

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE THIRD APPELLATE DISTRICT

DAVID GENTRY; JAMES PARKER;
MARK MIDLAM; JAMES BASS; AND
CALGUNS SHOOTING SPORTS
ASSOCIATION,

Case No. C089655

PLAINTIFFS AND APPELLANTS,

v.

XAVIER BECERRA, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL FOR
THE STATE OF CALIFORNIA; STEPHEN
LINDLEY, IN HIS OFFICIAL CAPACITY AS
ACTING CHIEF OF THE CALIFORNIA
DEPARTMENT OF JUSTICE; BETTY T.
YEE, IN HER OFFICIAL CAPACITY AS
STATE CONTROLLER; AND DOES 1-10,

DEFENDANTS AND RESPONDENTS.

**APPELLANTS' APPENDIX
VOLUME XII OF XVI
(Pages 2998 to 3289 of 4059)**

Superior Court of California, County of Sacramento
Case No. 34-2013-80001667
Honorable Judge Richard K. Sueyoshi

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INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
VOLUME I		
10/16/2013	Petition for Writ of Mandate	26
02/17/2015	Motion to Compel Further Responses to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum of Points and Authorities in Support	48
02/17/2015	Declaration of Scott M. Franklin in Support of Motion to Compel Further Responses to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	61
02/17/2015	Motion to Compel Further Responses to Request for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum of Points and Authorities in Support	139
02/17/2015	Declaration of Scott M. Franklin in Support of Motion to Compel Further Responses to Request for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	152
03/06/2015	Respondents' Answer to Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandamus	230
04/06/2015	Defendants' Opposition to Plaintiffs' Motions to Compel	238
04/14/2015	Reply in Support of Motions to Compel Further Responses to (1) Request for Admissions, Set One, and (2) Form Interrogatories, Set One, Both Propounded on Defendants Kamala Harris and Stephen Lindley	255
04/14/2015	Declaration of Scott M. Franklin in Support of Reply in Support of Motions to Compel Further Responses to (1) Request for Admissions, Set One, and (2) Form Interrogatories, Set One, Both Propounded on Defendants Kamala Harris and Stephen Lindley	266

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
04/20/2015	Stipulation and Joint Application Re: Expedited Dispute Resolution Procedure Re: Documents Withheld Under Privilege Claims in Response to Plaintiffs' Requests for Production of Documents (Set One), Propounded on Defendants Kamala Harris and Stephen Lindley; Order	274
05/01/2015	Defendants' Notice of Motion and Motion for Judgment on the Pleadings	276
05/01/2015	Defendants' Memorandum of Points and Authorities in Support of Motion for Judgment on the Pleadings	279
VOLUME II		
05/04/2015	Brief in Support of Request for Production of Withheld Documents via Expedited Disputed Resolution Procedure; [Proposed] Order	317
05/04/2015	Declaration of Scott M. Franklin in Support of Request for Production of Withheld Documents via Expedited Disputed Resolution Procedure	327
05/04/2015	Defendants' Brief Regarding In Camera Discovery Proceeding	372
05/04/2015	Declaration of David Harper in Support of Defendants' Brief Regarding In Camera Discovery Proceeding	390
05/05/2015	Corrected Plaintiffs' Brief in Support of Request for Production of Documents via Expedited Dispute Resolution Procedure	395
05/11/2015	Plaintiffs' Reply to Defendants' Brief Regarding In Camera Discovery Proceedings	404
05/19/2015	Plaintiffs' Opposition to Defendants' Motion for Judgment on the Pleadings	408
05/19/2015	Declaration of Scott M. Franklin in Support of Opposition to Defendants' Motion for Judgment on the Pleadings	421

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
05/29/2015	Defendants' Reply in Support of Motion for Judgment on the Pleadings	509
06/01/2015	Ruling on Request for Production of Withheld Documents via Expedited Dispute Resolution Procedure	518
06/02/2015	Plaintiffs' Request for Judicial Notice in Support of Opposition to Defendants' Motion for Judgment on the Pleadings	523
07/20/2015	Order After Hearing	528
08/07/2015	Plaintiffs' Supplemental Brief in Response to Order of July 20, 2015	533
08/07/2015	Defendants' Supplemental Brief	539
08/31/2015	Ruling After Additional Briefs; Motion for Judgment on the Pleadings, Motion to Compel Additional Responses to Form Interrogatories, and Motion to Compel Further Responses to Request for Admissions	547
12/30/2015	First Amended Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandamus	551
01/22/2016	Stipulation Re: Expedited Dispute Resolution Procedure Regarding Disputed Discovery Responses Previously Deemed Moot and Renewed Motions Currently Scheduled for Hearing on February 19, 2016	579

VOLUME III

01/22/2016	Plaintiffs' Notice of Renewed Motion and Renewed Motion to Compel Further Responses to Request for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum in Support Thereof	612
01/22/2016	Declaration of Scott M. Franklin in Support of Renewed Motion to Compel Further Responses to Requests for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	620

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
01/22/2016	Plaintiffs' Notice of Renewed Motion and Renewed Motion to Compel Further Responses to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum in Support Thereof	805

VOLUME IV

01/22/2016	Declaration of Scott M. Franklin in Support of Renewed Motion to Compel Further Responses to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	840
01/25/2016	Notice of Errata Re: Declaration of Scott M. Franklin in Support of Renewed Motion to Compel Further Response to Request for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	1025
01/25/2016	Notice of Errata Re: Declaration of Scott M. Franklin in Support of Renewed Motion to Compel Further Response to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	1058
01/29/2016	Respondents' Answer to First Amended Complaint and Petition for Writ of Mandamus	1084
04/20/2016	Joint Statement Identifying Specific Discovery Requests at Issue Re: Expedited Dispute Resolution Procedure Regarding Disputed Discovery Responses Previously Deemed Moot and Renewed Motions	1093

VOLUME V

04/20/2016	Appendix of Discovery Request and Disputed Responses Thereto Re: Joint Statement Concerning Renewed Discovery	1138
04/25/2016	Plaintiffs' Notice of Motion and Motion to Compel Further Responses to Requests for Production, Set Three, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum in Support Thereof	1145

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
04/25/2016	Plaintiffs' Request for Judicial Notice in Support of Motion to Compel Further Responses to Request for Production of Documents, Set Three Propounded on Defendants Kamala Harris and Stephen Lindley	1166
04/25/2016	Declaration of Scott M. Franklin in Support of Motion to Compel Further Responses to Request for Production, Set Three, Propounded on Defendants Kamala Harris and Stephen Lindley	1171
04/25/2016	Plaintiffs' Notice of Motion and Motion to Compel Further Responses to Special Interrogatories, Set Three, Propounded on Defendants Kamala Harris and Stephen Lindley	1206
04/25/2016	Plaintiffs' Request for Judicial Notice in Support of Motion to Compel Further Responses to Special Interrogatories, Set Three, Propounded on Defendants Kamala Harris and Stephen Lindley	1224
04/25/2016	Declaration of Scott M. Franklin in Support of Motion to Compel Further Responses to Special Interrogatories, Set Three Propounded on Defendants Kamala Harris and Stephen Lindley	1228
05/31/2016	Ruling on Submitted Matter: Renewed Motion to Compel Additional Responses to Form Interrogatories, and Motion to Compel Further Responses to Request for Admissions	1273
10/17/2016	Defendants' Opposition to Plaintiffs' Motions to Compel	1281
10/17/2016	Declaration of Stephen Lindley in Support of Defendants' Opposition to Plaintiffs' Motions to Compel	1296
10/17/2016	Declaration of David Harper in Support of Defendants' Opposition to Plaintiffs' Motions to Compel	1301
10/21/2016	Reply in Response to Defendants' Opposition to Plaintiffs' Motions to Compel	1308

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
10/21/2016	Plaintiffs' Evidentiary Objections to the Declarations of David Harper and Stephen Lindley in Support of Defendants' Opposition to Plaintiffs' Motions to Compel	1320
10/21/2016	Declaration of Scott M. Franklin in Support of Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motions to Compel	1331
11/04/2016	Stipulation Re: Bifurcation and Setting Partial Merits Hearing; Order	1342
03/15/2017	Amended Stipulation Re: Bifurcation and Setting Partial Merits Hearing; Order	1350
05/24/2017	Second Amended Stipulation Re: Bifurcation and Setting Partial Merits Hearing; Order	1353
06/08/2017	Stipulation and Order Re: Bifurcation	1357
06/12/2017	Notice of Motion for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action Pursuant to the Bifurcation Order of November 4, 2016	1360
06/13/2017	Notice of Motion and Motion for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action Pursuant to the Bifurcation Order of November 4, 2016	1363
06/13/2017	Defendants' Notice of Motion and Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	1389

VOLUME VI

06/13/2017	Memorandum of Points and Authorities in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	1418
06/13/2017	Separate Statement of Undisputed Facts in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	1446

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
06/13/2017	Declaration of Anthony R. Hakl in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action [Part 1 of 2]	1452
VOLUME VII		
06/13/2017	Declaration of Anthony R. Hakl in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action [Part 2 of 2]	1663
VOLUME VIII		
06/14/2017	Declaration of Scott M. Franklin in Support of Motion for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action Pursuant to Bifurcation Order of November 4, 2016	1893
06/14/2017	Plaintiffs' Separate Statement in Support of Motion for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action Pursuant to Bifurcation Order of November 4, 2016	2148
VOLUME IX		
06/30/2017	Memorandum of Points and Authorities in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	2188
06/30/2017	Plaintiffs' Separate Statement in Opposition to Defendants' Motion for Summary Adjudication	2210
06/30/2017	Plaintiffs' Evidence in Opposition to Defendants' Motion for Summary Adjudication; Declaration of Scott M. Franklin in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Adjudication	2220
06/30/2017	Opposition to Plaintiffs' Motion for Adjudication of the Fifth and Ninth Causes of Action	2241
06/30/2017	Defendants' Response to Plaintiffs' Separate Statement in Support of Motion for Adjudication	2252

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
06/30/2017	Declaration of Anthony R. Hakl in Support of Opposition to Plaintiffs' Motion for Adjudication of the Fifth and Ninth Causes of Action	2275
07/21/2017	Reply in Support of Plaintiffs' Motion for Adjudication of Fifth and Ninth Causes of Action	2417
07/21/2017	Request for Judicial Notice in Support of Plaintiffs' Motion for Adjudication of Fifth and Ninth Causes of Action	2432

VOLUME X

07/21/2017	Supplemental Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Adjudication of Fifth and Ninth Causes of Action	2461
07/21/2017	Reply in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	2492
07/21/2017	Defendants' Response to Plaintiffs' Additional Material Facts	2503
08/03/2017	Tentative Ruling on Motions for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action	2508
08/09/2017	Ruling on Submitted Matter: Motions for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action	2516
10/12/2017	Plaintiffs' Notice of Motion to Compel Additional Responses to Request for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley	2527
10/12/2017	Plaintiffs' Motion to Compel Additional Responses to Request for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley	2530
10/12/2017	Declaration of Scott M. Franklin in Support of Plaintiffs' Motion to Compel Additional Responses to Request for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley	2548

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
10/12/2017	Plaintiffs' Notice of Motion to Compel Additional Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley	2564
10/12/2017	Plaintiffs' Motion to Compel Additional Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley	2567
10/12/2017	Declaration of Scott M. Franklin in Support of Plaintiffs' Motion to Compel Additional Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley	2581
10/13/2017	Plaintiffs' Notice of Errata Re: Notice of Motion to Compel Additional Responses to: [1] Requests for Admissions (Set Three) and [2] Special Interrogatories (Set Four)	2597
10/13/2017	Plaintiffs' Amended Notice of Motion to Compel Additional Responses to Request for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley and for Sanctions	2600
10/13/2017	Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Sanctions Re: Defendants' Responses to Requests for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley	2603
10/13/2017	Plaintiffs Amended Notice of Motion to Compel Additional Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley and for Sanctions	2607
10/13/2017	Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Sanctions Re: Defendants' Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley	2610
10/23/2017	Defendants' Opposition to Plaintiffs' Motions to Compel	2614

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
10/27/2017	Plaintiffs' Reply in Support of Motions to Compel Additional Responses to: [1] Requests for Admissions (Set Three) and [2] Special Interrogatories (Set Four)	2641
10/27/2017	Supplemental Declaration of Scott M. Franklin in Support of Plaintiffs' Reply in Support of Motions to Compel Additional Responses to: [1] Requests for Admissions (Set Three) and [2] Special Interrogatories (Set Four)	2655
11/03/2017	Tentative Ruling on Motions to Compel Additional Responses to Request for Admission (Set Three), Special Interrogatories (Set Four), and for Sanctions	2672
11/03/2017	Ruling on Motions to Compel Additional Responses to Request for Admission (Set Three), Special Interrogatories (Set Four), and for Sanctions	2677
01/30/2018	Plaintiffs' Opening Trial Brief	2683
VOLUME XI		
01/30/2018	Declaration of Scott M. Franklin in Support of Plaintiffs' Opening Trial Brief	2744
02/20/2018	Defendants' Opposition Brief	2959
VOLUME XII		
02/20/2018	Declaration of Anthony R. Hakl in Support of Defendants' Opposition Brief	3023
03/01/2018	Reply in Support of Plaintiffs' Opening Trial Brief	3251
05/31/2018	Plaintiffs' Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3278

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
VOLUME XIII		
05/31/2018	Declaration of Scott M. Franklin in Support of Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3315
06/11/2018	Defendants' Opposition to Plaintiffs' Motion for Leave to File a Second Amended Complaint	3373
06/15/2018	Plaintiffs' Reply in Support of Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3387
06/15/2018	Supplemental Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3402
06/21/2018	Second Supplemental Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3414
08/21/2018	Order Regarding Reserved Hearing Date of August 24, 2018 (Plaintiffs' Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus)	3419
12/04/2018	Plaintiffs' Opening Trial Brief	3422
VOLUME XIV		
12/04/2018	Declaration of Scott M. Franklin in Support of Plaintiffs' Opening Trial Brief	3478
12/24/2018	Defendants' Opposition Brief	3665

INDEX TO APPELLANTS' APPENDIX

CHRONOLOGICAL

DATE	DOCUMENT	PAGE
VOLUME XV		
12/24/2018	Declaration of Anthony R. Hakl in Support of Defendants' Opposition Brief; Exhibits A-P	3727
01/03/2019	Reply in Support of Plaintiffs' Opening Trial Brief	3955
03/04/2019	Ruling on Submitted Matter Re: Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief—Remaining Causes of Action	3981
VOLUME XVI		
04/10/2019	Order on Plaintiffs' First Amendment Petition for Writ and Complaint	4023
04/10/2019	Judgment	4042
05/02/2019	Notice of Entry of Judgment or Order	4044
06/04/2019	Notice of Appeal (Unlimited Civil Case)	4048
08/23/2019	Appellants' Notice Designating the Record	4052
10/08/2019	Notice of Filing of Designation and Notice to Reporters to Prepare Transcripts	4057

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
5	03/15/2017	Amended Stipulation Re: Bifurcation and Setting Partial Merits Hearing; Order	1350
16	08/23/2019	Appellants' Notice Designating the Record	4052
5	04/20/2016	Appendix of Discovery Request and Disputed Responses Thereto Re: Joint Statement Concerning Renewed Discovery	1138
2	05/04/2015	Brief in Support of Request for Production of Withheld Documents via Expedited Disputed Resolution Procedure; [Proposed] Order	317
2	05/05/2015	Corrected Plaintiffs' Brief in Support of Request for Production of Documents via Expedited Dispute Resolution Procedure	395
6	06/13/2017	Declaration of Anthony R. Hakl in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action [Part 1 of 2]	1452
7	06/13/2017	Declaration of Anthony R. Hakl in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action [Part 2 of 2]	1663
12	02/20/2018	Declaration of Anthony R. Hakl in Support of Defendants' Opposition Brief	3023
15	12/24/2018	Declaration of Anthony R. Hakl in Support of Defendants' Opposition Brief; Exhibits A-P	3727
9	06/30/2017	Declaration of Anthony R. Hakl in Support of Opposition to Plaintiffs' Motion for Adjudication of the Fifth and Ninth Causes of Action	2275
2	05/04/2015	Declaration of David Harper in Support of Defendants' Brief Regarding In Camera Discovery Proceeding	390
5	10/17/2016	Declaration of David Harper in Support of Defendants' Opposition to Plaintiffs' Motions to Compel	1301

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
8	06/14/2017	Declaration of Scott M. Franklin in Support of Motion for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action Pursuant to Bifurcation Order of November 4, 2016	1893
13	05/31/2018	Declaration of Scott M. Franklin in Support of Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3315
1	02/17/2015	Declaration of Scott M. Franklin in Support of Motion to Compel Further Responses to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	61
1	02/17/2015	Declaration of Scott M. Franklin in Support of Motion to Compel Further Responses to Request for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	152
5	04/25/2016	Declaration of Scott M. Franklin in Support of Motion to Compel Further Responses to Request for Production, Set Three, Propounded on Defendants Kamala Harris and Stephen Lindley	1171
5	04/25/2016	Declaration of Scott M. Franklin in Support of Motion to Compel Further Responses to Special Interrogatories, Set Three Propounded on Defendants Kamala Harris and Stephen Lindley	1228
2	05/19/2015	Declaration of Scott M. Franklin in Support of Opposition to Defendants' Motion for Judgment on the Pleadings	421
10	10/12/2017	Declaration of Scott M. Franklin in Support of Plaintiffs' Motion to Compel Additional Responses to Request for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley	2548

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
10	10/12/2017	Declaration of Scott M. Franklin in Support of Plaintiffs' Motion to Compel Additional Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley	2581
10	10/13/2017	Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Sanctions Re: Defendants' Responses to Requests for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley	2603
10	10/13/2017	Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Sanctions Re: Defendants' Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley	2610
11	01/30/2018	Declaration of Scott M. Franklin in Support of Plaintiffs' Opening Trial Brief	2744
14	12/04/2018	Declaration of Scott M. Franklin in Support of Plaintiffs' Opening Trial Brief	3478
5	10/21/2016	Declaration of Scott M. Franklin in Support of Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motions to Compel	1331
3	01/22/2016	Declaration of Scott M. Franklin in Support of Renewed Motion to Compel Further Responses to Requests for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	620
4	01/22/2016	Declaration of Scott M. Franklin in Support of Renewed Motion to Compel Further Responses to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	840

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
1	04/14/2015	Declaration of Scott M. Franklin in Support of Reply in Support of Motions to Compel Further Responses to (1) Request for Admissions, Set One, and (2) Form Interrogatories, Set One, Both Propounded on Defendants Kamala Harris and Stephen Lindley	266
2	05/04/2015	Declaration of Scott M. Franklin in Support of Request for Production of Withheld Documents via Expedited Disputed Resolution Procedure	327
5	10/17/2016	Declaration of Stephen Lindley in Support of Defendants' Opposition to Plaintiffs' Motions to Compel	1296
2	05/04/2015	Defendants' Brief Regarding In Camera Discovery Proceeding	372
1	05/01/2015	Defendants' Memorandum of Points and Authorities in Support of Motion for Judgment on the Pleadings	279
1	05/01/2015	Defendants' Notice of Motion and Motion for Judgment on the Pleadings	276
5	06/13/2017	Defendants' Notice of Motion and Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	1389
11	02/20/2018	Defendants' Opposition Brief	2959
14	12/24/2018	Defendants' Opposition Brief	3665
13	06/11/2018	Defendants' Opposition to Plaintiffs' Motion for Leave to File a Second Amended Complaint	3373
1	04/06/2015	Defendants' Opposition to Plaintiffs' Motions to Compel	238
5	10/17/2016	Defendants' Opposition to Plaintiffs' Motions to Compel	1281
10	10/23/2017	Defendants' Opposition to Plaintiffs' Motions to Compel	2614

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
2	05/29/2015	Defendants' Reply in Support of Motion for Judgment on the Pleadings	509
10	07/21/2017	Defendants' Response to Plaintiffs' Additional Material Facts	2503
9	06/30/2017	Defendants' Response to Plaintiffs' Separate Statement in Support of Motion for Adjudication	2252
2	08/07/2015	Defendants' Supplemental Brief	539
2	12/30/2015	First Amended Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandamus	551
4	04/20/2016	Joint Statement Identifying Specific Discovery Requests at Issue Re: Expedited Dispute Resolution Procedure Regarding Disputed Discovery Responses Previously Deemed Moot and Renewed Motions	1093
16	04/10/2019	Judgment	4042
6	06/13/2017	Memorandum of Points and Authorities in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	1418
9	06/30/2017	Memorandum of Points and Authorities in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	2188
1	02/17/2015	Motion to Compel Further Responses to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum of Points and Authorities in Support	48
1	02/17/2015	Motion to Compel Further Responses to Request for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum of Points and Authorities in Support	139

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
16	06/04/2019	Notice of Appeal (Unlimited Civil Case)	4048
16	05/02/2019	Notice of Entry of Judgment or Order	4044
4	01/25/2016	Notice of Errata Re: Declaration of Scott M. Franklin in Support of Renewed Motion to Compel Further Response to Request for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	1025
4	01/25/2016	Notice of Errata Re: Declaration of Scott M. Franklin in Support of Renewed Motion to Compel Further Response to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley	1058
16	10/08/2019	Notice of Filing of Designation and Notice to Reporters to Prepare Transcripts	4057
5	06/13/2017	Notice of Motion and Motion for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action Pursuant to the Bifurcation Order of November 4, 2016	1363
5	06/12/2017	Notice of Motion for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action Pursuant to the Bifurcation Order of November 4, 2016	1360
9	06/30/2017	Opposition to Plaintiffs' Motion for Adjudication of the Fifth and Ninth Causes of Action	2241
2	07/20/2015	Order After Hearing	528
16	04/10/2019	Order on Plaintiffs' First Amendment Petition for Writ and Complaint	4023
13	08/21/2018	Order Regarding Reserved Hearing Date of August 24, 2018 (Plaintiffs' Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus)	3419

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
1	10/16/2013	Petition for Writ of Mandate	26
10	10/13/2017	Plaintiffs Amended Notice of Motion to Compel Additional Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley and for Sanctions	2607
10	10/13/2017	Plaintiffs' Amended Notice of Motion to Compel Additional Responses to Request for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley and for Sanctions	2600
9	06/30/2017	Plaintiffs' Evidence in Opposition to Defendants' Motion for Summary Adjudication; Declaration of Scott M. Franklin in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Adjudication	2220
5	10/21/2016	Plaintiffs' Evidentiary Objections to the Declarations of David Harper and Stephen Lindley in Support of Defendants' Opposition to Plaintiffs' Motions to Compel	1320
12	05/31/2018	Plaintiffs' Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3278
10	10/12/2017	Plaintiffs' Motion to Compel Additional Responses to Request for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley	2530
10	10/12/2017	Plaintiffs' Motion to Compel Additional Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley	2567
10	10/13/2017	Plaintiffs' Notice of Errata Re: Notice of Motion to Compel Additional Responses to: [1] Requests for Admissions (Set Three) and [2] Special Interrogatories (Set Four)	2597

