLENCE**

/s/ Philip Bangle
Philip Bangle

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SACRAMENTO

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

13 Plaintiffs,

14 vs.

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

17 Defendants.

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

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

PROOF OF SERVICE

Date: February 20, 2026

Time: 10:30 a.m.

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20 **PROOF OF SERVICE**

21 I am a citizen of the United States and a resident of the County of Alameda, State of
22 California. I am over the age of 18 years and not a party to the within action; my business mailing
23 address is 275 Battery St, 29th Floor, San Francisco, California 94111.

24 On February 12, 2026, I served the following document(s) entitled:

25 **NOTICE OF MOTION AND MOTION TO COMPEL COMPLIANCE WITH RECORDS
26 SUBPOENA, DECLARATION OF CAITLIN M. WOODS IN SUPPORT OF MOTION TO
COMPEL COMPLIANCE WITH RECORDS SUBPOENA AND PROPOSED ORDER**

27 on all interested parties to this action in the manner described as follows:
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X	(VIA PROCESS SERVER) I caused to be transmitted via electronic version of the document(s) listed above to the electronic address(es) set forth below via OneLegal through the service feature at www.onelegal.com .
X	(VIA U.S. MAIL) By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Menlo Park, California addressed as set forth below.

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(VIA REGULAR MAIL ONLY)

(VIA REGULAR MAIL ONLY)

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

Executed on February 12, 2026 at Oakland, California.

/s/ Caitlin M. Woods
Caitlin M. Woods