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
5	04/25/2016	Plaintiffs' Notice of Motion and Motion to Compel Further Responses to Requests for Production, Set Three, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum in Support Thereof	1145
5	04/25/2016	Plaintiffs' Notice of Motion and Motion to Compel Further Responses to Special Interrogatories, Set Three, Propounded on Defendants Kamala Harris and Stephen Lindley	1206
10	10/12/2017	Plaintiffs' Notice of Motion to Compel Additional Responses to Request for Admissions (Set Three) Propounded on Defendants Xavier Becerra and Stephen Lindley	2527
10	10/12/2017	Plaintiffs' Notice of Motion to Compel Additional Responses to Special Interrogatories (Set Four) Propounded on Defendants Xavier Becerra and Stephen Lindley	2564
3	01/22/2016	Plaintiffs' Notice of Renewed Motion and Renewed Motion to Compel Further Responses to Request for Admissions, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum in Support Thereof	612
3	01/22/2016	Plaintiffs' Notice of Renewed Motion and Renewed Motion to Compel Further Responses to Form Interrogatories, Set One, Propounded on Defendants Kamala Harris and Stephen Lindley; Memorandum in Support Thereof	805
10	01/30/2018	Plaintiffs' Opening Trial Brief	2683
13	12/04/2018	Plaintiffs' Opening Trial Brief	3422
2	05/19/2015	Plaintiffs' Opposition to Defendants' Motion for Judgment on the Pleadings	408

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
13	06/15/2018	Plaintiffs' Reply in Support of Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3387
10	10/27/2017	Plaintiffs' Reply in Support of Motions to Compel Additional Responses to: [1] Requests for Admissions (Set Three) and [2] Special Interrogatories (Set Four)	2641
2	05/11/2015	Plaintiffs' Reply to Defendants' Brief Regarding In Camera Discovery Proceedings	404
5	04/25/2016	Plaintiffs' Request for Judicial Notice in Support of Motion to Compel Further Responses to Request for Production of Documents, Set Three Propounded on Defendants Kamala Harris and Stephen Lindley	1166
5	04/25/2016	Plaintiffs' Request for Judicial Notice in Support of Motion to Compel Further Responses to Special Interrogatories, Set Three, Propounded on Defendants Kamala Harris and Stephen Lindley	1224
2	06/02/2015	Plaintiffs' Request for Judicial Notice in Support of Opposition to Defendants' Motion for Judgment on the Pleadings	523
9	06/30/2017	Plaintiffs' Separate Statement in Opposition to Defendants' Motion for Summary Adjudication	2210
8	06/14/2017	Plaintiffs' Separate Statement in Support of Motion for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action Pursuant to Bifurcation Order of November 4, 2016	2148
2	08/07/2015	Plaintiffs' Supplemental Brief in Response to Order of July 20, 2015	533
5	10/21/2016	Reply in Response to Defendants' Opposition to Plaintiffs' Motions to Compel	1308

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
10	07/21/2017	Reply in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	2492
1	04/14/2015	Reply in Support of Motions to Compel Further Responses to (1) Request for Admissions, Set One, and (2) Form Interrogatories, Set One, Both Propounded on Defendants Kamala Harris and Stephen Lindley	255
9	07/21/2017	Reply in Support of Plaintiffs' Motion for Adjudication of Fifth and Ninth Causes of Action	2417
12	03/01/2018	Reply in Support of Plaintiffs' Opening Trial Brief	3251
15	01/03/2019	Reply in Support of Plaintiffs' Opening Trial Brief	3955
9	07/21/2017	Request for Judicial Notice in Support of Plaintiffs' Motion for Adjudication of Fifth and Ninth Causes of Action	2432
1	03/06/2015	Respondents' Answer to Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandamus	230
4	01/29/2016	Respondents' Answer to First Amended Complaint and Petition for Writ of Mandamus	1084
2	08/31/2015	Ruling After Additional Briefs; Motion for Judgment on the Pleadings, Motion to Compel Additional Responses to Form Interrogatories, and Motion to Compel Further Responses to Request for Admissions	547
10	11/03/2017	Ruling on Motions to Compel Additional Responses to Request for Admission (Set Three), Special Interrogatories (Set Four), and for Sanctions	2677

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
2	06/01/2015	Ruling on Request for Production of Withheld Documents via Expedited Dispute Resolution Procedure	518
15	03/04/2019	Ruling on Submitted Matter Re: Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief—Remaining Causes of Action	3981
10	08/09/2017	Ruling on Submitted Matter: Motions for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action	2516
5	05/31/2016	Ruling on Submitted Matter: Renewed Motion to Compel Additional Responses to Form Interrogatories, and Motion to Compel Further Responses to Request for Admissions	1273
5	05/24/2017	Second Amended Stipulation Re: Bifurcation and Setting Partial Merits Hearing; Order	1353
13	06/21/2018	Second Supplemental Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3414
6	06/13/2017	Separate Statement of Undisputed Facts in Support of Defendants' Motion for Summary Adjudication as to the Fifth and Ninth Causes of Action	1446
1	04/20/2015	Stipulation and Joint Application Re: Expedited Dispute Resolution Procedure Re: Documents Withheld Under Privilege Claims in Response to Plaintiffs' Requests for Production of Documents (Set One), Propounded on Defendants Kamala Harris and Stephen Lindley; Order	274
5	06/08/2017	Stipulation and Order Re: Bifurcation	1357
5	11/04/2016	Stipulation Re: Bifurcation and Setting Partial Merits Hearing; Order	1342

INDEX TO APPELLANTS' APPENDIX

ALPHABETICAL

VOL	DATE	DOCUMENT	PAGE
2	01/22/2016	Stipulation Re: Expedited Dispute Resolution Procedure Regarding Disputed Discovery Responses Previously Deemed Moot and Renewed Motions Currently Scheduled for Hearing on February 19, 2016	579
10	07/21/2017	Supplemental Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Adjudication of Fifth and Ninth Causes of Action	2461
10	10/27/2017	Supplemental Declaration of Scott M. Franklin in Support of Plaintiffs' Reply in Support of Motions to Compel Additional Responses to: [1] Requests for Admissions (Set Three) and [2] Special Interrogatories (Set Four)	2655
13	06/15/2018	Supplemental Declaration of Scott M. Franklin in Support of Plaintiffs' Motion for Leave to File Second Amended Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of Mandamus	3402
10	08/03/2017	Tentative Ruling on Motions for Adjudication of Plaintiffs' Fifth and Ninth Causes of Action	2508
10	11/03/2017	Tentative Ruling on Motions to Compel Additional Responses to Request for Admission (Set Three), Special Interrogatories (Set Four), and for Sanctions	2672

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*Exempt from Filing Fees Pursuant to
Government Code §6103*

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

10
11
12
13 **DAVID GENTRY, JAMES PARKER,
MARK MID LAM, JAMES BASS, and
14 CALGUNS SHOOTING SPORTS
ASSOCIATION,**

15 Plaintiffs and Petitioners,

16 v.

17
18 **XAVIER BECERRA, in his official capacity
as Attorney General for the State of
19 California; STEPHEN LINDLEY, in his
official capacity as Director of the California
20 Department of Justice Bureau of Firearms;
BETTY T. YEE, in her official capacity as
21 State Controller, and DOES 1-10,**

22 Defendants and Respondents.
23
24
25
26
27
28

Case No. 34-2013-80001667

**DECLARATION OF ANTHONY R.
HAKL IN SUPPORT OF DEFENDANTS'
OPPOSITION BRIEF**

Date: March 16, 2018
Time: 9:00 a.m.
Dept: 28
Judge: The Honorable Richard K.
Sueyoshi
Action Filed: October 16, 2013

1 11. Attached as Exhibit J is a true and correct copy of:
2 [http://myemail.constantcontact.com/CALIFORNIA-ALERT-SYSTEM-----CALGUNS-GLOCK-](http://myemail.constantcontact.com/CALIFORNIA-ALERT-SYSTEM-----CALGUNS-GLOCK-CHALLENGE-II-.html?soid=1103432343344&aid=Chv1PODTq3U)
3 [CHALLENGE-II-.html?soid=1103432343344&aid=Chv1PODTq3U](http://myemail.constantcontact.com/CALIFORNIA-ALERT-SYSTEM-----CALGUNS-GLOCK-CHALLENGE-II-.html?soid=1103432343344&aid=Chv1PODTq3U) [as of Feb. 13, 2018].

4 12. Attached as Exhibit K is a true and correct copy of:
5 <https://www.facebook.com/calguns/posts/402605069824860> [as of Feb. 13, 2018].

6 13. Attached as Exhibit L is a true and correct copy of: <http://cgssa.org/about-us/> [as
7 of Feb. 13, 2018].

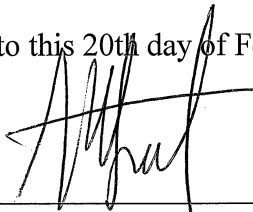
8 14. Attached as Exhibit M is a true and correct copy of:
9 <https://firearmtraining.nra.org/become-an-instructor/> [as of Feb. 13, 2018].

10 15. Attached as Exhibit N is a true and correct copy of the chart titled “DEALER
11 RECORD OF SALE TRANSACTIONS.” A copy of this publicly-available data is also available
12 at: https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/dros_chart.pdf.

13 16. Attached as Exhibit O is a true and correct copy of a portion of defendants’
14 document production to plaintiffs in this case.

15 17. Attached as Exhibit P is a true and correct copy of an excel spreadsheet prepared
16 by DOJ expanding upon the DROS transaction information contained in Exhibit N. This
17 information is accurate to the best of my knowledge, information, and belief.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct. Signed and sworn to this 20th day of February, 2018, at
20 Sacramento, California.



ANTHONY R. HAKL

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EXHIBIT A

1 C. D. Michel - S.B.N. 144258
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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
11 **FRESNO BRANCH COURTHOUSE**

12 BARRY BAUER, STEPHEN) CASE NO.
WARKENTIN, NICOLE FERRY,)
13 LELAND ADLEY, JEFFREY)
HACKER, NATIONAL RIFLE) **COMPLAINT FOR DECLARATORY**
14 ASSOCIATION OF AMERICA,) **AND INJUNCTIVE RELIEF**
INC., CALIFORNIA RIFLE PISTOL)
15 ASSOCIATION FOUNDATION,) **42 U.S.C. sections 1983, 1988**
HERB BAUER SPORTING GOODS,)
16 INC.)

17 Plaintiffs

18 vs.
19 KAMALA HARRIS, in Her Official
Capacity as Attorney General For the
State of California; STEPHEN
20 LINDLEY, in His Official Capacity
as Acting Chief for the California
21 Department of Justice, and DOES 1-
10.

22 Defendants.
23

24
25 **PLAINTIFFS**, by and through their undersigned attorneys, bring this
26 Complaint for Declaratory and Injunctive Relief against the above-named
27 Defendants, their employees, agents, and successors in office, and in support
28 thereof allege the following:

INTRODUCTION

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1. When a would-be firearm purchaser wishes to obtain a firearm in California, state law generally requires the buyer to process the transaction through a federally licensed California firearm dealer (an “FFL”).

2. In doing so, the would-be purchaser must, among other things, fill out a Dealer’s Record of Sale (“DROS”) form, the information from which is used by the California Department of Justice (“DOJ”) to conduct an extensive background check on the would-be purchaser before he or she can take possession of any firearm.

3. California statutory law confers on DOJ¹ the authority, subject to some discretion, to impose multiple, separate “fees” on the purchasers of firearms. DOJ imposes and collects these fees through firearm retailers, and currently exercises that discretion by charging firearm purchasers the maximum amounts provided for by certain statutes.

4. PLAINTIFFS bring this suit to challenge the constitutionality and legality of the “fees” imposed under those statutes and levied on the purchase or transfer of firearms; specifically, California Penal Code sections 12076(e) [Revised Penal Code section 28255(a)-(c)], 12076.5 [28300(c)], 12088.9 [23690(a)], and 12805(e) [31650(c)] (collectively, the “Challenged Fees”).²

5. To some extent the amount of some “fees” are set at the discretion of, DOJ but in all cases the “fees” are enforced and collected by DOJ through an FFL

¹ DEFENDANTS, being sued in their official capacity as heads of the DOJ, and DOJ being under DEFENDANTS’ control, all references to “DOJ” herein should be construed as a reference to DEFENDANTS.

² Pursuant to the Legislature’s enactment of Assembly Concurrent Resolution 73 (McCarthy) 2006, which authorized a Non-Substantive Reorganization of California’s Deadly Weapons Statutes, various California Penal Code sections will be renumbered, effective January 1, 2012. For convenience and ease of reference, the corresponding “renumbered” code section for each referenced Penal Code section is provided in brackets.

1 regulated by DOJ.

2 6. The accounts containing the revenues amassed from the Challenged Fees,
3 which DOJ manages, run a multi-million dollar surplus, even though constitutional
4 principles and governing law limit such government assessments to the reasonable
5 cost of regulating the actual activity on which the “fee” is imposed (i.e., the
6 clearance of the firearm purchaser).

7 7. Each of the Challenged Fees unconstitutionally infringes on
8 PLAINTIFFS’ right to keep and bear arms under the Second Amendment to the
9 United States Constitution. PLAINTIFFS and other lawful firearm purchasers are
10 subjected to these excessive “fees” as a prerequisite to exercising a fundamental
11 right, and the windfall revenues from the “fees” are used by DEFENDANTS to
12 finance state law enforcement activities unrelated to the regulation of the lawful
13 purchase of firearms, or the clearance of firearm purchasers.

14 8. For similar reasons, each of the Challenged “Fees” is not really a “fee” at
15 all, but an illegal tax enacted and imposed in violation of the California
16 Constitution.

17 9. PLAINTIFFS seek declaratory and injunctive relief to invalidate and halt
18 DOJ’s current imposition of the Challenged Fees.

19 **JURISDICTION and VENUE**

20 10. Jurisdiction of this action is founded on 28 U.S.C. §§ 1331, 1343, and
21 1367, in that this action arises under the Constitution and laws of the United States,
22 and under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983, in that this action seeks to
23 redress the deprivation, under color of the laws, statutes, ordinances, regulations,
24 customs, and usages of the State of California and political subdivisions thereof, of
25 rights, privileges, or immunities secured by the United States Constitution and by
26 Acts of Congress.

27 11. The Court has supplemental jurisdiction over PLAINTIFFS’ state law
28 claims asserted herein under 28 U.S.C. § 1367 because such claims arise out of the

1 same case or controversy as the federal claims.

2 12. PLAINTIFFS' claims for declaratory and injunctive relief are authorized
3 by 28 U.S.C. §§ 2201 and 2202.

4 13. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) because
5 a substantial part of the events or omissions giving rise to the claims occurred in
6 this district.

7 **PARTIES**

8 **I. Plaintiffs**

9 14. Plaintiff BARRY BAUER is a resident, property owner, and taxpayer of
10 Fresno, California. Within the last five years, Plaintiff BAUER has lawfully
11 purchased firearms, including both handguns and long-guns.

12 15. Plaintiff BAUER is the "Responsible Person"³ on the Federal Firearms
13 License of FFL Plaintiff HERB BAUER SPORTING GOODS, INC. As such,
14 Plaintiff BAUER is subjected to being fingerprinted and background checked by
15 the Federal Firearms Licensing Center every three (3) years upon license renewal,
16 and annually subjected to at least one additional background check by California
17 DOJ to obtain a Certificate of Eligibility, - which the "Responsible Person" for a
18 licensed dealer must obtain to be on the Central List of Firearms Dealers (which is
19 required to sell firearms in California) - and possibly a second background check as
20 part of his annual application for a second-hand dealer permit.⁴

21 _____
22 ³ ATF defines a "responsible person" as "a sole proprietor, partner, or anyone having the
23 power to direct the management, policies, and practices of the business as it pertains to firearms.
24 In a corporation this includes corporate officers, shareholders, board members, or any other
25 employee with the legal authority described above." Bureau of Alcohol, Tobacco, Firearms and
26 Explosives Online - Firearms - How To - Become An FFL, [http://www.atf.gov/firearms/how-to/
become-an-ffl.html](http://www.atf.gov/firearms/how-to/become-an-ffl.html) (last visited Aug. 24, 2011); see also Instruction Sheet for ATF Form 7
(5310.12) (Application for Federal Firearms License) at # 10, *available at*
<http://www.atf.gov/forms/download/atf-f-5310-12.pdf>.

27 ⁴ These background checks on Plaintiff BAUER are in addition to the background check
28 on him by DOJ for the renewal of his permit to carry a concealed handgun, pursuant to California
Penal Code section 12050 every two years.

1 16. Despite being so thoroughly checked as a Responsible Person, for each of
2 his transactions, Plaintiff BAUER has still had to pay all “fees” California imposes
3 on firearm transfers.

4 17. Plaintiffs STEPHEN WARKENTIN and JEFFREY HACKER are
5 residents, property owners, and taxpayers of Fresno, California. Within the last five
6 years, each has purchased multiple firearms from both an FFL and a private party,
7 through an FFL as required by California Penal Code § 12070 [26500]. These
8 transactions have consisted of both handguns and long-guns. Some of these
9 transactions involved a single firearm, while others involved multiple handguns
10 (by way of private party transfers), multiple long-guns, and a combination of a
11 handgun and a long-gun.

12 18. For each of their transactions, Plaintiffs WARKENTIN and HACKER
13 have paid all “fees” California requires for firearm transfers described below.
14 Accordingly, each of them has paid \$50 in state fees for a transaction including a
15 single handgun and a single long-gun, \$46 for a transaction including two
16 handguns, and \$25 for transactions involving a single firearm or multiple long-
17 guns.⁵ Plaintiffs WARKENTIN and HACKER have had to pay the Challenged
18 Fees multiple times in the same year, and, in some cases, the same month. Also,
19 within the last five years, Plaintiffs WARKENTIN and HACKER have each had to
20 pay California’s \$15 fee to obtain a Handgun Safety Certificate.

21 19. Plaintiff NICOLE FERRY is a resident of Fresno, California. Within the
22 last five years, Plaintiff FERRY has purchased handguns from an FFL for
23 self-defense and target practice. For each of her transactions, Plaintiff FERRY has
24 paid all “fees” California requires for firearm transfers described below. Plaintiff
25 FERRY has had to pay California’s fees for firearm transfers more than once in the
26

27 ⁵ See OVERVIEW OF REGULATORY SCHEME, Section II. B - “State Fees Imposed
28 on Firearm Sales and Transfers” for an explanation and breakdown of each of these “fee”
amounts.

1 same year. Also within the last five years, Plaintiff FERRY has had to pay
2 California's \$15 fee to obtain a Handgun Safety Certificate.

3 20. Plaintiff LELAND ADLEY is a resident, property owner, and taxpayer of
4 Fresno, California. Within the last five years, Plaintiff ADLEY has purchased
5 multiple firearms from both an FFL and a private party, through an FFL as required
6 by California Penal Code § 12070 [26500], including both handguns and
7 long-guns.

8 21. For each of his transactions, Plaintiff ADLEY paid all "fees" California
9 requires for firearm transfers described below. Plaintiff ADLEY has had to pay
10 California's "fees" for firearm transfers multiple times in the same year. Also
11 within the last five years, Plaintiff ADLEY has had to pay California's \$15 "fee" to
12 obtain a Handgun Safety Certificate.

13 22. Plaintiff NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.
14 (hereafter "NRA") is a non-profit association incorporated under the laws of New
15 York, with its principal place of business in Fairfax, Virginia. NRA has a
16 membership of approximately 4 million persons. The purposes of NRA include
17 protection of the right of law-abiding citizens to keep and bear firearms for the
18 lawful defense of their families, persons, and property, and from unlawful
19 government regulations and preconditions placed on the exercise of that right.
20 NRA brings this action on behalf of itself and its hundreds of thousands of
21 members in California, including Plaintiffs BAUER, WARKENTIN, ADLEY, and
22 HACKER, who are subjected to the Challenged Fees.

23 23. Plaintiff CALIFORNIA RIFLE AND PISTOL ASSOCIATION
24 FOUNDATION ("CRPA FOUNDATION") is a non-profit entity classified under
25 section 501(c)(3) of the Internal Revenue Code and incorporated under California
26 law, with headquarters in Fullerton, California. Contributions to the CRPA
27 FOUNDATION are used for the direct benefit of Californians. Funds contributed
28 to and granted by CRPA FOUNDATION benefit a wide variety of constituencies

1 throughout California, including gun collectors, hunters, target shooters, law
2 enforcement, and those who choose to own a firearm to defend themselves and
3 their families. The CRPA FOUNDATION seeks to: raise awareness about
4 unconstitutional laws, defend and expand the legal recognition of the rights
5 protected by the Second Amendment, promote firearms and hunting safety, protect
6 hunting rights, enhance marksmanship skills of those participating in shooting
7 sports, and educate the general public about firearms. The CRPA FOUNDATION
8 supports law enforcement and various charitable, educational, scientific, and other
9 firearms-related public interest activities that support and defend the Second
10 Amendment rights of all law-abiding Americans.

11 24. In this suit, the CRPA FOUNDATION represents the interests of its many
12 citizen and taxpayer members and members of its related association the California
13 Rifle and Pistol Association who reside in California and who wish to sell or
14 purchase firearms, or who have sold or purchased firearms, and have been charged
15 “fees” imposed by the laws of the State of California associated with those
16 transactions. These members are too numerous to conveniently bring this action
17 individually. The CRPA FOUNDATION and the individuals whose interests are
18 represented by the CRPA FOUNDATION have been, are being, and will in the
19 future be affected by DEFENDANTS’ imposition of these “fees.”

20 25. Plaintiff HERB BAUER SPORTING GOODS, INC., is a California
21 corporation with its principal place of business in the County of Fresno, California.
22 It is a licensed firearms dealer under both federal and California law (i.e., an FFL)
23 that sells a variety of firearms, including both long-guns and handguns. California
24 law requires Plaintiff HERB BAUER to collect the Challenged Fees for DOJ, at
25 DOJ’s direction, from firearm transferees. Accordingly, Plaintiff HERB BAUER is
26 injured by its being forced to facilitate DEFENDANTS’ unlawful “fee” collection
27 activities.

28 26. The individual PLAINTIFFS identified above are citizens and taxpayers

1 of California from the City and County of Fresno who have been required to pay
2 the Challenged Fees in violation of their rights and applicable law.

3 27. Each of the associational PLAINTIFFS identified above has individual
4 members who are citizens and taxpayers of California, including in Fresno County,
5 who have an acute interest in purchasing firearms and do not wish to pay unlawful
6 fees, taxes, or other costs associated with that purchase and thus have standing to
7 seek declaratory and injunctive relief to halt or reduce the imposition or charging
8 of unconstitutional fees or taxes. The interests of these members are germane to
9 their respective associations' purposes; and neither the claims asserted nor the
10 relief requested herein requires their members participate in this lawsuit
11 individually.

12 **II. Defendants**

13 28. Defendant KAMALA HARRIS is the Attorney General of California. She
14 is the chief law enforcement officer of California, and is charged by Article V,
15 Section 13 of the California Constitution with the duty to inform the general public
16 and to supervise and instruct local prosecutors and law enforcement agencies
17 regarding the meaning of the laws of the State, including the Challenged Fees, and
18 to ensure the fair, uniform and consistent enforcement of those laws throughout the
19 state. She is sued in her official capacity.

20 29. Defendant STEPHEN LINDLEY is the Acting Chief of the DOJ Bureau
21 of Firearms and, as such, is responsible for executing, interpreting, and enforcing
22 the laws of the State of California – as well as its customs, practices, and policies –
23 at issue in this lawsuit. He is sued in his official capacity.

24 30. Defendants HARRIS and LINDLEY (collectively “DEFENDANTS”) are
25 responsible for administering and enforcing the Challenged Fees, are in fact
26 presently enforcing the challenge provision against PLAINTIFFS, and will
27 continue to enforce the Challenged Fees against PLAINTIFFS.

28 31. The true names or capacities, whether individual, corporate, associate or

1 otherwise of the DEFENDANTS named herein as DOES 1-10, are presently
2 unknown to PLAINTIFFS, who therefore sue said DEFENDANTS by such
3 fictitious names. PLAINTIFFS pray for leave to amend this Complaint and Petition
4 to show the true names, capacities, and/or liabilities of DOE Defendants if and
5 when they have been determined.

6 OVERVIEW OF REGULATORY SCHEME

7 I. Constitutional Provisions

8 32. The Second Amendment to the United States Constitution provides: “A
9 well regulated militia, being necessary to the security of a free State, the right of
10 the people to keep and bear arms, shall not be infringed.” U.S. Const. Amend. II.

11 33. The United States Supreme Court recently held in *District of Columbia v.*
12 *Heller*, 554 U.S. 570 (2008), that the Second Amendment of the United States
13 Constitution protects an individual civil right to possess firearms for self-defense.

14 34. The Court soon thereafter held in *McDonald v. Chicago*, 130 S. Ct. 3020
15 (2010), that the Second Amendment is incorporated through the Due Process
16 clause of the 14th Amendment to restrict state and local governments from
17 infringing on the individual right to keep and bears arms, and made clear the right
18 is a fundamental one.

19 35. Several courts, including a panel of the Ninth Circuit Court of Appeals in
20 *Nordyke v. King*, 664 F.3d 776 (9th Cir. 2011), have concluded that the right to
21 keep and bear arms for self-defense implies a corresponding right to acquire
22 firearms. *See also Ezell v. City of Chicago*, 2011 WL 2623511, *14 (July 6, 2011).

23 36. In *Cox v. New Hampshire*, 312 U.S. 569 (1941), the United States
24 Supreme Court held that fees levied on regulated speech activities must be only of
25 amounts necessary to “meet[] the expense incident to the administration of the Act
26 and to the maintenance of public order *in the matter licensed*.” (emphasis added.)
27 Any additional charge above and beyond that rate would be invalid.

28 37. In *Murdock v. Pennsylvania*, 319 U.S. 105 (1943), the United States

1 Supreme Court clarified the bounds of the *Cox* holding, indicating that when
2 constitutionally protected activity is being regulated, States may impose a fee only
3 “as a regulatory measure and calculated to defray the expenses of policing the
4 activities in question.” It is not permissible to impose “a flat license tax levied and
5 collected as a condition” to the “enjoyment of a right granted by the Federal
6 Constitution” and “unrelated to the scope of the activities of [the payer of the fee].”

7 38. In *Forsythe County v. Nationalist Movement*, 505 U.S. 123 (1992), the
8 Court further clarified the issue of when it is permissible to charge fees regulating
9 constitutionally protected conduct, indicating that a State or locality may impose a
10 tax or fee on constitutionally protected conduct, as long as it bears a sufficient
11 relationship to a legitimate state interest.

12 **II. California Law**

13 **A. Regulating the Imposition of Taxes and Fees**

14 39. Section 3 of Article XIII A of the California Constitution (hereafter
15 “Section 3”), originally passed in 1978 as Proposition 13 (and later amended by
16 Proposition 26 below), provided:

17 From and after the effective date of this article, any changes in state taxes
18 enacted for the purpose of increasing revenues collected pursuant thereto
19 whether by increased rates or changes in method of computation must be
20 imposed by an Act passed by not less than two-thirds of all members
elected to each of the two houses of the Legislature, except that no new
ad valorem taxes on real property, or sales or transaction taxes on the
sales of real property may be imposed.

21 40. In *Sinclair Paint Co. v. State Board of Equalization*, 15 Cal. 4th 866,
22 (1997), the California Supreme Court established the test for determining whether
23 an assessment is a “tax” under Section 3, holding it is *not* a “tax” unless: (1) the
24 amount exceeds the “reasonable cost” of providing services related to the
25 regulatory activity for which the charge was imposed, (2) the charge is levied for
26 unrelated revenue purposes, or (3) there is no relationship or nexus between the
27 activities or operations of the fee payer and the regulatory activities to be supported
28 by the fee.

1 41. Proposition 26 (2010) amended Section 3 to clarify what constitutes a
2 “tax” under California law. It essentially incorporated the principles of *Sinclair*
3 *Paint Co.* and its progeny, ending the previously common legislative and
4 regulatory shell-game of levying a tax under the guise of a regulatory “fee.”
5 Proposition 26’s most relevant amendment to Section 3 for purposes of this lawsuit
6 is the following:

7
8 The State bears the burden of proving by a preponderance of the evidence
9 that a levy, charge, or other exaction is not a tax, that the amount is no
10 more than necessary to cover the reasonable costs of the governmental
activity, and that the manner in which those costs are allocated to a payor
bear a fair or reasonable relationship to the payor’s burdens on, or
benefits received from, the governmental activity.

11 Cal. Const. art. XIII A, § 3(d).

12 **B. State Fees Imposed on Firearm Sales and Transfers**

13 **1. The Dealer’s Record of Sale (DROS) “Fee”⁶**

14 42. California Penal Code section 12076, subdivisions (e) [28225(a)-(c)], (f)
15 [28230], (g) [28235], and (i) [28240(a)-(b)], establish the “fees” associated with a
16 DROS, and govern what the funds collected therefrom can be used for.

17 43. Subdivision (e) of Penal Code section 12076 [28225(a)] provides
18 (emphasis added):

19 The [DOJ] *may* require the [FFL] to charge each firearm purchaser a
20 fee not to exceed fourteen dollars (\$14), except that the fee may be
21 increased at a rate not to exceed any increase in the California
Consumer Price Index as compiled and reported by the Department of
Industrial Relations.

22 44. It further provides that “[t]he fee shall be no more than is necessary to
23 fund” the activities enumerated at Penal Code section 12076(e)(1)-(9)
24 [28255(a),(b)(1)-(10)].

25 45. Subdivision (e)(10) [28225(b)(11)], enacted by Assembly Bill 161 (2003),
26

27 ⁶ The “fees” DOJ charges pursuant to California Code of Regulations, Title 11, Section
28 4001, and Penal Code sections 12076(e) [28225(a)-(c)], 12076(f)(1)(B) [28230(a)(2)], discussed
herein, shall be referred to as the “DROS ‘fee’” throughout.

1 purports to authorize the DOJ to use revenues from the DROS “fee” to fund “the
2 estimated reasonable costs of [DOJ] firearms-related regulatory and enforcement
3 activities related to the sale, purchase, loan, or transfer of firearms.”

4 46. Penal Code section 12076(f)(1)(B) [28230(a)(2)] further provides for DOJ
5 to use “fee” revenues for “the actual processing costs associated with the
6 submission of a [DROS] to the [DOJ].”

7 47. Subsection (g) of 12076 [28235] provides:

8 All money received by the [DOJ] pursuant to this section shall be
9 deposited in the Dealer’s Record of Sale Special Account of the
10 General Fund, which is hereby created, to be available, upon
11 appropriation by the Legislature, for expenditure by the [DOJ] to
12 offset the costs incurred pursuant to this section, paragraph (1) and
subparagraph (D) of paragraph (2) of subdivision (f) of Section
12072, Sections 12083 and 12099, subdivision (c) of Section
12131, Sections 12234, 12289, and 12289.5, and subdivisions (f)
and (g) of Section 12305.

13 48. The activities covered in the Penal Code sections referenced by Subsection
14 (g) of 12076 [28235] include: (1) the California FFL Check Program (Cal. Penal
15 Code § 12072(f)(1)) [27555]; (2) a public education program pertaining to
16 importers of personal handguns (Cal. Penal Code § 12072(f)(2)(D)) [27560(d)]; (3)
17 the Centralized List of Exempted FFLs (Cal. Penal Code § 12083) [28450]; (4)
18 inspections of Short-Barreled Long Gun Permit-Holders (Cal. Penal Code § 12099)
19 [33320]; (5) retesting of handguns certified as “not unsafe” (Cal. Penal Code §
20 12131(c) [32020]; (6) inspections of Machine Gun Permit-Holders (Cal. Penal
21 Code § 12234) [32670]; (7) public education program regarding registration of
22 “assault weapons” (Cal. Penal Code § 12289) [31115]; (8) inspections of “Assault
23 Weapon” Permit-Holders (Cal. Penal Code § 12289.5) [31110]; and (9) inspections
24 of “Destructive Device” Permit- Holders (Cal. Penal Code § 12305(f)-(g)) [19000].

25 49. Penal Code section 12076(i)(1) [28240(a)] mandates that the DOJ shall
26 charge only one DROS “fee” for a single transaction on the same date for any
27 number of firearms that are not handguns (i.e., long-guns).

28 50. Where an individual purchases a handgun and any number of long-guns at

1 the same time, DOJ charges the purchaser a full “DROS “fee” *for each* transaction.

2 51. Penal Code section 12076(i)(2) [28240(b)], provides that, in a single
3 transaction on the same date for the delivery of any number of handguns, the DOJ
4 must charge a reduced DROS “fee” for any additional handguns that are part of that
5 same transaction.

6 52. The DOJ promulgated California Code of Regulations, title 11, section
7 4001 increasing the cap on the DROS “fee” from \$14 to \$19 for the first handgun
8 in a single transaction, and for one or more rifles or shotguns in a single
9 transaction. And, DOJ capped the DROS “fee” for each additional *handgun* being
10 purchased at the same time as the first handgun at \$15.

11 53. The provisions conferring authority on DOJ to charge the DROS “fee”
12 (Sections 12076(e) [28225(a)] & (f)(1)(B)) [28230(a)(2)] do not require DOJ to
13 charge the maximum amount allowed for under that statute, or to even charge *any*
14 “fee” at all.

15 54. DOJ requires DROS “fees” for almost *all* firearm sales by an FFL as well
16 as private party transfers of firearms (which must generally be processed through
17 an FFL).

18 55. Pursuant to statute, revenue from the DROS “fee” is supposed to be
19 deposited into the DROS Special Account of the General Fund (“DROS Special
20 Account”). Cal. Pen. Code § 12076(g) [28235].

21 56. Revenue placed in the DROS Special Account is generated from the
22 various different “fees” provided for in the Penal Code, covering a myriad of
23 unique programs.

24 57. For example, revenues collected from fees for registration of “assault
25 weapons” and .50 BMG rifles (Cal. Pen. Code § 12285(a) & (b)) [30900-30905],
26 concealed weapon permit applications (Cal. Pen. Code § 12054) [26190(a)-(b)],
27 “Assault Weapon” Permits (Cal. Pen. Code §§ 12286-12287) [31000-31105],
28 Destructive Device Permits (Cal. Pen. Code § 12305(e)) [18905], among other fees,

1 are placed in the DROS Special Account.

2 **2. Firearms Safety and Enforcement Special Fund “Fees”**

3 **a. The Handgun Safety Certificate Exam “Fee” (\$15)**

4 58. A would-be handgun purchaser must obtain a Handgun Safety Certificate
5 (“HSC”) before a handgun may be legally purchased.

6 59. To obtain an HSC, a certified instructor (usually the FFL) administers a
7 test. Upon passage of the test, an individual receives an HSC, which is valid for
8 five (5) years.

9 60. Penal Code section 12805(e) [31650(c)] provides: “The [DOJ] may charge
10 the certified instructor up to fifteen dollars (\$15) for each handgun safety certificate
11 issued by that instructor to cover the [DOJ’s] cost in carrying out and enforcing this
12 article, and enforcing this title, as determined annually by the [DOJ].” The \$15 fee
13 (“HSC Exam “fee”) is generally charged to the exam taker by the FFL, as allowed
14 by law.

15 61. “This title,” as used in section 12805(e) [31650(c)], includes all manner of
16 laws regulating “deadly weapons,” including not only handguns and long-guns, but
17 also “unsafe handguns,” machine guns, “assault weapons,” destructive devices,
18 ammunition, boobytraps, body armor, tear gas, silencers, and “less lethal devices.”
19 *See* Title 2. Control of Deadly Weapons, Cal. Penal Code §§ 12000 [16850], *et seq.*

20 62. Section 12805(e) [31650(c)], the statute conferring authority on DOJ to
21 charge the HSC Exam “fee”, does not require the DOJ charge the maximum
22 amount authorized under that statute, or to even charge *any* “fee” at all.

23 **b. The Section 12076.5 [28300] “Fee”**

24 63. California Penal Code section 12076.5 [28300] provides:

25 (a) The Firearms Safety and Enforcement Special Fund is hereby
26 established in the State Treasury and shall be administered by the [DOJ].
27 Notwithstanding Section 13340 of the Government Code, all moneys in
28 the fund are continuously appropriated to the [DOJ] without regard to
fiscal years for the purpose of implementing and enforcing the provisions
of Article 8 (commencing with Section 12800), as added by the Statutes
of 2001, enforcing the provisions of this title, and for the establishment,

1 maintenance and upgrading of equipment and services necessary for
2 firearms dealers to comply with Section 12077 [28150-28180].

3 (b) The [DOJ] *may* require firearms dealers to charge each person
4 who obtains a firearm a fee not to exceed five dollars (\$5) for each
5 transaction. Revenues from this fee shall be deposited in the Firearms
6 Safety and Enforcement Special Fund.

7 64. The “provisions of Article 8,” enforcement of which is funded, at least in
8 part, by the Section 12076.5 [28300] “fee,” concern the Handgun Safety Certificate
9 Program provided for in sections 12800 [31610], *et seq.*

10 65. The title referred to in section 12076.5 [28300], i.e., Title 2. Control of
11 Deadly Weapons, Cal. Penal Code §§ 12000 [16850], *et seq.* (enforcement of
12 which is funded, at least in part, by the Section 12076.5 [28300] “fee,”) covers all
13 manner of laws regulating “deadly weapons,” including not only handguns and
14 long-guns, but also “unsafe handguns,” machine guns, “assault weapons,”
15 destructive devices, ammunition, boobytraps, body armor, tear gas, silencers, and
16 less lethal devices.

17 66. Section 12076.5 [28300] does not require the DOJ to charge the maximum
18 amount authorized under that statute (*i.e.*, \$5), or to even charge *any* fee at all.

19 3. Firearm Safety Account “Fee” (\$1)

20 Penal Code section 12088.9 [23690] provides:

21 (a) The [DOJ] *may* require each dealer to charge each
22 firearm purchaser or transferee a fee not to exceed one dollar
23 (\$1) for each firearm transaction. The fee shall be for the
24 purpose of supporting [DOJ] program costs related to this act,
25 including the establishment, maintenance, and upgrading of
26 related data base systems and public rosters.

27 (b) There is hereby created within the General Fund the
28 Firearm Safety Account. Revenue from the fee imposed by
subdivision (a) shall be deposited into the Firearm Safety
Account and shall be available for expenditure by the [DOJ]
upon appropriation by the Legislature. Expenditures from the
Firearm Safety Account shall be limited to program
expenditures as defined by subdivision (a).

67. There is *no* provision in California law *requiring* DOJ to charge this fee at
all.

1 68. With few exceptions, DEFENDANTS currently require that all transfers
2 of any firearm, whether a handgun or a long-gun, be subject to this \$1 fee.

3
4 **C. Legislative History of the DROS “Fee” and Management of the
DROS Special Account**

5 69. The origins of the DROS system and its related “fees” are believed to go
6 back to sometime in the 1920s.

7 70. The amount of a DROS “fee” in and around the year 1990 was \$4.25. *See*
8 S. 670, 1995-1996 Leg. Sess. (Cal. 1995) (as introduced Feb. 22, 1995).

9 71. By 1995, the DROS “fee” had ballooned to \$14.00, an increase of greater
10 than 300 percent in less than five years. S. 670, 1995-1996 Reg. Sess. (Cal. 1995)
11 (as introduced Feb. 22, 1995).

12 72. In 1995, the California Legislature passed Senate Bills 670 and 671 to cap
13 the rate for a DROS “fee” at \$14.00, with increases “at a rate not to exceed any
14 increase in the California Consumer Price Index.” That amendment is reflected in
15 Penal Code section 12076(e) [28225(a)] described above.

16 73. Senate Bill 670 (1995-1996 Reg. Sess. (Cal. 1995) (as enacted) further
17 prohibited the DOJ from using the “fee” to “directly fund or as a loan to fund any
18 program not specified.”

19 74. In the following years, a trend of appropriating DROS “fee” revenues to
20 pay for additional activities unrelated to the clearance of the purchaser to buy a
21 firearm emerged. A series of bills passed that allowed monies in the DROS Special
22 Account to pay for the ever-expanding list of programs and services found at
23 section 12076(g) [28235].

24 75. For example, Assembly Bill 2080 (2002) established a program to address
25 *illegal firearms trafficking* and authorized its funding from the DROS Special
26 Account. *See* Penal Code §§ 12072(f)(1) [27555], 12076(g) [28235].

27 76. Assembly Bill 2080 passed with less than two-thirds of the vote of all
28 members elected to each of the two houses of the Legislature.

1 77. Assembly Bill 2580 (2002) specifically amended section 12076(g)
2 [282235] to authorize funding from the DROS Special Account for the inspections
3 of several classes of dangerous weapon permit-holders. *See* Cal. Penal Code §§
4 12076(g) [28235], 12099 [33320] [inspections of short-barreled long gun permit-
5 holders], 12234 [inspections of machine gun permit-holders], 12289.5 [31110]
6 [inspections of “assault weapon” permit-holder], 12305(f)-(g) [19000] [inspections
7 of destructive devices permit-holders].

8 78. Assembly Bill 2580 passed with less than two-thirds of the vote of all
9 members elected to each of the two houses of the Legislature.

10 79. Assembly Bill 2902 (2002) specifically amended section 12076(g)
11 [28235] to authorize funding for the maintenance of the Centralized List of
12 Exempted FFLs and the re-testing of handguns deemed “not unsafe.” *See* Cal.
13 Penal Code §§ 12076(g) [28235], 12083 [28450], 12131(c) [32020].

14 80. Assembly Bill 2902 passed with less than two-thirds of the vote of all
15 members elected to each of the houses of the Legislature.

16 81. In 2001, Plaintiff NATIONAL RIFLE ASSOCIATION (NRA) requested
17 the Office of California State Auditor (“CSA”) to investigate the DOJ’s operation
18 of the DROS program, believing that DROS Special Account funds were being
19 misused.

20 82. CSA responded to Plaintiff NRA’s request, stating that an audit of the
21 DROS program could only be conducted by request from the Joint Legislative
22 Audit Committee (“JLAC”). Plaintiff NRA then began working with members of
23 the Legislature to prepare a request to JLAC for an audit.

24 83. Before Assembly Bill 2080’s final passage in 2002, the Office of
25 Legislative Counsel was asked by Senator Bill Morrow to opine on whether
26 Assembly Bill 2080 authorized using DROS “fee” revenues, paid by individual
27 firearms transferees, to support Assembly Bill 2080’s purposes. It was further
28 asked whether expending those revenues to support Assembly Bill 2080 would

1 convert the DROS “fee” into an unauthorized “tax.”

2 84. While awaiting the Office of Legislative Counsel’s response to that
3 request, then Assemblyman (now Senator) Rod Wright sought information on the
4 DROS Special Account from the DOJ and Legislative Analyst’s Office from the
5 Assembly Budget Committee. A week later, the Assembly Budget Subcommittee
6 on State Administration ordered the DOJ to submit a report on the DROS Special
7 Account status. *See* 2002 Budget Act, Item 0820-001-0460.

8 85. The first report DOJ submitted to the Assembly Budget Subcommittee on
9 State Administration detailed the status of the DROS Special Account. But no audit
10 of spending was provided.

11 86. Later that year, the Office of Legislative Counsel responded to Senator
12 Morrow’s request regarding whether expending DROS revenues to support
13 Assembly Bill 2080 would convert the DROS “fee” into an unauthorized tax, with
14 the following analysis:

- 15 - Section 12076(e) [28255(b)] provides that the DROS “fee” be no more
16 than is necessary to reimburse designated program purposes and may not
17 be used to fund any other program;
- 18 - Nevertheless, section 12076(g) [28235] identifies other purposes for
19 which funds in the DROS Special Account may be used;
- 20 - Under the rules of statutory construction, section 12076(g) [28235] refers
21 generally to money in the DROS Special Account, rather than specifically
22 to the revenue from the section 12076(e) [28225(a)] DROS “fee”;
- 23 - Because the DROS Special Account contains funds in addition to fees
24 obtained pursuant to 12076(e) [28225(b)(1)-(10)], the purposes of section
25 12076(g) [28235] may be accomplished without the use of 12076(e)
26 [28225(a)] [DROS] funds;
- 27 - Because Assembly Bill 2080 did not amend 12076(e) [28225(a)-(c)] to
28 fund its new purposes, 12076(g) [28235] could not be construed to

1 authorize the expenditure of DROS “fees” for any purpose not specified
2 in 12076(e) [28225(b)];

3 - Because Assembly Bill 2080 would not authorize the expenditure of
4 DROS “fees” for the purposes of Assembly Bill 2080, the bill made no
5 change that would raise the issue whether any unauthorized expenditure
6 of those funds for that new purpose would constitute a “tax” under
7 Section 3.

8 87. The Office of Legislative Counsel’s response provided its explanation on
9 how it believed subsections (e) and (g) of section 12076 [28225(a)-(c) and 28235,
10 respectively] could coexist, but failed to address the crux of the matter of whether
11 any or all of these “fees” were actually “taxes.”

12 88. The DOJ and the Legislative Analyst’s Office then submitted a
13 supplemental report on the status of the DROS Special Account to the Legislature
14 pursuant to the 2002 Budget Act, Item 0820-001-0460. That report summarized the
15 annual DROS Special Account revenues and expenditures, DROS-related
16 programs, DROS application receipt information, the fees then charged, and the
17 average cost of processing each application. Claiming that expert staff and
18 necessary funding were unavailable, however, the report did not provide the
19 necessary comprehensive examination into the DOJ’s fee structure to determine
20 whether the DROS “fee” was recovering actual costs of the DROS program, or
21 what aspects of it, or if adjustments to the amount of the fee were appropriate.

22 89. In 2003, Assembly Bill 161 passed by only 60.2% of the vote of both
23 houses (i.e., significantly *less than two-thirds* of all members elected to each of the
24 two houses of the Legislature).

25 90. Assembly Bill 161 removed the prohibition on using revenues from the
26 DROS “fee” to “directly fund or as a loan to fund any program not specified,”
27 thereby allowing DOJ to use these funds collected firearm transactions for *any*
28 “regulatory and enforcement activit[y] related to the sale, purchase, loan, or

1 transfer of firearms.”⁷

2 91. As Assembly Bill 161 made its way through the legislative process, the
3 Bill’s sponsor argued that it did not expand the use of DROS “fees,” but merely
4 *clarified* their use.⁸

5 92. The Bill Analysis of Assembly Bill 161 also indicates the Legislature
6 relied on the Legislative Counsel’s opinion that DROS “fee” revenues could not be
7 used to fund the activities mandated by Assembly Bill 2080.

8 93. The enactment of section 12076(e)(10) [28225(b)(11)] expanded the
9 scope of section 12076(e) [28225(a)-(c)], providing a “catch-all” to ensure that
10 those programs (i.e., those sections listed in section 12076(g) [28235]) could be
11 supported by DROS “fees” in the DROS Special Account.

12 94. Noting that the DOJ’s previous reports lacked sufficient detail, on January
13 26, 2004, Senator Morrow submitted a written request to the JLAC, seeking a
14 formal audit of the DROS Special Account. That request was heard a month later.⁹

15 95. A year after Assembly Bill 161 passed and expanded the list of activities
16 that DROS funds could be spent on, the DOJ adopted California Code of
17 Regulations, title 11, section 4001, which increased the cap on DROS “fees” as
18 described above. No support was provided by DOJ tying the \$5 increase of the
19 maximum fee (from \$14 to \$19) to the CCPI, nor was any support provided by DOJ
20 justifying the \$15 fee as necessary to cover its costs relating to the sale of an
21 additional handgun.

22 _____
23 ⁷ Found in current Penal Code section 12076(e)(10) [28225(b)(11)].

24 ⁸ See Sen. Comm. on Public Safety, Bill Analysis: Dealers Record of Sale Special
25 Account - Expanding Authorized Use - Appropriation to Fund Firearms Trafficking Prevention
26 Act of 2002, at 10 (July 8, 2003) *available at*
27 http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_0151-0200/ab_161_cfa_20030708_141850_sen_comm.html (last visited July 18, 2011).

28 ⁹ PLAINTIFFS have so far been unable to ascertain the vote or outcome of that February 24, 2004 hearing, despite diligent efforts.

1 96. California Code of Regulations, title 11, section 4001 remained in effect
2 without any attempts by DOJ to amend it to raise or lower the fee, until 2010 when
3 the DOJ issued a notice of proposed rulemaking stating its intent to *lower* the
4 maximum fee allowed from \$19 to the pre-2004 emergency regulation amount of
5 \$14.

6 97. The 2010 initial statement of reasons concerning the proposed rulemaking
7 indicated that “although the volume of DROS transactions has increased, the
8 average time spent on each DROS, and thus the processing cost, has decreased.”¹⁰
9 It also noted that “[t]he proposed regulations [would] lower the current \$19 DROS
10 “fee” to \$14, *commensurate with the actual cost of processing a DROS.*”¹¹
11 (emphasis added).

12 98. Ultimately, the 2010 proposed rulemaking was not adopted, presumably
13 so that DOJ would continue obtaining a windfall from DROS “fee” revenues to
14 fund present and future government activities.¹²

15 99. After rejection of the proposed decrease in the DROS fee, Plaintiff NRA

16
17 ¹⁰ Cal. Dept. of Justice, Initial Statement of Reasons concerning Proposed DROS Fee
18 Regulations (2010), *available at* <http://ag.ca.gov/firearms/regs/DROSIsoor.pdf> (last visited Aug.
24, 2011).

19 ¹¹ *Id.*

20 ¹² The State’s appetite for increased funds to pay for general police work off the backs of
21 gun buyers is insatiable. Senate Bill 819 (Leno) is currently pending in the California Legislature.
22 Senate Bill 819 seeks to again expand the uses to which DROS “fees” may be put, and would
23 expand the use of “fees” to include “costs associated with [DOJ] firearms-related regulatory and
24 enforcement activities regarding possession, in addition to costs associated with the explicitly
25 referenced sale, purchase, loan, or transfer, of firearms.” Assem. Comm. on Appropriations, Bill
26 Analysis: Senate Bill 819, at 1 (July 5, 2011), *available at*
27 [http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_819_cfa_20110705_162650_as](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_819_cfa_20110705_162650_as_m_comm.html)
28 [m_comm.html](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0801-0850/sb_819_cfa_20110705_162650_as_m_comm.html) (last visited Aug. 23, 2011). “To clear the [Armed and Prohibited Persons
System] backlog of approximately 34,000 handguns, [DEFENDANT] Attorney General Harris is
the sponsor of Senate Bill 819, which would revise the Penal Code to *expand* the use of existing
regulatory fees collected by gun dealers to allow the state [DOJ] to use fee revenue to pay for the
APPS program.” Press Release, Office of the Attorney General, Attorney General Kamala D.
Harris Announces Seizure of 1,200 Guns from Mentally Unstable and Other Individuals (June
16, 2011) (emphasis added).

1 submitted a request under the California Public Records Act to the DOJ Bureau of
2 Firearms, seeking all writings constituting, referring or relating to (1) the DOJ's
3 policies and procedures for the handling and management of the DROS Special
4 Account since January 1, 2000, and (2) a detailed accounting of the DROS Special
5 Account for the same period.

6 100. An attorney with the DOJ Bureau of Firearms responded that there was
7 no present way to compile the information sought, that no current audit of the
8 DROS Special Account exists, that an official audit would be required, and that the
9 Legislature has no money to initiate one.

10 101. Plaintiff NRA was provided, however, with a list of services the DOJ
11 Bureau of Firearms provides using monies from the DROS Special Account, a table
12 summarizing the statutory and regulatory authority for the "fees" charged and
13 services provided, a table summarizing DROS Special Account annual revenues
14 and expenditures since 2001, and a summary of the number of long-gun and
15 handgun transactions for which DROS "fees" were collected during the same
16 period.

17 102. In 2011, Plaintiff NRA sent the DOJ a follow-up request under the
18 Public Records Act, seeking records explaining what constituted "DROS
19 enforcement activities" as identified in the table DOJ previously disclosed that
20 summarized its purported authority for the "fees" charged and services provided.
21 Plaintiff NRA also requested other documents, including ledgers identifying
22 individual transactions since 2001. The DOJ again asserted that no such accounting
23 exists, raised numerous privilege grounds, and denied PLAINTIFF NRA's request.

24 **THE FEDERAL BACKGROUND CHECK SYSTEM**

25 103. The federal government has in place the National Instant Criminal
26 Background Check System ("NICS").

27 104. Mandated by the Brady Handgun Violence Prevention Act of 1993 ("the
28 Brady Act"), Public Law 103-159, NICS was established so that an FFL could

1 contact federal agents by telephone or other electronic means and immediately
2 determine whether the transferee is prohibited from receiving firearms under
3 Section 922 (g) or (n) of Title 18, United States Code or state law.

4 105. NICS provides full service to FFLs in 30 states, five U.S. territories, and
5 the District of Columbia.¹³ Located at the FBI's Criminal Justice Information
6 Services (CnS) Division in Clarksburg, West Virginia, NICS processes background
7 checks for the FFLs in those states that have declined to serve as points of contact
8 for NICS. A "point of contact" state is one that conducts for itself all or part of the
9 background checks for that state's FFLs.

10 106. Upon a would-be purchaser's completion of the required federal Form
11 4473, FFLs contact NICS via a toll-free telephone number, or electronically on the
12 Internet through the NICS E-Check System, to request a background check. NICS
13 is customarily available 17 hours a day, seven days a week, including holidays
14 (except for Christmas). The FFL will typically receive a response that the transfer
15 may proceed or is delayed within 30 seconds.

16 107. As a point of contact state that has opted out of the NICS system,
17 California conducts its own background checks for California firearm purchases,
18 for which (at least in part)¹⁴ it charges the DROS "fee."

19 108. In comparison to California's DROS system, a NICS check, as a part of
20 the Criminal Justice Information Services Division of the FBI, costs a firearm
21 purchaser nothing. The background checks conducted by NICS are paid by the
22
23

24
25 ¹³ See FEDERAL BUREAU OF INVESTIGATION, CRIMINAL JUSTICE INFORMATION SERVICES
26 DIVISION, NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) OPERATIONS
27 2010, at 4, *available at*
<http://www.fbi.gov/about-us/cjis/nics/reports/2010-operations-report/2010-operations-report-pdf>,
(last visited August 23, 2011).

28 ¹⁴ *Id.*

1 funds appropriated to the FBI by Congress.¹⁵

2 **GENERAL ALLEGATIONS**

3 109. Individual PLAINTIFFS BAUER, WARKENTIN, HACKER, FERRY,
4 and ADLEY, and those persons represented by organizational PLAINTIFFS NRA
5 and CRPA FOUNDATION, have each been required to, and have in fact paid each
6 and all of the Challenged Fees before taking possession of firearms purchased from
7 an FFL or transferred through an FFL, as a private party transfer.

8 110. The funds from the Challenged Fees PLAINTIFFS paid were ultimately
9 surrendered to DEFENDANTS' control, and deposited into the DROS Special
10 Account.

11 **I. Excessive Fees Are Being Imposed on the Exercise of a Constitutional**
12 **Right**

13 111. The fundamental right to possess firearms for protection includes a
14 corresponding right to acquire a firearm.

15 112. The Challenged "Fees," which DOJ generally requires be paid before a
16 purchaser can acquire a firearm, are unconstitutional and illegal prerequisites on
17 the exercise of the fundamental right to acquire a firearm.

18 113. The Challenged "Fees" are unconstitutional because they are imposed
19 for the purpose of funding, and in fact do fund, activities not reasonably related to
20 any legitimate government interest that concerns the regulation of lawful firearm
21 transactions.

22 114. The Challenged "Fees" are unconstitutional because they are not
23 calculated to defray the expenses of policing activities reasonably related to the
24 legitimate government interests that concern the regulation of lawful firearm
25

26 ¹⁵ Federal Bureau of Investigation, Fiscal Year 2011 Authorization and Budget Request
27 to Congress 4-56 and 4-57, available at [http://www.justice.gov/jmd/2011justification/pdf/fy11-](http://www.justice.gov/jmd/2011justification/pdf/fy11-fbi-justification.pdf)
28 [fbi-justification.pdf](http://www.justice.gov/jmd/2011justification/pdf/fy11-fbi-justification.pdf); see also Bureau of Justice Statistics, Survey of State Procedures Related to
Firearms Sales, 2005, available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/ssprfs05.pdf>., at 3.

1 transactions.

2 **A. The “Fees” Imposed Are Used For Purposes Unrelated to Regulating**
3 **a Legitimate Interest**

4 **1. The “DROS ‘Fee’”**

5 115. DOJ is spending revenues from the DROS “fee” on activities unrelated
6 to any legitimate government interest that concerns the regulation of lawful firearm
7 transactions.

8 116. DEFENDANTS are using revenues from the DROS “fee” to fund all
9 those activities enumerated at section 12076(g) [28235].¹⁶

10 117. The activities listed in 12076(g) [28235]; namely inspections of
11 Short-Barreled Long Gun Permit-holders (Cal. Penal Code § 12099) [33320],
12 retesting of handguns certified as “not unsafe” (Cal. Penal Code § 12131(c))
13 [32020], inspections of Machine Gun Permit-holders (Cal. Penal Code § 12234)
14 [32670], inspections of “Assault Weapon” Permit- holders (Cal. Penal Code §
15 12289.5) [31110], and inspections of Destructive Device Permit-holders (Cal.
16 Penal Code § 12305(f)-(g) [18910], are unrelated to the regulation of lawful
17 firearm purchases and purchasers, like PLAINTIFFS.

18 118. The activities listed in 12076(g) [28235] cannot constitutionally be
19 funded by “fees” paid by lawful firearm purchasers, like PLAINTIFFS.

20 119. Section 12076(g) [28235] - by authorizing the expenditure of revenues
21 from the DROS “fee” on the activities listed therein - on its face places the burden
22 of funding activities that are, unrelated to any legitimate government interest as to
23 the regulation of lawful firearm transactions on lawful firearm purchasers
24 exercising a constitutional right, instead of the general public.

25 120. DOJ is improperly spending revenues from the DROS “fee” on general
26

27 ¹⁶ PLAINTIFFS base this allegation, in part, on the legislative history for 12076(e)(10)
28 [28225(b)(11)] (discussed *supra*), which explained it was passed, among other reasons, to allow
DROS “fee” revenues to be used for the activities listed in 12076(g) [28235].

1 law enforcement activities beyond those listed in 12076(g) [28235], which are
2 unrelated to any legitimate government interest as to the regulation of lawful
3 firearm transactions.

4 **2. The HSC Exam and Section 12076.5 [28300] “Fees”**

5 121. Penal Code Sections 12805(e) [31650(c)] and 12076.5(a) [28300(a)-(b)]
6 – by authorizing the expenditure of revenues from their respective “fee” on
7 enforcing general criminal laws including laws regulating machine guns, “assault
8 weapons,” destructive devices, tear gas, silencers, etc. – on their face, place the
9 burden of funding activities unrelated to any legitimate government interest as to
10 the regulation of lawful firearm transactions on lawful firearm purchasers, instead
11 of the general public.

12 122. Regulation of machine guns, “assault weapons,” destructive devices, tear
13 gas, silencers, etc. bears no reasonable relationship to the regulation of lawful
14 firearm purchases and purchasers, like PLAINTIFFS.

15 123. Many activities provided for in Penal Code Sections 12805(e)
16 [31650(c)] and 12076.5(a) [28300(a)-(b)] – including those regulating machine
17 guns, “assault weapons,” destructive devices, tear gas, silencers, etc. – cannot
18 constitutionally be funded by “fees” charged under this section.

19 124. DOJ is spending revenues from the HSC Exam “fee” on activities
20 unrelated to any legitimate government interest that concerns the regulation of
21 lawful firearm transactions.

22 125. DOJ is spending revenues from the Section 12076.5 [28300(c)] “fee” on
23 activities unrelated to any legitimate government interest that concerns the
24 regulation of lawful firearm transactions.

25 126. Despite being, at least in part, for the purpose of “implementing and
26 enforcing” the *Handgun* Safety Certificate Program, the Section 12076.5
27 [28300(c)] “fee” is charged to purchasers of long-guns as well, some of whom may
28 not even own a handgun.

1 **3. The \$1 “Fee”**

2 127. DOJ is spending revenues from the \$1 “fee,” on activities unrelated to
3 any legitimate government interest that concerns the regulation of lawful firearm
4 transactions.

5 128. Law-abiding firearm purchasers like PLAINTIFFS are not just being
6 required to internalize the full social costs of their choice to exercise their
7 fundamental Second Amendment rights, but also those costs of choices *made by*
8 *others*, including special weapon permittee holders (e.g., machine gun permits) and
9 criminal users of *completely unrelated* firearms – much as if, for instance, all
10 speakers were charged a fee that would be used to compensate those libeled by a
11 small subset of speakers, or to subsidize those who engage in rallies or marches for
12 causes that are unsupported by, or unavailable to, the payer.

13 129. The costs incurred by the DOJ in the licensing of special weapon permits
14 and general law enforcement activities, unrelated to any legitimate government
15 interest that concerns the regulation of lawful firearm transactions, cannot
16 constitutionally fall on the shoulders of lawful firearm transferees via a fee.

17 130. The Challenged “Fees” unconstitutionally infringe on PLAINTIFFS’
18 fundamental right to acquire firearms.

19 **II. The Challenged “Fees” Are Unconstitutionally Excessive and Illegal**

20 131. Regardless of whether the “fees” are reasonably related to any legitimate
21 government interest that concerns the regulation of lawful firearm transactions,
22 they are still unconstitutionally excessive.

23 **A. The DROS “Fee”**

24 132. The DROS “fee” is unconstitutionally excessive.

25 133. Between 2004 and 2010, the DROS Special Account has sustained an
26 average surplus exceeding \$2 million annually.

27 134. The revenues making up the surplus in the DROS Special Account were,
28 at least in part, generated from the DROS “fee.”

1 135. The DROS “fee” exceeds the costs of DOJ’s valid regulatory activities as
2 to lawful firearm transactions. In explaining its proposal to lower the DROS “fee”
3 in 2010, the DOJ stated “[t]he proposed regulations [would] lower the current \$19
4 DROS “fee” to \$14, commensurate with the *actual cost* of processing a DROS.”¹⁷

5 136. The amount of the surplus funds in the DROS Special Account is so high
6 that the DROS “fee” is not set at an amount “reasonably necessary” to cover only
7 valid regulatory programs.

8 137. There is nothing requiring DOJ to charge the maximum amount
9 *statutorily* allowed for a DROS “fee” (\$19), as the DOJ has the discretion to
10 impose the fee in the first place (or a lesser amount commensurate with covering its
11 costs).

12 138. DEFENDANTS have generally charged the maximum amount allowed
13 by statute for the DROS “fee.”

14 139. There is no reasonable support tying the DROS “fee” amount DOJ
15 decides to charge to DOJ’s actual, constitutionally valid regulatory costs.

16 140. The DROS “fee” exceeds the amount necessary to reimburse the DOJ for
17 the costs of furthering any legitimate government interest that concerns the
18 regulation of lawful firearm transactions.

19 **B. The HSC Exam and Section 12076.5 [28300] “Fees”**

20 141. The HSC Exam “fee” is unconstitutionally excessive.

21 142. The “fee” authorized by Penal Code Section 12076.5 [28300] is
22 unconstitutionally excessive.

23 143. DEFENDANTS generally impose the maximum “fee” of \$15.00 on
24 certified instructors for every (with few exceptions) HSC exam, who in turn
25 generally charge the \$15 to the individual obtaining the HSC, as allowed by law.
26

27 ¹⁷ Cal. Dept. of Justice, Bureau of Firearms, Initial Statement of Reasons [Concerning
28 Proposed DROS Fee Rulemaking] (2010), *available at*
<http://ag.ca.gov/firearms/regs/DROSIisor.pdf>

1 144. DEFENDANTS generally impose the maximum fee allowed by Section
2 12076.5 [28300(c)] of \$5.00 (with few exceptions) on each individual handgun
3 transaction and every long-gun transaction, no matter how many long-guns it
4 involves.

5 145. There is no reasonable support tying the HSC Exam “fee” amount DOJ
6 decides to charge to DOJ’s actual, constitutionally valid regulatory costs.

7 146. There is no support tying the Section 12076.5 [28300(c)] “fee” amount
8 DOJ decides to charge to DOJ’s actual, constitutionally valid regulatory costs.

9 147. The Firearms Safety and Enforcement Special Fund, in which revenues
10 from the HSC Exam and Section 12076.5 [28300(c)] “fees” are supposedly
11 maintained, has a substantial annual surplus.

12 **C. The \$1 “Fee”**

13 148. The imposition of the \$1 “fee” is unconstitutionally excessive.

14 149. The Firearms Safety Account, in which revenues from the \$1 “fee” are
15 supposedly maintained, has a substantial annual surplus.

16 150. There is no reasonable support tying the \$1 “fee” DOJ imposes to DOJ’s
17 actual, constitutionally valid regulatory costs.

18 **III. Section 3 – Unconstitutional Taxes**

19 151. Under the test laid out in *Sinclair Paint Co.*, the Challenged Fees are
20 invalid “taxes” on lawful firearm purchasers, in violation of the California
21 Constitution.

22 **A. The DROS “Fee”**

23 152. The DROS “fee,” as currently set, imposed, managed and spent by DOJ
24 is an illegal “tax” under California law.

25 153. The assessment of the DROS “fee” exceeds the reasonable cost of the
26 valid regulatory activities funded by the revenues it generates.

27 154. Many of the services funded by the DROS “fee” do not bear a sufficient
28 relationship to the “fee” payer’s (i.e., firearm purchaser’s) burdens on or benefits

1 from those services.

2 155. There is no reasonable nexus between a lawful firearm purchaser (i.e.,
3 the payer of the “fee”) and *criminal* firearm misuse in general, or the administration
4 of special-permit weapon issuance and use. Nonetheless, these programs and
5 services performed by DEFENDANTS are funded using revenues from the DROS
6 “fee.”

7 156. The DROS “fee” is levied, at least in part, to generate revenue, rather
8 than solely for legitimate government interests as to the regulation of lawful
9 firearm transactions.

10 157. The general law enforcement activities funded by revenues from the
11 DROS “fee” purportedly benefit society as a whole, not just lawful firearm
12 purchasers.

13 158. The DROS “fee” is levied to generate revenue for general governmental
14 and law enforcement activities.

15 **B. The HSC Exam “Fee”**

16 159. The HSC Exam “fee,” as currently managed by DOJ, is a “tax” under
17 California law.

18 160. The assessment of the HSC Exam “fee” exceeds the reasonable cost of
19 the valid regulatory activities funded by the revenues it generates.

20 161. Many of the services allegedly funded by the HSC Exam “fee” do not
21 bear a sufficient relationship to the “fee” payer’s (i.e., firearm purchaser’s) burdens
22 on or benefits from those services.

23 162. There is no reasonable nexus between lawful firearm purchasers (i.e., the
24 payer of the “fee”) and *criminal* firearm misuse, or special-permit weapon use.
25 Nonetheless, these programs and services are performed by DEFENDANTS using
26 revenues from the HSC Exam “fee.”

27 163. The HSC Exam “fee” is levied, at least in part, to generate revenue,
28 rather than solely for legitimate government interests as to the regulation of lawful

1 firearm transactions.

2 164. The general law enforcement activities funded by revenues from the
3 HSC Exam “fee” benefit society as a whole, not just lawful firearm purchasers.

4 165. The HSC Exam “fee” is levied to generate revenue for general
5 governmental activities.

6 **C. The “Fee” Authorized by Penal Code Section 12076.5 [28300]**

7 166. The Section 12076.5 [28300(c)] “fee,” as currently managed by DOJ, is a
8 “tax” under California law.

9 167. The assessment of the Section 12076.5 [28300(c)] “fee” exceeds the
10 reasonable cost of the valid regulatory activities funded by the revenues it
11 generates.

12 168. Many of the services allegedly funded by the Section 12076.5 [28300(c)]
13 “fee” do not bear a sufficient relationship to the “fee” payer’s (i.e., firearm
14 purchaser’s) burdens on or benefits from those services.

15 169. There is no reasonable nexus between lawful firearm purchasers (i.e., the
16 payer of the “fee”) and *criminal* firearm use, or the issuance of special weapons
17 permits. Nonetheless, these programs and services performed by DEFENDANTS
18 are funded using revenues from the Section 12076.5 [28300(c)].

19 170. Despite being, at least in part, for the purpose of “implementing and
20 enforcing” the *Handgun* Safety Certificate Program, the Section 12076.5
21 [28300(c)] “fee” is charged to purchasers of long-guns as well, some of whom may
22 not even own a handgun.

23 171. The Section 12076.5 [28300(c)] “fee” is levied, at least in part, to
24 generate revenue, rather than solely for legitimate government interests as to the
25 regulation of lawful firearm transactions.

26 172. The general law enforcement activities funded by revenues from the
27 Section 12076.5 [28300(c)] “fee” purportedly benefit society as a whole, not just
28 lawful firearm purchasers.

1 173. The Section 12076.5 [28300(c)] “fees” are levied to generate revenue for
2 general governmental activities.

3 **D. The \$1 “Fee”**

4 174. The \$1 “fee” as currently managed by DOJ, is a “tax” under California
5 law.

6 175. The assessment of the \$1 “fee” exceeds the reasonable cost of the valid
7 regulatory activities funded by the revenues it generates.

8 176. Many of the services allegedly funded by the \$1 “fee” do not bear a
9 sufficient relationship to the “fee” payer’s (i.e., firearm purchaser’s) burdens on or
10 benefits from those services.

11 177. There is no reasonable nexus between lawful firearm purchasers (i.e., the
12 payer of the “fee”) and *criminal* firearm use, or the issuance of special weapons
13 permits. Nonetheless, these programs and services performed by DEFENDANTS
14 are funded using revenues from the \$1 “fee.”

15 178. The \$1 “fee” is levied, at least in part, to generate revenue, rather than
16 solely for legitimate government interests as to the regulation of lawful firearm
17 transactions.

18 179. The general law enforcement activities funded by revenues from the \$1
19 “fee” purportedly benefit society as a whole, not just lawful firearm purchasers.

20 180. The \$1 “fee” is levied to generate revenue for general governmental
21 activities.

22 181. DEFENDANTS cannot meet their burden of proving each of the
23 Challenged “Fees” is not a tax under Section 3.

24 182. As taxes, each of the Challenged Fees was required to have been adopted
25 by a two-thirds majority vote of the Legislature; none was.

26 183. The Challenged Fees are unconstitutionally imposed under the California
27 Constitution, and are invalid and unenforceable.

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DECLARATORY JUDGMENT ALLEGATIONS

184. There is an actual and present controversy between the parties hereto in that PLAINTIFFS contend that the manner in which DOJ currently imposes the Challenged Fees is unlawful. DEFENDANTS continue to choose to require lawful firearm purchasers, including PLAINTIFFS, to pay the maximum amount statutorily allowed for each of the Challenged Fees.

185. PLAINTIFFS desire a judicial declaration of their rights and DEFENDANTS' duties; namely, that the manner in which DOJ currently imposes the Challenged Fees infringes on PLAINTIFFS' Second Amendment rights.

186. PLAINTIFFS further desire a judicial declaration that the Challenged Fees are illegal "taxes" under Section 3 of Article XIII A of the California Constitution, and that, as such, the statutes authorizing their imposition were required to have been adopted by the California Legislature pursuant to a two-thirds vote of both houses respectively, and that since none was, each is void and unenforceable.

INJUNCTIVE RELIEF ALLEGATIONS

187. If an injunction does not issue enjoining DEFENDANTS from imposing each of the Challenged Fees as currently imposed, PLAINTIFFS will be irreparably harmed. PLAINTIFFS are presently and continuously injured by the assessment of the Challenged Fees" insofar as they constitute unreasonable and unrelated preconditions on the exercise of PLAINTIFFS' Second Amendment rights.

188. If not enjoined by this Court, DEFENDANTS will continue to enforce the Challenged Fees in derogation of PLAINTIFFS' Second Amendment rights.

189. If an injunction does not issue enjoining DEFENDANTS from enforcing Penal Code sections 12076(g) [28235], 12076.5 [28300], and 12805(e) [31650(c)], PLAINTIFFS will be irreparably harmed. PLAINTIFFS are presently and continuously injured by the enforcement of these sections insofar as such

1 enforcement utilizes revenues from assessments charged solely to lawful firearm
2 purchases for purposes not reasonably related thereto.

3 190. If an injunction does not issue enjoining DEFENDANTS from enforcing
4 California Penal Code sections 12076(e) [28225(a)-(c)], 12076.5 [28300], 12088.9
5 [23690], and 12805(e) [31650(c)], PLAINTIFFS will be irreparably harmed.
6 PLAINTIFFS are presently and continuously injured by the enforcement of these
7 sections insofar as each constitutes an unlawful tax under the California
8 Constitution.

9 191. PLAINTIFFS have no plain, speedy, and adequate remedy at law.
10 Damages are indeterminate or unascertainable and, in any event, would not fully
11 redress any harm suffered by PLAINTIFFS as a result of DEFENDANTS
12 subjecting PLAINTIFFS to the illegal Challenged Fees as a precondition to
13 exercise their constitutional right to acquire firearms.

14 192. Injunctive relief would eliminate PLAINTIFFS' irreparable harm and
15 allow PLAINTIFFS to acquire firearms free from the unlawful assessments and
16 taxes in accordance with their rights under the Second Amendment and the
17 California Constitution.

18 193. Accordingly, injunctive relief is appropriate.

19 **FIRST CLAIM FOR RELIEF:**
20 **VALIDITY OF ALL CHALLENGED "FEES"**
21 **Violation of the Second Amendment Right to Keep and Bear Arms**
22 **(U.S. Const., Amends. II and XIV)**
23 **(By All Plaintiffs Against All Defendants)**

24 194. All of the above paragraphs are re-alleged and incorporated herein by
25 reference.

26 195. DEFENDANTS have imposed, and continue to impose, the Challenged
27 Fees at an excessive amount beyond what is necessary to defray its valid regulatory
28 expenses, use the resulting windfall revenues to fund activities unrelated to any
legitimate government interest that concerns the regulation of lawful firearm
transactions. In doing so, DEFENDANTS are abusing their discretion, applying

1 the “fees” in an unconstitutional manner, and propagating customs, policies, and
2 practices that infringe on PLAINTIFFS’ right to acquire firearms as guaranteed by
3 the Second and Fourteenth Amendments.

4 196. DEFENDANTS cannot satisfy their burden of justifying these customs,
5 policies, and practices that infringe PLAINTIFFS’ rights.

6 197. PLAINTIFFS are entitled to injunctive relief against DEFENDANTS
7 and their officers, agents, servants, employees, and all persons in active concert or
8 participation with them who receive actual notice of the injunction, enjoining them
9 from engaging in such customs, policies, and practices.

10 **SECOND CLAIM FOR RELIEF:**
11 **FACIAL VALIDITY OF CALIFORNIA PENAL CODE SECTIONS 12076(G)**
12 **[28235], 12076.5(A), [28300], & 12805(E) [31650(C)]**
13 **Violation of the Second Amendment Right to Keep and Bear Arms**
14 **(U.S. Const., Amends. II and XIV)**
15 **(By All Plaintiffs Against All Defendants)**

16 198. All of the above paragraphs are re-alleged and incorporated herein by
17 reference.

18 199. By expressly authorizing DOJ to use revenues from the Challenged Fees
19 to fund activities unrelated to any legitimate government interest that concerns the
20 regulation of lawful firearm transactions, California Penal Code sections 12076(g)
21 [28235], 12076.5(a) [28300(a)-(b)], and 12805(e) [31650(c)] are unconstitutional
22 on their face.

23 200. PLAINTIFFS are entitled to permanent injunctive relief against
24 DEFENDANTS, or any of their officers, agents, servants, employees, and all
25 persons in active concert or participation with them who receive actual notice of
26 the injunction, enjoining them from enforcing, or acting pursuant to, California
27 Penal Code sections 12076(g) [28235], 12076.5(a) [28300], or 12805(e)
28 [31650(c)].

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1 transactions, and that as such are invalid and cannot be imposed;

2 2) For a preliminary and permanent prohibitory injunction forbidding
3 DEFENDANTS and its agents, employees, officers, and representatives from
4 imposing the Challenged Fees without first limiting the activities for which their
5 revenues are used to only those activities concerning a legitimate government
6 interest as to the regulation of lawful firearm transactions, *and* reducing their
7 amounts to be commensurate with the *actual costs* of those activities.

8 3) For a declaration that California Penal Code sections 12076(g) [28235],
9 12076.5(a) [28300], or 12805(e) [31650(c)] violate the Second Amendment on
10 their face.

11 4) For a preliminary and permanent prohibitory injunction forbidding
12 DEFENDANTS and its agents, employees, officers, and representatives, from
13 enforcing, or acting pursuant to, California Penal Code sections 12076(g) [28235],
14 12076.5(a) [28300], or 12805(e) [31650(c)].

15 5) For a declaration that California Penal Code sections 12076(e) & (g)
16 [28225(a)-(c), 28235], 12076.5 [28300], 12088.9 [23690] and 12805(e) [31650(c)]
17 are illegal taxes under Article XIII A, Section 3 of the California Constitution.

18 6) For a preliminary and permanent prohibitory injunction forbidding
19 DEFENDANTS and its agents, employees, officers, and representatives, from
20 enforcing, or acting pursuant to, California Penal Code sections 12076(e) & (g)
21 [28225(a)-(c), 28235], 12076.5 [28300], 12088.9 [23690] and 12805(e) [31650(c)].

22 7) For an order enjoining DEFENDANTS from charging or collecting the
23 Challenged Fees in illegally excessive amounts, and from appropriating the
24 Challenged Fees for purposes unrelated to legitimate government interests as to the
25 regulation of lawful firearm transactions.

26 ///

27 ///

28 ///

1 8) For remedies available pursuant to 42 U.S.C. § 1983 and for an award of
2 reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988,
3 California Code of Civil Procedure § 1021.5 and/or other applicable state and
4 federal law;

5 9) For such other and further relief as may be just and proper.

6 Dated: August 25, 2011

Michel & Associates, P.C.

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/s/ C. D. Michel
C. D. Michel
Attorney for the Plaintiffs'

EXHIBIT B

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10 **FRESNO BRANCH COURTHOUSE**

11 BARRY BAUER, STEPHEN
WARKENTIN, NICOLE FERRY,
12 LELAND ADLEY, JEFFREY
HACKER, NATIONAL RIFLE
13 ASSOCIATION OF AMERICA,
INC., CALIFORNIA RIFLE PISTOL
14 ASSOCIATION FOUNDATION,
HERB BAUER SPORTING GOODS,
15 INC.

16 Plaintiffs

17 vs.
18 KAMALA HARRIS, in Her Official
Capacity as Attorney General For the
State of California; STEPHEN
19 LINDLEY, in His Official Capacity
as Acting Chief for the California
20 Department of Justice, and DOES 1-
10.

21 Defendants.
22

) CASE NO. 1:11-cv-01440-LJO-MJS

) **FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

) **42 U.S.C. sections 1983, 1988**

23
24
25 PLAINTIFFS, by and through their undersigned attorneys, bring this
26 Complaint for Declaratory and Injunctive Relief against the above-named
27 Defendants, their employees, agents, and successors in office (collectively
28 “DEFENDANTS”), and in support thereof allege the following:

1 **INTRODUCTION**

2 1. This case involves an important constitutional principle, that a state may not
3 impose a fee on the People as a precondition to their enjoyment of a fundamental
4 right secured by the federal constitution if the fee either exceeds the state's costs of
5 regulating the fee payer's exercise of that right *or* the fee is used to finance state
6 activities not reasonably related to such regulations.

7 2. Vindication of this principle requires enjoinder of DEFENDANTS'
8 current implementation of its fee system for lawful firearm transactions, since it
9 imposes fees that are both excessive and are improperly used to fund general law
10 enforcement activities bearing no reasonable nexus to firearm purchasers nor valid
11 regulations of their constitutionally protected activity.

12 3. California statutes confer on DEFENDANTS¹ the authority to impose
13 multiple, separate fees on the purchasers² of firearms. Payment of these fees is
14 mandatory before one can receive a firearm. DEFENDANTS have discretion as to
15 whether to charge these fees and in what amount to charge them, up to a statutorily
16 imposed cap.

17 4. DEFENDANTS' imposition of these fees, and in some cases the very
18 statutes conferring the authority on DEFENDANTS to spend the revenues from the
19 fees on extraneous matters, violates PLAINTIFFS' Second Amendment rights.

20 5. When a person wishes to obtain a firearm in California, state law generally
21 requires the person to obtain the firearm through a federally licensed California
22 firearm vendor (commonly known as an "FFL").

23
24 _____
25 ¹ DEFENDANTS are being sued in their official capacity as heads of the
26 California Department of Justice, which entity is authorized by the Legislature to
assess the Challenged Fees.

27 ² These fees apply even if a firearm is not being purchased but gifted or
28 traded as well. But for simplicity sake "purchase" will be used throughout this
Complaint to include all such activities unless specifically stated otherwise.

1 6. In doing so, the would-be purchaser must, among other things, fill out a
2 Dealer's Record of Sale form ("DROS"), the information from which is used by
3 DEFENDANTS to conduct a background check and confirm the would-be
4 purchaser may lawfully receive firearms before he or she can take possession of
5 any firearm. In the case of a handgun, the information is also used to register the
6 handgun to the purchaser in DEFENDANTS' Automated Firearm System ("AFS").

7 7. DEFENDANTS have statutory discretion to charge firearm purchasers a
8 mandatory fee for processing each DROS, along with two additional fees, for every
9 firearm transaction. And, in the case of a handgun, California requires purchasers
10 to have a valid Handgun Safety Certificate, for which DEFENDANTS may impose
11 yet another fee.

12 8. DEFENDANTS collect these fees through the FFL at the time of purchase
13 and currently exercise their discretion by uniformly charging the statutorily
14 allowed maximum amount for each of the Challenged Fees.

15 9. PLAINTIFFS bring this suit to challenge the constitutionality of
16 DEFENDANTS' imposition of these fees levied on the transfer of firearms;
17 specifically, those fees provided for by California Penal Code sections 28225(a)-(c)
18 [12076(e)], 28300(c) [12076.5(b)], 23690(a) [12088.9(a)], and 31650(c) [12805(e)]
19 (collectively, the "Challenged Fees").³

20 10. Each of the Challenged Fees as currently imposed by DEFENDANTS
21 infringes on PLAINTIFFS' Second Amendment rights, both because
22 DEFENDANTS charge the fees in excessive amounts and because they improperly
23

24 ³ Pursuant to the Legislature's enactment of Assembly Concurrent
25 Resolution 73 (McCarthy) 2006, which authorized a Non-Substantive
26 Reorganization of California's Deadly Weapons Statutes, various California Penal
27 Code sections were renumbered, effective January 1, 2012. For convenience and
28 ease of reference, the corresponding previous code section for each referenced
Penal Code section is provided in brackets.

1 utilize the fees' windfall revenues to finance general law enforcement activities
2 unrelated to the regulation of lawful firearm purchases.

3 11. It is not just PLAINTIFFS' contention alone that the Challenged Fees are
4 excessive as currently imposed. DEFENDANTS themselves have admitted as
5 recently as 2010 that at least one of the Challenged Fees is too high. And, the
6 accounts containing the revenues amassed from the Challenged Fees, which
7 DEFENDANTS manage, regularly run *multi-million dollar* annual surpluses when
8 constitutional principles limit such government assessments to the reasonable cost
9 of regulating the activity on which the fee is imposed.

10 12. Nor is it just PLAINTIFFS' contention alone that revenues from the
11 Challenged Fees are used for purposes beyond regulating lawful firearm
12 purchasers. DEFENDANTS' history of supporting legislation to expand the list of
13 activities for which DEFENDANTS may use revenues from the Challenged Fees,
14 demonstrates DEFENDANTS' past and continuing use of the Challenged Fees'
15 revenues unconstitutionally.

16 13. Most notable is a recent amendment to the California Penal Code adding
17 mere *possession* of firearms to that list,⁴ thereby forcing *lawful* firearm purchasers
18 to finance *any* law enforcement operation concerning *unlawful* firearm possession.
19 This is tantamount to the government charging a fee to all speakers and the funds
20 being used to subsidize law enforcement programs targeting a small subset of
21 speakers who scream "fire" in a crowded theater.

22 14. Despite the significant surpluses from their revenues and the use of those
23 revenues on activities unrelated to regulating lawful firearm transfers, DOJ *chooses*
24 to charge the maximum amounts statutorily allowed for the Challenged Fees.

25 15. Concomitant to their as applied challenge to DEFENDANTS' imposition
26 of the Challenged Fees, PLAINTIFFS facially challenge certain California Penal
27

28 ⁴ See description of Senate Bill 819, discussed below at Paragraph 103.

1 Code sections that expressly allow the unlawful expenditure of the Challenged
2 Fees' revenues; specifically, California Penal Code sections 28235, 28225, 31650,
3 and 28300.

4 16. Because the Challenged Fees and their related statutes affect
5 constitutionally protected activity, irreparable harm is presumed. Accordingly, the
6 following relief from this Court is warranted:

7 (a) a declaration that the Challenged Fees as currently imposed by
8 DEFENDANTS are unconstitutionally excessive, and an injunction
9 prohibiting DEFENDANTS from collecting the Challenged Fees until
10 they reduce them to non-excessive amounts;

11 (b) a declaration that DEFENDANTS' use of revenues from the
12 Challenged Fees on special weapon permitting and general law
13 enforcement activities not reasonably related to the regulation of lawful
14 firearm transactions is unconstitutional, and an injunction prohibiting
15 DEFENDANTS from using those revenues on such activities; and

16 (c) a declaration that the California Penal Code statutes with
17 provisions authorizing DEFENDANTS' improper expenditures of the
18 Challenged Fees' revenues on activities not reasonably related to the
19 regulation of lawful firearm transactions are facially unconstitutional, and
20 an injunction prohibiting DEFENDANTS from acting pursuant to those
21 statutes.

22 **JURISDICTION and VENUE**

23 17. Jurisdiction of this action is founded on 28 U.S.C. §§ 1331 and 1343, in
24 that this action arises under the Constitution and laws of the United States, and
25 under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983, in that this action seeks to
26 redress the deprivation, under color of the laws, statutes, ordinances, regulations,
27 customs, and usages of the State of California and political subdivisions thereof, of
28 rights, privileges, or immunities secured by the United States Constitution and by

1 Acts of Congress.

2 18. PLAINTIFFS' claims for declaratory and injunctive relief are authorized
3 by 28 U.S.C. §§ 2201 and 2202.

4 19. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)
5 because a substantial part of the events or omissions giving rise to the claims
6 occurred in this district.

7 **PARTIES**

8 **I. Plaintiffs**

9 20. Plaintiff BARRY BAUER is a resident, property owner, and taxpayer of
10 Fresno, California. Within the last five years, Plaintiff BAUER has lawfully
11 purchased firearms, including both handguns and long-guns, for which he has had
12 to pay each of the Challenged Fees. Plaintiff BAUER intends to continue to
13 purchase firearms through an FFL in the future.

14 21. Plaintiffs STEPHEN WARKENTIN and JEFFREY HACKER are
15 residents, property owners, and taxpayers of Fresno, California. Within the last five
16 years, each has purchased multiple firearms from both an FFL and a private party,
17 through an FFL as required by California Penal Code § 26500 [12070]. These
18 transactions have consisted of both handguns and long-guns. Some of these
19 transactions involved a single firearm, while others involved multiple handguns
20 (by way of private party transfers), multiple long-guns, and a combination of a
21 handgun and a long-gun. Plaintiffs WARKENTIN and HACKER intend to
22 continue their pattern of regularly purchasing firearms through an FFL in the
23 future.

24 22. For each of their transactions, Plaintiffs WARKENTIN and HACKER
25 have paid all fees California requires for firearm transfers described below.
26 Accordingly, each of them has paid \$50 in state fees for a transaction including a
27 single handgun and a single long-gun, \$46 for a transaction including two
28 handguns, and \$25 for transactions involving a single firearm or multiple long-

1 guns.⁵ Plaintiffs WARKENTIN and HACKER have had to pay the Challenged
2 Fees multiple times in the same year, and, in some cases, the same month. Also,
3 Plaintiffs WARKENTIN and HACKER have each had to pay California's \$15 fee
4 to obtain a Handgun Safety Certificate once within the last five years.

5 23. Plaintiff NICOLE FERRY is a resident of Fresno, California. Within the
6 last five years, Plaintiff FERRY has purchased handguns from an FFL for
7 self-defense and target practice. For each of her transactions, Plaintiff FERRY has
8 paid all "fees" California requires for firearm transfers described below. Plaintiff
9 FERRY has had to pay California's fees for firearm transfers more than once in the
10 same year. Also, Plaintiff FERRY has had to pay California's \$15 fee to obtain a
11 Handgun Safety Certificate once within the last five years. Plaintiff FERRY
12 intends to purchase firearms through an FFL in the future.

13 24. Plaintiff LELAND ADLEY is a resident, property owner, and taxpayer of
14 Fresno, California. Within the last five years, Plaintiff ADLEY has purchased
15 multiple firearms from both an FFL and a private party, through an FFL as required
16 by California Penal Code § 26500 [12070], including both handguns and
17 long-guns.

18 25. For each of his transactions, Plaintiff ADLEY paid all fees California
19 requires for firearm transfers described below. Plaintiff ADLEY has had to pay
20 California's fees for firearm transfers multiple times in the same year. Also,
21 Plaintiff ADLEY has had to pay California's \$15 fee to obtain a Handgun Safety
22 Certificate once within the last five years. Plaintiff ADLEY intends to continue his
23 pattern of regularly purchasing firearms through an FFL in the future.

24 26. Plaintiff NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.
25 (hereafter "NRA") is a non-profit entity classified under section 501(c)(3) of the

26 _____
27 ⁵ See OVERVIEW OF REGULATORY SCHEME, Section II. - "California
28 Fees Imposed on Firearm Sales and Transfers" for an explanation and breakdown
of each of these fee amounts.

1 Internal Revenue Code and incorporated under the laws of New York, with its
2 principal place of business in Fairfax, Virginia. NRA has a membership of
3 approximately 4 million persons. The purposes of NRA include protection of the
4 right of law-abiding citizens to keep and bear firearms for the lawful defense of
5 their families, persons, and property, and from unlawful government regulations
6 and preconditions placed on the exercise of that right. NRA spends its resources on
7 each of those activities. NRA brings this action on behalf of itself and its hundreds
8 of thousands of members in California, including Plaintiffs BAUER,
9 WARKENTIN, ADLEY, and HACKER, who have been, are being, and will in the
10 future be subjected to DEFENDANTS' imposition of the Challenged Fees.

11 27. Plaintiff CALIFORNIA RIFLE AND PISTOL ASSOCIATION
12 FOUNDATION ("CRPA FOUNDATION") is a non-profit entity classified under
13 section 501(c)(3) of the Internal Revenue Code and incorporated under California
14 law, with headquarters in Fullerton, California. Contributions to the CRPA
15 FOUNDATION are used for the direct benefit of Californians. Funds contributed
16 to and granted by CRPA FOUNDATION benefit a wide variety of constituencies
17 throughout California, including gun collectors, hunters, target shooters, law
18 enforcement, and those who choose to own a firearm to defend themselves and
19 their families. The CRPA FOUNDATION spends its resources seeking to raise
20 awareness about unconstitutional laws, defend and expand the legal recognition of
21 the rights protected by the Second Amendment, promote firearms and hunting
22 safety, protect hunting rights, enhance marksmanship skills of those participating
23 in shooting sports, and educate the general public about firearms. The CRPA
24 FOUNDATION supports law enforcement and various charitable, educational,
25 scientific, and other firearms-related public interest activities that support and
26 defend the Second Amendment rights of all law-abiding Americans.

27 28. In this suit, the CRPA FOUNDATION represents the interests of its many
28 citizen and taxpayer members and members of its related association the California

1 Rifle and Pistol Association who reside in California and who wish to sell or
2 purchase firearms, or who have sold or purchased firearms, and have been charged
3 fees imposed by the laws of the State of California associated with those
4 transactions. These members are too numerous to conveniently bring this action
5 individually. The CRPA FOUNDATION brings this action on behalf of itself and
6 its tens of thousands of supporters in California, including Plaintiff BAUER, who
7 have been, are being, and will in the future be subjected to DEFENDANTS'
8 imposition of the Challenged Fees.

9 29. Plaintiff HERB BAUER SPORTING GOODS, INC., is a California
10 corporation with its principal place of business in the County of Fresno, California.
11 It is a licensed firearms dealer under both federal and California law (i.e., an FFL)
12 that sells a variety of firearms, including both long-guns and handguns. California
13 law requires Plaintiff HERB BAUER to collect the Challenged Fees for DOJ, at
14 DOJ's direction, from firearm transferees. Accordingly, Plaintiff HERB BAUER is
15 injured by its being forced to facilitate DEFENDANTS' unlawful fee collection
16 activities.

17 30. The individual PLAINTIFFS identified above are residents and taxpayers
18 of California from the City and County of Fresno who have been required to pay
19 the Challenged Fees in violation of their rights and applicable law.

20 31. Each of the associational PLAINTIFFS identified above has individual
21 members who are citizens and taxpayers of California, including in Fresno County,
22 who have an acute interest in purchasing firearms and do not wish to pay unlawful
23 fees, taxes, or other costs associated with that purchase and thus have standing to
24 seek declaratory and injunctive relief to halt or reduce the imposition or charging
25 of unconstitutional fees. The interests of these members are germane to their
26 respective associations' purposes; and neither the claims asserted nor the relief
27 requested herein requires their members participate in this lawsuit individually.

28 ///

1 **II. Defendants**

2 32. Defendant KAMALA HARRIS is the Attorney General of California. She
3 is the chief law enforcement officer of California, and is charged by Article V,
4 Section 13 of the California Constitution with the duty to inform the general public
5 and to supervise and instruct local prosecutors and law enforcement agencies
6 regarding the meaning of the laws of the State, including the Challenged Fees, and
7 to ensure the fair, uniform and consistent enforcement of those laws throughout the
8 state. She is sued in her official capacity.

9 33. Defendant STEPHEN LINDLEY is the Acting Chief of the DOJ Bureau
10 of Firearms and, as such, is responsible for executing, interpreting, and enforcing
11 the laws of the State of California – as well as its customs, practices, and policies –
12 at issue in this lawsuit. He is sued in his official capacity.

13 34. Defendants HARRIS and LINDLEY (collectively “DEFENDANTS”) are
14 responsible for administering and enforcing the Challenged Fees, are in fact
15 presently enforcing the challenge provision against PLAINTIFFS, and will
16 continue to enforce the Challenged Fees against PLAINTIFFS.

17 35. The true names or capacities, whether individual, corporate, associate or
18 otherwise of the DEFENDANTS named herein as DOES 1-10, are presently
19 unknown to PLAINTIFFS, who therefore sue said DEFENDANTS by such
20 fictitious names. PLAINTIFFS pray for leave to amend this Complaint and Petition
21 to show the true names, capacities, and/or liabilities of DOE Defendants if and
22 when they have been determined.

23 **OVERVIEW OF REGULATORY SCHEME**

24 **I. Constitutional Provisions and Controlling Law**

25 36. The Second Amendment to the United States Constitution provides: “A
26 well regulated militia, being necessary to the security of a free State, the right of
27 the people to keep and bear arms, shall not be infringed.” U.S. Const. amend. II.

28 37. The United States Supreme Court held in *District of Columbia v. Heller*,

1 554 U.S. 570 (2008), that the Second Amendment of the United States Constitution
2 protects an individual civil right to possess firearms for self-defense.

3 38. The Court soon thereafter held in *McDonald v. Chicago*, 561 U.S. 3025
4 (2010), that the Second Amendment is incorporated through the Due Process
5 clause of the 14th Amendment to restrict state and local governments from
6 infringing on the individual right to keep and bears arms, and confirmed the right is
7 a fundamental one.

8 39. The right to keep and bear arms for self-defense implies a corresponding
9 right to acquire firearms. *See Ezell v. City of Chicago*, 651 F.3d 684, 704 (7th Cir.
10 2011); *see also Andrews v. State*, 50 Tenn. 165, 178, 8 A. Rep. 8, 13 (1871) (cited
11 approvingly in *Heller* at 614).

12 40. In *Cox v. New Hampshire*, 312 U.S. 569 (1941), the United States
13 Supreme Court indicated that government's authority to levy fees on the exercise
14 of constitutional rights is limited. The Court held that fees charged for licenses to
15 parade on public property, being protected speech activity, can only be of amounts
16 necessary to "meet the expense incident to the administration of the Act and to the
17 maintenance of public order *in the matter licensed*." *Id.* at 577 (emphasis added).
18 Any additional charge above and beyond that rate would be invalid.

19 41. In *Murdock v. Pennsylvania*, 319 U.S. 105 (1943), the United States
20 Supreme Court expounded on the principle it enunciated in *Cox*, holding "[a] state
21 may not impose a charge for the enjoyment of a right granted by the federal
22 constitution" because "a person cannot be compelled to purchase, through a license
23 fee or a license tax, the privilege freely granted by the constitution." *Id.* at 112. The
24 *Murdock* Court qualified that general rule by indicating that States may impose a
25 fee when constitutionally protected activity is involved, but only if the fee is
26 imposed "as a regulatory measure and calculated to defray the expenses of policing
27 the activities in question." It is not permissible, however, to impose "a flat license
28 tax levied and collected as a condition" to the "enjoyment of a right granted by the

1 Federal Constitution” and “unrelated to the scope of the activities of [the fee
2 payer].” Id. at 114.

3 **II. California Fees Imposed on Firearm Sales and Transfers**

4 42. California confers discretion on DOJ to impose various fees – all of which
5 have a statutory cap – on firearm purchasers, which they must pay as a prerequisite
6 to qualify for receiving a firearm.

7 **A. The Dealer’s Record of Sale (DROS) Fee**⁶

8 43. California Penal Code sections 28225(a)-(c) [formerly 12076(e)], 28230
9 [12076(f)], 28235 [12076(g)], and 28240(a)-(b) [12076(i)], establish the fees
10 associated with a DROS, and govern what the funds collected therefrom can be
11 used for.

12 44. Subdivision (a) of Penal Code section 28225 [12076(e)] provides:

13 The [DOJ] may require the [FFL] to charge each firearm purchaser a
14 fee not to exceed fourteen dollars (\$14), except that the fee may be
15 increased at a rate not to exceed any increase in the California
Consumer Price Index as compiled and reported by the Department of
Industrial Relations.

16 45. The use of the “may” in subdivision (a) of Penal Code section 28225
17 [12076(e)] makes clear that DEFENDANTS are not *required* to charge the
18 maximum fee amount allowed for by that statute, or to even charge *any* fee at all.

19 46. Penal Code section 28240(a) [12076(i)(1)] mandates that DOJ charge only
20 one DROS fee for a single transaction on the same date for any number of firearms
21 that are not handguns. This means regardless of the number of long-guns (*i.e.*, rifles
22 and shotguns) an individual purchases at one time, the DOJ charges one DROS fee
23 for all of them.

24 47. Penal Code section 28240(b) [12076(i)(2)], provides that, in a single
25

26 ⁶ The fees DOJ charges pursuant to California Code of Regulations, Title
27 11, Section 4001, and Penal Code sections 28225(a)-(c) [12076(e)],
28 12076(f)(1)(B) [28230(a)(2)], discussed herein, shall be referred to as the “DROS
fee” throughout.

1 transaction on the same date for the delivery of any number of handguns, the DOJ
2 must charge a reduced DROS fee for any additional handguns that are part of that
3 same transaction. This means when an individual purchases more than one handgun
4 at the same time, the DOJ charges the DROS fee in full for the first handgun and a
5 reduced DROS fee for each additional handgun.

6 48. Where an individual purchases a handgun and any number of long-guns at
7 the same time, DOJ charges the purchaser a full DROS fee *for each* transaction.
8 This means where a long-gun is purchased along with a handgun the purchaser
9 must pay *two full* DROS fees, one for the handgun and one for the long-gun –
10 despite *no* separate DROS fee being required for additional long-gun purchases and
11 only a reduced DROS fee being required for each additional handgun.

12 49. The DOJ promulgated California Code of Regulations, Title 11, section
13 4001, increasing the cap on the DROS fee from \$14 to \$19 for the first handgun or
14 any amount of rifles/shotguns in a single transaction, and capping the DROS fee
15 for each additional *handgun* being purchased along with the first handgun at \$15.

16 50. Subdivision (b) of Penal Code section 28225 [12076(e)] further provides
17 that “[t]he [DROS] fee shall be no more than is necessary to fund” the activities
18 enumerated at Penal Code section 28225(b)(1)-(11) [12076(e)(1)-(10)].

19 51. Penal Code section 28225(b)(11) [12076(e)(10)] purports to authorize the
20 DOJ to use revenues from the DROS fee to fund “the estimated reasonable costs of
21 [DOJ] firearms-related regulatory and enforcement activities related to the sale,
22 purchase, possession, loan, or transfer of firearms.”

23 52. Prior to January 1, 2012, section 28225(b)(11) [12076(e)(10)] did not
24 provide for expenditure of DROS fee revenues on the mere “possession” of
25 firearms. But the Legislature amended that section during the 2011 Legislative
26 session to allow for such, based on its following purported findings:

27 SECTION 1. The Legislature finds and declares all of the following:

28 (a) California is the first and only state in the nation to establish an

1 automated system for tracking handgun and assault weapon owners who
2 might fall into a prohibited status.

3 (b) The California Department of Justice (DOJ) is required to maintain
4 an online database, which is currently known as the Armed Prohibited
5 Persons System, otherwise known as APPS, which cross-references all
6 handgun and assault weapon owners across the state against criminal
7 history records to determine persons who have been, or will become,
8 prohibited from possessing a firearm subsequent to the legal acquisition
9 or registration of a firearm or assault weapon.

10 (c) The DOJ is further required to provide authorized law enforcement
11 agencies with inquiry capabilities and investigative assistance to
12 determine the prohibition status of a person of interest.

13 (d) Each day, the list of armed prohibited persons in California grows
14 by about 15 to 20 people. There are currently more than 18,000 armed
15 prohibited persons in California. Collectively, these individuals are
16 believed to be in possession of over 34,000 handguns and 1,590 assault
17 weapons. The illegal possession of these firearms presents a substantial
18 danger to public safety.

19 (e) Neither the DOJ nor local law enforcement has sufficient resources
20 to confiscate the enormous backlog of weapons, nor can they keep up
21 with the daily influx of newly prohibited persons.

22 (f) A Dealer Record of Sale fee is imposed upon every sale or transfer
23 of a firearm by a dealer in California. Existing law authorizes the DOJ to
24 utilize these funds for firearms-related regulatory and enforcement
25 activities related to the sale, purchase, loan, or transfer of firearms
26 pursuant to any provision listed in Section 16580 of the Penal Code, but
27 not expressly for the enforcement activities related to possession.

28 (g) Rather than placing an additional burden on the taxpayers of
California to fund enhanced enforcement of the existing armed prohibited
persons program, it is the intent of the Legislature in enacting this
measure to allow the DOJ to utilize the Dealer Record of Sale Account
for the additional, limited purpose of funding enforcement of the Armed
Prohibited Persons System.

53. Penal Code section 28230(a)(2) [12076(f)(1)(B)] provides for DOJ to also
use DROS fee revenues for “the actual processing costs associated with the
submission of a [DROS] to the [DOJ].”

54. Section 28235 [12076(g)] provides:

All money received by the department pursuant to this article shall
be deposited in the Dealers’ Record of Sale Special Account of the
General Fund, which is hereby created, to be available, upon
appropriation by the Legislature, for expenditure by the
department to offset the costs incurred pursuant to any of the
following:

- 1 (a) This article.
- 2 (b) Section 18910.
- 3 (c) Section 27555.
- 4 (d) Subdivisions (d) and (e) of Section 27560.
- 5 (e) Article 6 (commencing with Section 28450).
- 6 (f) Section 31110.
- 7 (g) Section 31115.
- 8 (h) Subdivision (a) of Section 32020.
- 9 (i) Section 32670.
- 10 (j) Section 33320.

11 55. The reference to “this article” in section 28235 means Article 3 of
12 Chapter 6 of Title 4 of Part 6 of the California Penal Code (beginning at
13 section 28200 and ending with section 28250), which includes the section
14 providing for imposition of the DROS fee.

15 56. The activities covered in the Penal Code sections referenced by section
16 28235 [12076(g)] include: **(1)** inspections of “Destructive Device” Permit-Holders
17 (Cal. Penal Code § 18910 [12305(f)-(g)]); **(2)** the California FFL Check Program
18 (Cal. Penal Code § 27555 [12072(f)(1)]); **(3)** a public education program pertaining
19 to importers of personal handguns (Cal. Penal Code § [27560(d)-(e)])
20 [12072(f)(2)(D)]; **(4)** the Centralized List of Exempted FFLs (Cal. Penal Code §
21 28450, *et seq.* [12083]); **(5)** inspections of “Assault Weapon” Permit-Holders (Cal.
22 Penal Code § 31110 [12289.5]); **(6)** public education program regarding
23 registration of “assault weapons” (Cal. Penal Code § 31115 [12289]); **(7)** retesting
24 of handguns certified as “not unsafe” (Cal. Penal Code § 32020(a) [12131(c)]); **(8)**
25 inspections of Machine Gun Permit-Holders (Cal. Penal Code § 32670 [12234]);
26 and **(9)** inspections of Short-Barreled Long Gun Permit-Holders (Cal. Penal Code §
27 33320 [12099]).

28 57. Pursuant to statute, revenue from the DROS fee is supposed to be
deposited into the DROS Special Account of the General Fund (“DROS Special

1 Account”). Cal. Penal Code § 28235 [12076(g)].⁷

2 **B. Firearms Safety and Enforcement Special Fund Fees**

3 58. California Penal Code section 28300(a)-(b) [12076.5(a)] provides:

4 (a) The Firearms Safety and Enforcement Special Fund is hereby
5 established in the State Treasury and shall be administered by the [DOJ].

6 (b) Notwithstanding Section 13340 of the Government Code, all moneys
7 in the fund are continuously appropriated to the [DOJ], without regard to fiscal
8 years, for the purpose of implementing and enforcing the provisions of Article
9 2 (commencing with Section 31610) of Chapter 4 of Division 10, enforcing
10 Section 830.95, Title 2 (commencing with Section 12001) of Part 4, Sections
11 16000 to 16960 [12070(c)(2)], inclusive, Sections 16970 [12277] to 17230
12 [12650], inclusive, Sections 17240 [12401] to 21390 [12028(a)], inclusive,
13 and Sections 21590 [12028(a)] to 34370 [12078(a)(5)], inclusive, and for the
14 establishment, maintenance, and upgrading of equipment and services
15 necessary for firearms dealers to comply with Article 2 (commencing with
16 Section 28150 [12077(g)]).

17 59. The “provisions of Article 2” mentioned in Section 28300(b) concern the
18 Handgun Safety Certificate Program (discussed below) provided for in sections
19 31610 [12800], *et seq.*

20 60. California Penal Code section 830.95 mentioned in Section 28300(b)
21 prohibits picketing while wearing the uniform of a peace officer.

22 61. Title 2 (commencing with Section 12001) of Part 4 concerns sentence
23 enhancements for convictions of firearm related crimes.

24 62. The provisions ranging between Section 16000 and 34370 [12078(a)(5)]
25 mentioned in section 28300(b) as activities funded by the Firearms Safety and
26 Enforcement Special Fund, include all manner of laws regulating “deadly
27 weapons,” including not only handguns and long-guns, but also “unsafe
28

23 ⁷ DEFENDANTS deposit (and commingle) funds collected from some
24 additional fees – for special firearm licensing and miscellaneous services (*see e.g.*,
25 Cal. Penal Code §§ 30900-30905 [12285(a),(b)]), concealed weapon permit
26 applications and Cal. Pen. Code § 26190(a)-(b) [12054]), “Assault Weapon”
27 Permits – into the DROS Special Account. The validity of those fees is not at
28 issue, here; rather, what is at issue is whether DEFENDANTS spend revenues
from the Challenged Fees on regulating the activities those other fees are collected
for. PLAINTIFFS contend that DEFENDANTS are improperly doing so.

1 handguns,” machine guns, “assault weapons,” destructive devices, ammunition,
2 boobytraps, body armor, tear gas, silencers, switchblade knives, and “less lethal
3 devices.”

4 63. The Firearms Safety and Enforcement Special Fund is funded by
5 revenues generated from two separate fees charged to firearm purchasers.

6 **1. The \$5 Fee**

7 64. California Penal Code Section 28300(c) [12076.5(b)] provides:

8 (c) The [DOJ] may require firearms dealers to charge each person who
9 obtains a firearm a fee not to exceed five dollars (\$5) for each transaction.
10 Revenues from this fee shall be deposited in the Firearms Safety and
11 Enforcement Special Fund.

12 65. Section 28300 [12076.5] does not require the DOJ to charge the maximum
13 amount authorized under that statute (*i.e.*, \$5), or to even charge *any* fee at all.

14 **2. The Handgun Safety Certificate Exam Fee (\$15)**

15 66. A would-be handgun purchaser must obtain a Handgun Safety Certificate
16 (“HSC”) before a handgun may be legally received. Cal. Penal Code § 31615.

17 67. To obtain an HSC, a certified instructor (usually the FFL) administers a
18 test for which the certified instructor is charged up to fifteen dollars (\$15) by the
19 DOJ.⁸ The \$15 fee (“HSC Exam fee”) is generally charged to the exam taker by the
20 FFL, as allowed by law.

21 68. Upon passage of the test, an individual receives an HSC, which is valid
22 for five (5) years, meaning an HSC holder can purchase handguns throughout the
23 5-year period the HSC is valid without retaking the test or repaying the HSC Exam
24 Fee. Once the HSC expires (after 5 years) the person would have to pay the HSC
25 Exam Fee and pass the exam again before the person could purchase or receive a
26 handgun.

27 69. Funds collected from the HSC Exam Fee are placed in the Firearms Safety

28 ⁸ (Cal. Pen. Code § 31650(c) [12805(e)])

1 and Enforcement Special Fund. *See* Cal. Pen. Code § 31650(d) [12805(f)].

2 70. Section 31650(c) [12805(e)], the statute conferring authority on DOJ to
3 charge the HSC Exam fee, does not require the DOJ charge the maximum amount
4 authorized under that statute, or to even charge *any* fee at all.

5 **C. Firearm Safety Account Fee (\$1)**

6 71. Penal Code section 23690 [12088.9] provides:

7 (a)(1) The Department of Justice *may* require each dealer to charge each
8 firearm purchaser or transferee a fee not to exceed one dollar (\$1) for each
firearm transaction.

9 (2) The fee shall be for the purpose of supporting department program
10 costs related to this act, including the establishment, maintenance, and
upgrading of related database systems and public rosters.

11 (b)(1) There is hereby created within the General Fund the Firearm Safety
12 Account.

13 (2) Revenue from the fee imposed by subdivision (a) shall be deposited
14 into the Firearm Safety Account and shall be available for expenditure by the
Department of Justice upon appropriation by the Legislature.

15 (3) Expenditures from the Firearm Safety Account shall be limited to
program expenditures as defined by subdivision (a).

16 72. There is *no* provision in California law *requiring* DOJ to charge this fee at
17 all.

18 **D. Legislative History of the DROS Fee and Management of the DROS**
19 **Special Account**

20 73. The origins of the DROS system and its related fees are believed to go
21 back to sometime in the 1920s.

22 74. The amount of a DROS fee in and around the year 1990 was \$4.25. *See*
23 S.B. 670, 1995-1996 Leg. Sess. (Cal. 1995) (as introduced Feb. 22, 1995).

24 75. By 1995, the DROS fee had ballooned to \$14.00, an increase of greater
25 than 300 percent in less than five years. *Id.*

26 76. In 1995, the California Legislature passed Senate Bills 670 and 671 to cap
27 the rate for a DROS fee at \$14.00, with increases “at a rate not to exceed any
28 increase in the California Consumer Price Index.” That amendment is reflected in

1 Penal Code section 28225(a) [12076(e)] described above.

2 77. Senate Bill 670 (1995-1996 Reg. Sess. (Cal. 1995) (as enacted) further
3 prohibited the DOJ from using the fee to “directly fund or as a loan to fund any
4 program not specified.”

5 78. In the following years, a trend of appropriating DROS fee revenues to pay
6 for additional activities unrelated to the clearance of the purchaser to buy a firearm
7 or register handguns emerged. A series of bills passed that allowed monies in the
8 DROS Special Account to pay for the ever-expanding list of programs and services
9 found at section 28235 [12076(g)].

10 79. For example, Assembly Bill 2080 (2002) established a program to address
11 *illegal firearms trafficking* and authorized its funding from the DROS Special
12 Account. *See* Penal Code §§ 27555 [12072(f)(1)], 28235 [12076(g)].

13 80. Assembly Bill 2580 (2002) specifically amended section 28235
14 [12076(g)] to authorize funding from the DROS Special Account for the
15 inspections of several classes of dangerous weapon permit-holders. *See* Cal. Penal
16 Code §§ 28235 [12076(g)], 12099 [33320] [inspections of short-barreled long gun
17 permit-holders], 32670 [12234] [inspections of machine gun permit-holders],
18 31110 [12289.5] [inspections of “assault weapon” permit-holders], 19000
19 [12305(f)-(g)] [inspections of destructive devices permit-holders].

20 81. Assembly Bill 2902 (2002) specifically amended section 28235
21 [12076(g)] to authorize funding for the maintenance of the Centralized List of
22 Exempted FFLs and the re-testing of handguns deemed “not unsafe.” *See* Cal.
23 Penal Code §§ 28235 [12076(g)], 12083[28450 *et seq.*], 32020 [12131(c)].

24 82. In 2001, Plaintiff NATIONAL RIFLE ASSOCIATION (NRA) requested
25 the Office of California State Auditor (“CSA”) to investigate the DOJ’s operation
26 of the DROS program, believing that DROS Special Account funds were being
27 misused.

28 83. CSA responded to Plaintiff NRA’s request, stating that an audit of the

1 DROS program could only be conducted by request from the Joint Legislative
2 Audit Committee (“JLAC”). Plaintiff NRA then began working with members of
3 the Legislature to prepare a request to JLAC for an audit.

4 84. Before Assembly Bill 2080’s final passage in 2002, the Office of
5 Legislative Counsel was asked by Senator Bill Morrow to opine on whether
6 Assembly Bill 2080 authorized using DROS fee revenues, paid by individual
7 firearms transferees, to support Assembly Bill 2080’s purposes.

8 85. While awaiting the Office of Legislative Counsel’s response to that
9 request, then Assemblyman (now Senator) Rod Wright sought information on the
10 DROS Special Account from the DOJ and Legislative Analyst’s Office from the
11 Assembly Budget Committee. A week later, the Assembly Budget Subcommittee
12 on State Administration ordered the DOJ to submit a report on the DROS Special
13 Account status. *See* 2002 Budget Act, Item 0820-001-0460.

14 86. The first report DOJ submitted to the Assembly Budget Subcommittee on
15 State Administration detailed the status of the DROS Special Account. But no audit
16 of spending was provided.

17 87. Later that year, the Office of Legislative Counsel responded to Senator
18 Morrow’s request regarding expending DROS Fee revenues to support Assembly
19 Bill 2080, with the following analysis:

- 20 - Section 28225(b) [12076(e)] provides that the DROS fee be no more than
21 is necessary to reimburse designated program purposes and may not be
22 used to fund any other program;
- 23 - Nevertheless, section 28235 [12076(g)] identifies other purposes for
24 which funds in the DROS Special Account may be used;
- 25 - Under the rules of statutory construction, section 28235 [12076(g)] refers
26 generally to money in the DROS Special Account, rather than specifically
27 to the revenue from the section 28225(a) [12076(e)] DROS fee;
- 28 - Because the DROS Special Account contains funds in addition to fees

1 obtained pursuant to 28225(b)(1)-(10) [12076(e)], the purposes of section
2 28235 [12076(g)] may be accomplished without the use of 28225(a)
3 [12076(e)] [DROS] funds;

- 4 - Because Assembly Bill 2080 did not amend 28225(a)-(c) [12076(e)] to
5 fund its new purposes, 28235 [12076(g)] could not be construed to
6 authorize the expenditure of DROS fees for any purpose not specified in
7 28225(b) [12076(e)];

8 88. The Office of Legislative Counsel's response provided its explanation on
9 how it believed 28225(a)-(c) and 28235 [subsections (e) and (g) of section 12076,
10 respectively] could coexist. Though the Office of Legislative Counsel explained
11 how those sections could coexist, it did not say DOJ was actually limiting
12 expenditures in such a manner.

13 89. The DOJ and the Legislative Analyst's Office then submitted a
14 supplemental report on the status of the DROS Special Account to the Legislature
15 pursuant to the 2002 Budget Act, Item 0820-001-0460. That report summarized the
16 annual DROS Special Account revenues and expenditures, DROS-related
17 programs, DROS application receipt information, the fees then charged, and the
18 average cost of processing each application. Claiming that expert staff and
19 necessary funding were unavailable, however, the report did not provide the
20 necessary comprehensive examination into the DOJ's fee structure to determine
21 whether the DROS fee was recovering actual costs of the DROS program, or what
22 aspects of it, or if adjustments to the amount of the fee were appropriate. DOJ thus
23 conceded that it was expending millions of dollars without information showing
24 that expenditures of funds from the DROS fee were legally authorized.

25 90. In 2003, Assembly Bill 161 passed, removing the prohibition on using
26 DROS fee revenues to "directly fund or as a loan to fund any program not
27 specified." AB 161 therefore allowed DOJ to use funds collected from firearm
28 transactions for *any* "regulatory and enforcement activit[y] related to the sale,

1 purchase, loan, or transfer of firearms” regardless of whether the activity related to
2 constitutionally allowable spending.⁹

3 91. As Assembly Bill 161 made its way through the legislative process, the
4 bill’s sponsor argued that it did not expand the use of revenues from the DROS fee,
5 but merely *clarified* their use.¹⁰

6 92. The Bill Analysis of Assembly Bill 161 also indicates the Legislature
7 relied on the Legislative Counsel’s opinion that DROS fee revenues could not be
8 used to fund the activities mandated by Assembly Bill 2080.

9 93. The enactment of section 28225(b)(11) [12076(e)(10)] expanded the
10 scope of section 28225(a)-(c) [12076(e)], providing a “catch-all” to ensure that
11 those programs (*i.e.*, those sections listed in section 28235 [12076(g)]) could be
12 supported by revenues from the DROS fee in the DROS Special Account.

13 94. Noting that the DOJ’s previous reports lacked sufficient detail, on January
14 26, 2004, Senator Morrow submitted a written request to the JLAC, seeking a
15 formal audit of the DROS Special Account. That request was heard a month later.¹¹

16 95. A year after Assembly Bill 161 passed and expanded the list of activities
17 that DROS funds could be spent on, the DOJ adopted California Code of
18 Regulations, title 11, section 4001, which increased the cap on DROS Fees as
19 described above in Paragraph 49. No support was provided by DOJ tying the \$5

21 ⁹ Found in current Penal Code section 12076(e)(10) [28225(b)(11)], which
22 was further amended in the 2011 Legislative session by Senate Bill 819 as
23 described below.

24 ¹⁰ See Sen. Comm. on Public Safety, Bill Analysis: Dealers Record of Sale
25 Special Account - Expanding Authorized Use - Appropriation to Fund Firearms
26 Trafficking Prevention Act of 2002, at 10 (July 8, 2003) *available at*
http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_0151-0200/ab_161_cfa_200307_08_141850_sen_comm.html (last visited Jan. 11, 2012).

27 ¹¹ PLAINTIFFS have so far been unable to ascertain the vote or outcome of
28 that February 24, 2004 hearing, despite diligent efforts.

1 increase of the maximum fee (from \$14 to \$19) to the California Consumer Price
2 Index to which DROS fee increases are statutorily limited, nor was any support
3 provided by DOJ justifying the \$15 fee as necessary to cover its costs relating to
4 the sale of an additional handgun.

5 96. California Code of Regulations, title 11, section 4001 remained in effect
6 without any attempts by DOJ to amend it to raise or lower the DROS fee, until
7 2010 when the DOJ issued a notice of proposed rulemaking stating its intent to
8 *lower* the maximum fee allowed from \$19 to the pre-2004 emergency regulation
9 amount of \$14.

10 97. The 2010 initial statement of reasons concerning the proposed rulemaking
11 indicated that “although the volume of DROS transactions has increased, the
12 average time spent on each DROS, and thus the processing cost, has decreased.”¹²
13 It also noted that “[t]he proposed regulations [would] lower the current \$19 DROS
14 fee to \$14, *commensurate with the actual cost of processing a DROS.*” (emphasis
15 added).¹³

16 98. Ultimately, the 2010 proposed rulemaking was not adopted, thereby
17 allowing DOJ to continue obtaining an invalid windfall from DROS fee revenues
18 to fund present and future government activities.

19 99. After rejection of the proposed decrease in the DROS fee, Plaintiff NRA
20 submitted a request under the California Public Records Act to the DOJ Bureau of
21 Firearms, seeking all writings constituting, referring or relating to (1) the DOJ’s
22 policies and procedures for the handling and management of the DROS Special
23 Account since January 1, 2000, and (2) a detailed accounting of the DROS Special
24 Account for the same period.

25
26 ¹² Cal. Dept. of Justice, Initial Statement of Reasons concerning Proposed
27 DROS Fee Regulations (2010), *available at*
<http://ag.ca.gov/firearms/regs/DROSIisor.pdf> (last visited Jan. 11, 2012).

28 ¹³ *Id.*

1 100. An attorney with the DOJ's Bureau of Firearms responded that there was
2 no present way to compile the information sought, that no current audit of the
3 DROS Special Account exists, that an official audit would be required, and that the
4 Legislature has no money to initiate one.

5 101. Plaintiff NRA was provided, however, with a list of services the DOJ
6 Bureau of Firearms provides using monies from the DROS Special Account, a table
7 summarizing the statutory and regulatory authority for the fees charged and
8 services provided, a table summarizing DROS Special Account annual revenues
9 and expenditures since 2001, and a summary of the number of long-gun and
10 handgun transactions for which the DROS fee was collected during the same
11 period.

12 102. In 2011, Plaintiff NRA sent the DOJ a follow-up request under the
13 Public Records Act, seeking records explaining what constituted "DROS
14 enforcement activities" as identified in the table DOJ previously disclosed that
15 summarized its purported authority for the fees charged and services provided.
16 Plaintiff NRA also requested other documents, including ledgers identifying
17 individual transactions since 2001. The DOJ again asserted that no such accounting
18 exists, raised numerous privilege grounds, and denied PLAINTIFF NRA's request.

19 103. Finally, the California Legislature passed and Governor Brown signed
20 into law Senate Bill 819 (Leno). It is effective as of January 1, 2012. SB 819 again
21 expanded the uses to which DROS fee revenues may be put as described in the
22 findings for amending section 28225 (see paragraphs 50-52 above).
23 DEFENDANTS have admitted SB 819s' purpose and effect of using funds from
24 the DROS fee on activities unrelated to the lawful purchase of a firearm: "To clear
25 the [Armed and Prohibited Persons System] backlog of approximately 34,000
26 handguns, Attorney General Harris is the sponsor of Senate Bill 819, which would
27 revise the Penal Code to *expand* the use of existing regulatory fees collected by gun
28 dealers to allow the state [DOJ] to use fee revenue to pay for the APPS program."

1 Press Release, Office of the Attorney General, Attorney General Kamala D. Harris
2 Announces Seizure of 1,200 Guns from Mentally Unstable and Other Individuals
3 (June 16, 2011) (emphasis added).

4 104. The history of the DROS fee is thus one of continuous expansion
5 regardless of surrounding circumstances.

6 **E. Legislative History of the Other Challenged Fees and Management of**
7 **Their Respective Accounts**

8 **1. The \$1 Fee**

9 105. The provision providing for the \$1 Fee, section 23690 [section 12088.9]
10 did not come into existence until 2002. It was created by California Assembly Bill
11 106 (1999-2000 Reg. Sess. (Cal. 1999) (as enacted) (“AB 106”). Section 23690
12 [section 12088.9] was not a part of the changes made by AB 106 when it was
13 introduced by Senators Scott and Aroner. Rather, the bill was originally about
14 prohibiting the unlicensed importing of firearms and requiring that all firearms
15 sold, transferred, or delivered for sale by licensed FFLs be accompanied by a
16 firearm safety device and warning label in order to prevent accidental shootings
17 involving children.

18 106. The \$1 Fee was not a part of AB 106 until after the bill’s fifth
19 amendment, at which time the author decided to include it “for the purpose of
20 supporting various department program costs related to firearms safety and
21 registration.” Sen. Comm. on Pub. Safety, Bill Analysis: Firearms - Safety Devices,
22 at 6-7 (June 22, 1999) *available at* [http://www.leginfo.ca.gov/pub/](http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_0101-0150/ab_106_cfa_19990622_133507_sen_comm.html)
23 [99-00/bill/asm/ab_0101-0150/ab_106_cfa_19990622_133507_sen_comm.html](http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_0101-0150/ab_106_cfa_19990622_133507_sen_comm.html)
24 (last visited Feb. 7, 2012).

25 **2. The \$5 Fee**

26 107. Not satisfied with the revenue generated from the \$1 Fee for financing
27 DEFENDANTS’ various government programs, barely two years later, the
28 California Legislature passed Senate Bill 52 (2001-2002 Reg. Sess.) (“SB 52”). SB

1 52 created Penal Code section 28300 [12076.5], authorizing DEFENDANTS to
2 charge the \$5 Fee in addition to the \$1 Fee.

3 108. Like the \$1 Fee and AB 106, when SB 52 was introduced by Senators
4 Scott and Perata it did not include the \$5 Fee. Rather, SB 52 was originally aimed
5 at eliminating the basic firearms safety certificate program and replacing it with a
6 handgun safety license (which would come to be the Handgun Safety Certificate).
7 It also contemplated requiring a shooting proficiency demonstration, as well as a
8 safe handling demonstration before a handgun could be purchased.¹⁴ It was not
9 until SB 52's fifth amendment that the \$5 Fee was included.

10 109. According to the Senate Rules Committee's Bill Analysis of SB 52, "the
11 revenues from [the \$5] fee would be deposited in the Firearms Safety and
12 Enforcement Special Fund, created by [SB 52], administered by [Defendant] DOJ,
13 and continuously appropriated to implement and enforce the provisions of this
14 measure."

15 110. The "provisions of this measure" refer to establishing and maintaining
16 the Handgun Safety Certificate Program (which, as discussed below, was also
17 created by SB 52). *See* Sen. Rules Comm., Bill Analysis: Handgun safety
18 certificate, at 4 (Sept. 10, 2001) *available at* [http://www.leginfo.ca.gov/
19 pub/01-02/bill/sen/sb_0051-0100/sb_52_cfa_20010913_101416_sen_floor.html](http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb_0051-0100/sb_52_cfa_20010913_101416_sen_floor.html)
20 (last visited Feb. 7, 2012).

21 111. Despite being for the *Handgun* Safety Certificate Program – which, as
22 explained below, is funded by an additional fee charged to handgun purchasers –
23 SB 52 did not differentiate between purchasers of handguns and long-guns in
24 assessing the \$5 Fee. It included *long-gun* transactions as subject to the fee as well,
25

26 ¹⁴ *See* SB 52 (as introduced Dec. 18, 2000), at 1 *available at*
27 [http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb_0051-0100/sb_52_bill_2000121
28 8_introduced.pdf](http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb_0051-0100/sb_52_bill_20001218_introduced.pdf) (last visited Feb. 8, 2012).

1 despite those purchases having nothing to do with *handguns*.

2 **3. The HSC Exam Fee**

3 112. SB 52 also created section 31650(c) [12805(e)], providing for *another*
4 fee charged to handgun purchasers, the HSC Exam Fee. The rest of then-section
5 12805 (excluding subsection (e)) was created about a decade earlier by Assembly
6 Bill 618 (1991-1992) (“AB 618”).

7 113. Prior to the addition of subsection (e), then-section 12805 generally
8 required handgun purchasers to have a “Basic Firearms Safety Certificate”
9 (“BFSC”). *See* Department of Justice Regulations for the Basic Firearms Safety
10 Certificate Program, <http://www.ag.ca.gov/firearms/regs/bfsc.pdf>.

11 114. To obtain a BFSC, one had to pass an exam with a *one-time* fee of \$10
12 (with an additional \$10 charged to the test administrator, generally the FFL). The
13 certificate was valid forever, with no renewal fees required (unless it was lost). *Id.*

14 115. SB 52’s replacement of the BFSC program with section 31650(c)
15 [12805(e)] (*i.e.*, the current HSC Program) resulted in the fee to take the required
16 exam to be eligible to receive a handgun being raised to \$15, the certificate for
17 passing the exam going from having no expiration date to being valid only for five
18 years, and the elimination of the exception to the certificate requirement for
19 honorably discharged military veterans and those with valid hunting licenses.¹⁵

20 116. In sum, SB 52 made it so more people had to take a required exam more
21 often, and pay more fees.

22 117. SB 52 stated that the purpose of the HSC Exam Fee was “to cover the
23 department’s cost in carrying out and enforcing [HSC provisions].” *See* SB 52 as
24 chaptered (Oct. 14, 2001), at 86 available at <http://www.leginfo.ca.gov/pub/>

25
26 ¹⁵ *See* Department of Justice Regulations for the Basic Firearms Safety
27 Certificate Program, <http://www.ag.ca.gov/firearms/regs/bfsc.pdf>, at 5-7 (listing
28 the exemptions to the former Basic Firearms Safety Certificate and the authority
for those exemptions).

1 01-02/bill/sen/sb_0051-0100/sb_52_bill_20011014_chaptered.html (last visited
2 Feb. 7, 2012). But the California Penal Code currently allows the HSC Exam Fee to
3 fund regulations of “deadly weapons,” including not only handguns and long-guns,
4 but also “unsafe handguns,” machine guns, “assault weapons,” destructive devices,
5 ammunition, boobytraps, body armor, tear gas, silencers, switchblade knives, and
6 “less lethal devices,” among others. *See* Cal. Penal Code § 28300(b).

7 118. This phenomenon of creating and expanding the scope of these other
8 fees charged to firearm purchasers appears to have chronologically paralleled with
9 the similar increase of the DROS Fee and expanded uses of that fee’s revenues.

10 GENERAL ALLEGATIONS

11 119. All of the above paragraphs are re-alleged and incorporated herein by
12 reference.

13 120. Individual PLAINTIFFS BAUER, WARKENTIN, HACKER, FERRY,
14 and ADLEY, and those persons represented by organizational PLAINTIFFS NRA
15 and CRPA FOUNDATION, have each been required to pay, have in fact paid, and
16 expect to pay in the future each of the Challenged Fees as currently required by
17 California law before taking possession of firearms purchased from an FFL or
18 transferred through an FFL as a private party transfer.

19 121. The funds from the Challenged Fees PLAINTIFFS paid and expect to
20 pay are ultimately surrendered to DEFENDANTS’ control, and purportedly
21 deposited into the respective account established for each Challenged Fee as
22 required by California law.

23 **I. Defendants’ Imposition of the Challenged Fees as a Prerequisite to the** 24 **Exercise of a Constitutional Right Is Unlawful**

25 122. The fundamental right to possess firearms under the Second Amendment
26 includes a corresponding right to acquire a firearm.

27 123. The Challenged Fees, which DEFENDANTS generally require be paid
28 before a purchaser can acquire a firearm, are unconstitutional prerequisites on the

1 exercise of the fundamental right to acquire a firearm freely granted by the United
2 States Constitution because DEFENDANTS impose them in excessive amounts
3 and use the resulting windfall revenues to fund activities beyond their valid
4 regulatory costs.

5 124. The historical and continual increase and improper utilization of the
6 Challenged Fees by DEFENDANTS for ever expanding improper purposes,
7 necessitates judicial action to halt infringements and violations of PLAINTIFFS'
8 constitutional rights.

9 **A. Defendants Use Revenues from the Challenged Fees Unlawfully**

10 125. DEFENDANTS unconstitutionally impose the Challenged Fees for the
11 purpose of funding, and in fact do fund, activities which are “unrelated to the scope
12 of the activities of [the fee payer]” (*i.e.*, Plaintiffs’) and which do not even bear a
13 reasonably sufficient nexus to any legitimate regulation of the fee payers’ lawful
14 firearm transactions.

15 126. DEFENDANTS spend revenues from the Challenged Fees on activities
16 that the Penal Code authorizes, but which have no reasonable relation to regulating
17 lawful firearm purchases.

18 127. Law-abiding firearm purchasers like PLAINTIFFS are not just being
19 required to internalize the full social costs of their choice to exercise their
20 fundamental Second Amendment rights, but also those costs of choices *made by*
21 *others*, including special weapon permittee holders (e.g., machine gun permits) and
22 criminal users of *completely unrelated* firearms – much as if, for instance, all
23 lawful abortion patients had to pay a fee subsidizing specific abortion procedures
24 they do not support or that are not lawfully available to them, or to finance law
25 enforcement programs cracking down on illegal abortion operations.

26 128. The costs incurred by DEFENDANTS in processing, issuing, and
27 policing special weapon permits and conducting general law enforcement
28 operations cannot constitutionally fall on the shoulders of PLAINTIFFS and other

1 lawful firearm purchasers via a fee.

2 129. DEFENDANTS cause PLAINTIFFS irreparable harm by choosing to
3 spend revenues obtained from the Challenged Fees on activities not reasonably
4 related to regulating lawful firearms transactions.

5 **B. The Challenged Fees Are Unconstitutionally Excessive**

6 130. Regardless of whether any of the Challenged Fees are reasonably related
7 to regulating lawful firearm purchasers like PLAINTIFFS, each is nevertheless
8 unconstitutionally excessive because the Challenged Fees are fixed in an amount
9 not calculated to defray DEFENDANTS' expenses of policing the fee payers' (*i.e.*,
10 Plaintiffs') lawful firearm transactions, but rather are collected to fund general law
11 enforcement activities that should be funded by the whole public.

12 131. DEFENDANTS currently require all persons not statutorily exempt to
13 pay each of the applicable Challenged Fees in the maximum amount allowed by
14 statute before they can receive a firearm.¹⁶

15 132. There is nothing requiring DOJ to charge the maximum amount
16 *statutorily* allowed for any of the Challenged Fees, as the DOJ has the discretion to
17 impose them in the first place (or a lesser amount commensurate with covering its
18 actual, valid regulatory costs).

19 133. DEFENDANTS do not exercise their statutorily-conferred authority to
20 lower the amount charged for any of the Challenged Fees.

21 134. Each of the amounts DEFENDANTS have chosen to charge for the
22 Challenged Fees exceeds the amount necessary to reimburse the DOJ for the costs
23 of furthering any of DEFENDANTS' valid regulatory activities as to lawful firearm
24 transactions.

25 135. There is no reasonable support tying the amounts DEFENDANTS decide
26 to charge for the Challenged Fees to DEFENDANTS' actual, constitutionally valid
27

28 ¹⁶ Except the HSC Exam Fee if the transfer does not involve a handgun.

1 regulatory costs.

2 136. The relatively moderate amounts of the fees is not relevant as to whether
3 they are excessive for constitutional purposes; they are excessive because they are
4 more than is necessary for reasonably related regulations.

5 137. Moreover, the amounts DEFENDANTS charge for the Challenged Fees
6 are not as inoffensive as they may appear when viewed from the perspective of
7 certain Plaintiffs who have spent hundreds of dollars a year on these fees while
8 DEFENDANTS have enjoyed substantial (multi-million dollar) annual surpluses in
9 the accounts into which the funds from the Challenged Fees are deposited, year
10 after year.

11 138. The surpluses of funds in the Challenged Fees' respective accounts are
12 so high that the Challenged Fees are not set at an amount "reasonably necessary" to
13 cover only valid regulatory programs.

14 139. Between 2004 and 2010, the DROS Special Account sustained an
15 average surplus exceeding \$2 million *annually*.

16 140. In explaining its proposal to lower the DROS Fee in 2010, the DOJ
17 stated "[t]he proposed regulations [would] lower the current \$19 DROS fee to \$14,
18 commensurate with the *actual cost* of processing a DROS."¹⁷

19 141. DEFENDANTS cause PLAINTIFFS irreparable harm by refusing to
20 exercise their discretion to lower the Challenged Fees to an amount commensurate
21 with covering their valid regulatory costs alone.

22 **II. California Penal Code Sections Authorizing Defendants' Unlawful Use of**
23 **Revenues from the Challenged Fees Are Facially Unconstitutional**

24 142. Regardless of whether DEFENDANTS do in fact spend revenues from
25 the Challenged Fees on activities not reasonably related to regulating lawful
26

27 ¹⁷ Cal. Dept. of Justice, Bureau of Firearms, Initial Statement of Reasons
28 [Concerning Proposed DROS Fee Rulemaking] (2010), *available at*
<http://ag.ca.gov/firearms/regs/DROSIsoor.pdf>

1 firearms transactions (PLAINTIFFS maintain that they do as outlined above), the
2 Penal Code sections expressly authorizing such expenditures by DEFENDANTS
3 are facially unconstitutional.

4 143. California Penal Code section 28235 [12076(g)] – by expressly
5 authorizing DEFENDANTS’ expenditure of DROS fee revenues on the activities
6 listed therein such as inspections of Short-Barreled Long Gun Permit-holders (Cal.
7 Penal Code § 33320 [12099]), retesting of handguns certified as “not unsafe” (Cal.
8 Penal Code § 32020(a) [12131(c)]), inspections of Machine Gun Permit-holders
9 (Cal. Penal Code § 32670 [12234]), inspections of “Assault Weapon” Permit-
10 holders (Cal. Penal Code § 31110 [12289.5]), and inspections of Destructive
11 Device Permit-holders (Cal. Penal Code § 18910 [12305(f)-(g)]) – unlawfully
12 places the burden of funding activities not reasonably related to regulating lawful
13 firearms transactions on people like PLAINTIFFS exercising their constitutional
14 right to lawfully purchase a firearm, instead of the general public. It is thus invalid
15 on its face.

16 144. California Penal Code section 28225 – by subsection (b)(11) thereof
17 [12076(e)(10)] expressly authorizing DEFENDANTS’ expenditure of DROS fee
18 revenues on general law enforcement activities regulating the unlawful possession
19 of firearms, including “assault weapons” – unlawfully places the burden of funding
20 activities not reasonably related to regulating lawful firearms transactions on
21 people like PLAINTIFFS exercising their constitutional right to lawfully purchase
22 a firearm, instead of the general public. It is thus invalid on its face.

23 145. Activities regulating the *unlawful* possession of firearms are not
24 reasonably related to the regulation of *lawful* firearm purchases– especially “assault
25 weapons” which PLAINTIFFS are generally prohibited from obtaining under
26
27
28

1 California law¹⁸ – and thus cannot constitutionally be funded by fees paid by lawful
2 firearm purchasers like PLAINTIFFS.

3 146. California Penal Code Sections 31650 [12805(e)] and 28300
4 [12076.5(b)] – by their respective subsection (c) expressly authorizing
5 DEFENDANTS’ expenditure of the revenues from their respective fees (the HSC
6 Exam Fee and \$5 Fee) on enforcing general criminal laws, including laws
7 regulating machine guns, “assault weapons,” destructive devices, tear gas,
8 silencers, etc. – unlawfully place the burden of funding activities not reasonably
9 related to regulating lawful firearms transactions on people like PLAINTIFFS
10 exercising their constitutional right to lawfully purchase a firearm, instead of the
11 general public. Both statutes are thus invalid on their face.

12 147. Despite being, at least in part, for the purpose of “implementing and
13 enforcing” the *Handgun* Safety Certificate Program (*i.e.*, the “provisions of Article
14 2” mentioned in Section 28300(b)), the \$5 Fee is charged to purchasers of *long-*
15 *guns* as well, some of whom may not even own, or wish to own, a handgun.

16 **DECLARATORY JUDGMENT ALLEGATIONS**

17 148. There is an actual and present controversy between the parties hereto in
18 that PLAINTIFFS contend that the manner in which DOJ currently imposes the
19 Challenged Fees is unlawful. DEFENDANTS have chosen and continue to choose
20 to require lawful firearm purchasers, including PLAINTIFFS, to pay the maximum
21 amount statutorily allowed for each of the Challenged Fees.

22 149. PLAINTIFFS desire a judicial declaration of their rights and
23 DEFENDANTS’ duties; namely, that the manner in which DOJ currently imposes
24 the Challenged Fees infringes on PLAINTIFFS’ Second Amendment rights.

25
26
27 ¹⁸ See generally Cal. Penal Code §§ 30500-31115 [12275-12290] (also
28 known as the Roberti-Roos Assault Weapons Control Act of 1989 and the .50
Caliber BMG Regulation Act of 2004).

INJUNCTIVE RELIEF ALLEGATIONS

1
2 150. If an injunction does not issue enjoining DEFENDANTS from imposing
3 each of the Challenged Fees as currently imposed, PLAINTIFFS will be irreparably
4 harmed. PLAINTIFFS have been, are presently, and will continue to be injured by
5 the assessment of the Challenged Fees insofar as they constitute unreasonable and
6 unrelated preconditions on the exercise of PLAINTIFFS' Second Amendment
7 rights.

8 151. If not enjoined by this Court, DEFENDANTS will continue to
9 enforce the Challenged Fees in derogation of PLAINTIFFS' Second Amendment
10 rights.

11 152. If an injunction does not issue enjoining DEFENDANTS from enforcing
12 Penal Code sections 28225, 28235, 28300, and 31650, PLAINTIFFS will be
13 irreparably harmed. PLAINTIFFS are presently and continuously injured by the
14 enforcement of these sections insofar as such enforcement allows revenues from
15 assessments charged solely to lawful firearm purchasers to be utilized for purposes
16 not reasonably related to valid regulations of lawful firearm transactions.

17 153. PLAINTIFFS have no adequate remedy at law. Damages are
18 indeterminate or unascertainable and, in any event, would not fully redress any
19 harm suffered by PLAINTIFFS as a result of DEFENDANTS subjecting
20 PLAINTIFFS to the illegal Challenged Fees as a precondition to exercise their
21 constitutional right to acquire firearms.

22 154. Injunctive relief would eliminate PLAINTIFFS' irreparable harm and
23 allow PLAINTIFFS to acquire firearms free from the unlawful Challenged Fees in
24 accordance with their rights under the Second and Fourteenth Amendments.

25 155. Accordingly, injunctive relief is appropriate.

26 ///

27 ///

28 ///

1 constitutionally protected activity of lawful firearms transactions such as those
2 engaged in by PLAINTIFFS, California Penal Code sections 28225, 28235, 28300,
3 and 31650 are unconstitutional on their face.

4 162. PLAINTIFFS are entitled to declaratory and permanent injunctive relief
5 against DEFENDANTS, and any of their officers, agents, servants, employees, and
6 all persons in active concert or participation with them who receive actual notice of
7 the injunction, enjoining them from enforcing, or acting pursuant to, California
8 Penal Code sections 28225, 28235, 28300, and 31650.

9 **PRAYER**

10 WHEREFORE PLAINTIFFS pray for relief as follows:

11 1) For a declaration that the Challenged Fees as currently imposed by
12 DEFENDANTS infringe upon the right to acquire firearms protected by the Second
13 Amendment, as incorporated into the Fourteenth Amendment, by impermissibly
14 preconditioning the exercise of that right on the payment of excessive fees, the
15 revenues from which are being used to fund activities not reasonably related to
16 regulating lawful firearms transactions such as those engaged in by PLAINTIFFS,
17 and that as such are invalid and cannot be lawfully imposed;

18 2) For a preliminary and permanent prohibitory injunction forbidding
19 DEFENDANTS and their agents, employees, officers, and representatives from
20 imposing the Challenged Fees without first limiting the activities for which the
21 fees' revenues are used to only those activities reasonably related to regulating
22 lawful firearm purchasers like PLAINTIFFS, *and* reducing their amounts to be
23 commensurate with the *actual costs* of those activities.

24 3) For a declaration that California Penal Code sections 28225, 28235, 28300,
25 and 31650 violate the Second Amendment on their face.

26 4) For a preliminary and permanent prohibitory injunction forbidding
27 DEFENDANTS and its agents, employees, officers, and representatives, from
28 enforcing, or acting pursuant to, California Penal Code sections 28225, 28235,

1 28300, or 31650.

2 6) For remedies available pursuant to 42 U.S.C. § 1983 and for an award of
3 reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988,
4 and/or other applicable state and federal law;

5 7) For such other and further relief as may be just and proper.

6 Dated: February 9, 2012

Michel & Associates, P.C.

7

8

/s/ C. D. Michel
C. D. Michel
Attorney for the Plaintiffs

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA
3 FRESNO BRANCH COURTHOUSE

4 BARRY BAUER, STEPHEN)
5 WARKENTIN, NICOLE FERRY,)
6 LELAND ADLEY, JEFFREY)
7 HACKER, NATIONAL RIFLE)
8 ASSOCIATION OF AMERICA,)
9 INC., CALIFORNIA RIFLE PISTOL)
10 ASSOCIATION FOUNDATION,)
11 HERB BAUER SPORTING GOODS,)
12 INC.)

CASE NO.: CV-09-2143-RS

CERTIFICATE OF SERVICE

13 Plaintiffs

14 vs.

15 KAMALA HARRIS, in Her Official)
16 Capacity as Attorney General For the)
17 State of California; STEPHEN)
18 LINDLEY, in His Official Capacity)
19 as Acting Chief for the California)
20 Department of Justice, and DOES 1-)
21 10.)

22 Defendants.

23 IT IS HEREBY CERTIFIED THAT:

24 I, the undersigned, am a citizen of the United States and am at least eighteen)
25 years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach,)
26 California, 90802.)

27 I am not a party to the above-entitled action. I have caused service of:)
28 **FIRST AMENDED COMPLAINT FOR DECLARATORY AND)
INJUNCTIVE RELIEF**42 U.S.C. sections 1983, 1988)
on the following party by electronically filing the foregoing with the Clerk of the)
District Court using its ECF System, which electronically notifies them.)
Electronically filed documents have been served conventionally by the filer to:

29 Kimberly Granger, Deputy Attorney General)
30 Office of the Attorney General)
31 1300 I Street)
32 Sacramento, CA 95814)

Kamala Harris, in her official capacity as)
Attorney General 1300 I Street)
Sacramento, CA 95814)
Stephen Lindley, in his official capacity as)
Acting Chief for the California Department of)
Justice 4949 Broadway)
Sacramento, CA 95814)

33 I declare under penalty of perjury that the foregoing is true and correct.)
34 Executed on February 9, 2012.)

35 /S/)
36 _____)
37 C. D. Michel)
38 Attorney for Plaintiffs)

EXHIBIT C

1 C. D. Michel - S.B.N. 144258
Sean A. Brady - S.B.N. 262007
2 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Boulevard, Suite 200
3 Long Beach, CA 90802
Telephone: 562-216-4444
4 Facsimile: 562-216-4445
Email: cmichel@michellawyers.com

5
6 Attorneys for Plaintiffs
7

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10 **FRESNO BRANCH COURTHOUSE**

11 BARRY BAUER, STEPHEN
WARKENTIN, NICOLE FERRY,
12 JEFFREY HACKER, NATIONAL
RIFLE ASSOCIATION OF
13 AMERICA, INC., CRPA
FOUNDATION, HERB BAUER
14 SPORTING GOODS, INC.

15 Plaintiffs

16 vs.

17 KAMALA HARRIS, in Her Official
Capacity as Attorney General For the
State of California; STEPHEN
18 LINDLEY, in His Official Capacity
as Acting Chief for the California
19 Department of Justice, and DOES 1-
10.

20 Defendants.
21
22
23

) CASE NO. 1:11-cv-01440-LJO-MJS

) **SECOND AMENDED COMPLAINT**
) **FOR DECLARATORY AND**
) **INJUNCTIVE RELIEF**

) **42 U.S.C. sections 1983, 1988**

24 PLAINTIFFS, by and through their undersigned attorneys, bring this
25 Complaint for Declaratory and Injunctive Relief against the above-named
26 Defendants, their employees, agents, and successors in office (collectively
27 "DEFENDANTS"), and in support thereof allege the following:
28

1 **INTRODUCTION**

2 1. This case involves an important constitutional principle, that while the
3 government may impose fees on individuals seeking to engage in certain
4 constitutionally protected activities, the monies generated by such fees cannot be
5 used to finance state activities not reasonably related to regulating the fee payer's
6 impact on the state.

7 2. Vindication of this principle requires that DEFENDANTS be enjoined
8 from using monies generated by a fee, payment of which is required to obtain a
9 firearm in California, for the purpose of funding general law enforcement activities
10 associated with the California Department of Justices' ("DOJ") Armed Prohibited
11 Persons System ("APPS") program. For, such activities share no reasonable nexus
12 with regulating lawful firearm purchases and, thus, forcing fee payers like
13 PLAINTIFFS to subsidize them is an unlawful infringement on the Second
14 Amendment right to lawfully obtain a firearm.

15 3. When a person wishes to obtain a firearm in California, state law generally
16 requires the person to obtain the firearm through a federally licensed California
17 firearm vendor (commonly known as an "FFL").

18 4. In doing so, the would-be purchaser¹ must, among other things, fill out a
19 Dealer's Record of Sale form ("DROS"), the information from which is used by
20 DEFENDANTS² to conduct a background check and confirm the would-be
21 purchaser may lawfully receive firearms before he or she can take possession of
22 any firearm. In the case of a handgun, the information is also used to register the
23

24 ¹ These fees apply even if a firearm is not being purchased but gifted or
25 traded as well. But for simplicity sake "purchase" will be used throughout this
26 Complaint to include all such activities unless specifically stated otherwise.

27 ² DEFENDANTS are being sued in their official capacity as heads of the
28 California Department of Justice, which entity is authorized by the Legislature to
expend the monies at issue in this action.

1 handgun to the purchaser in DEFENDANTS' Automated Firearm System ("AFS").

2 5. DEFENDANTS have statutory discretion to charge firearm purchasers a
3 mandatory fee for processing each DROS for every firearm transaction (a "DROS
4 Fee"), which is collected from the firearm recipient through the FFL at the time of
5 initiating the firearm's transfer.

6 6. The monies that are collected by DEFENDANTS from the DROS Fee are
7 placed in a special account separate from the general fund, from which the
8 Legislature may appropriate monies to the DEFENDANTS for statutorily
9 prescribed purposes.

10 7. Originally, monies from the DROS Fee were intended to cover only DOJ's
11 costs of processing a DROS, conducting a background check, and, in the case of a
12 handgun, registration. But the activities for which DROS Fee funds are used have
13 been ever-expanding for years, going far beyond funding these basic regulatory
14 functions of the DOJ.

15 8. PLAINTIFFS bring this suit to challenge the constitutionality of
16 DEFENDANTS' use of the revenues generated from the DROS Fee for general law
17 enforcement activities which have no relation to fee payers; specifically, activities
18 associated with the DOJ's Armed Prohibited Persons System program provided for
19 by California Penal Code section 28225(b)(11) [12076(e)(10)].³

20 9. That section was recently amended to add mere *possession* of firearms to
21 the list of activities for which DEFENDANTS could use DROS Fee revenues,⁴

22
23
24 ³ Pursuant to the Legislature's enactment of Assembly Concurrent
25 Resolution 73 (McCarthy) 2006, which authorized a Non-Substantive
26 Reorganization of California's Deadly Weapons Statutes, various California Penal
27 Code sections were renumbered, effective January 1, 2012. For convenience and
28 ease of reference, the corresponding previous code section for each referenced
Penal Code section is provided in brackets.

⁴ See S.B. 819, 2011 Reg. Sess. (Ca. 2011).

1 thereby allowing the State to force *lawful* firearm *purchasers* to finance any law
2 enforcement operation concerning *unlawful* firearm *possession*. And that it has
3 done.

4 10. Governor Brown recently signed into law Senate Bill 140 (“SB 140”),
5 appropriating \$25 million dollars of the DROS Special Account’s surplus – a
6 surplus that was not supposed to exist in the first place⁵ – solely to fund activities
7 associated with the APPS program, which seeks to investigate individuals
8 suspected of possessing firearms unlawfully and to remove the firearms from their
9 possession.

10 11. Law-abiding firearm purchasers like PLAINTIFFS are thus not just being
11 required to internalize the full social costs of their choice to exercise their
12 fundamental Second Amendment rights, but also those costs of choices *made by*
13 *others to criminally* use firearms – much as if, for instance, those exercising their
14 fundamental right to marry were forced to fund enforcement of domestic violence
15 restraining orders with their marriage license fees because some spouses become
16 subject to one, or, as if the license fees from those who exercise their fundamental
17 right to assemble in a public forum were taken to fund counter-gang measures

18
19 ⁵ California law requires that the DROS fee “shall be no more than is
20 necessary to fund” certain activities provided by statute (Penal Code section
21 28225(b)(1)-(11) [12076(e)(1)-(10)]), and constitutional principles prohibit
22 excessive fees on constitutionally protected conduct. *Murdock v. Pennsylvania*,
23 319 U.S. 105, 112-14 (1943). Arguably, the large surplus, here, is evidence
24 suggesting the current DROS fee is excessive, in violation of state and federal law.
25 Plaintiffs in this case, however, do not ask the Court to resolve that argument. The
26 passage of SB140 has made the *expenditure* of the existing \$25 million dollar
27 surplus the more immediate concern. Moreover, whether the DROS fee is
28 excessive depends, in part, on first determining what activities may be considered
to fall within the scope of the DROS program and thus properly funded thereby.
This case seeks a declaration that SB140 improperly authorizes expenditures on
APPS activities that do *not* fall within that scope, along with injunctive relief
preventing such expenditures.

1 simply because they relate to gatherings of people, or, as if those who exercise their
2 fundamental right to vote were forced to fund voter fraud enforcement actions via a
3 poll tax.

4 12. Because DEFENDANTS' use of DROS Fee revenues on purposes
5 unrelated to the fee payer affects constitutionally protected activity, irreparable
6 harm is presumed. Accordingly, PLAINTIFFS seek from this Court a declaration
7 that DEFENDANTS' use of revenues generated from the DROS Fee to fund
8 general law enforcement activities associated with the DOJ's APPS program is
9 unconstitutional, because the criminal misuse of firearms is not sufficiently related
10 to the fee payers' activities, i.e., lawful firearm transactions. And, as such, an
11 injunction prohibiting DEFENDANTS from using those revenues on such
12 activities should issue.

13 JURISDICTION and VENUE

14 13. Jurisdiction of this action is founded on 28 U.S.C. §§ 1331 and 1343, in
15 that this action arises under the Constitution and laws of the United States, and
16 under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983, in that this action seeks to
17 redress the deprivation, under color of the laws, statutes, ordinances, regulations,
18 customs, and usages of the State of California and political subdivisions thereof, of
19 rights, privileges, or immunities secured by the United States Constitution and by
20 Acts of Congress.

21 14. PLAINTIFFS' claims for declaratory and injunctive relief are authorized
22 by 28 U.S.C. §§ 2201 and 2202.

23 15. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)
24 because a substantial part of the events or omissions giving rise to the claims
25 occurred in this district.

26 PARTIES

27 I. Plaintiffs

28 16. Plaintiff BARRY BAUER is a resident, property owner, and taxpayer of

1 Fresno, California. Within the last five years, Plaintiff BAUER has lawfully
2 purchased firearms from an FFL, for which he has had to pay the DROS Fee.
3 Plaintiff BAUER intends to continue to purchase firearms through an FFL in the
4 future.

5 17. Plaintiffs STEPHEN WARKENTIN and JEFFREY HACKER are
6 residents, property owners, and taxpayers of Fresno, California. Within the last five
7 years, each has purchased multiple firearms from both an FFL and a private party,
8 through an FFL as required by California Penal Code § 26500 [12070]. Plaintiffs
9 WARKENTIN and HACKER intend to continue their pattern of regularly
10 purchasing firearms through an FFL in the future.

11 18. For each of their transactions, Plaintiffs WARKENTIN and HACKER
12 have paid the DROS Fee. Plaintiffs WARKENTIN and HACKER have had to pay
13 the DROS Fee multiple times in the same year, and, in some cases, the same
14 month.

15 19. Plaintiff NICOLE FERRY is a resident of Fresno, California. Within the
16 last five years, Plaintiff FERRY has purchased handguns from an FFL for
17 self-defense and target practice. For each of her transactions, Plaintiff FERRY has
18 paid the DROS Fee. Plaintiff FERRY intends to purchase firearms through an FFL
19 in the future.

20 20. Plaintiff NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.
21 (hereafter "NRA") is a non-profit entity classified under section 501(c)(3) of the
22 Internal Revenue Code and incorporated under the laws of New York, with its
23 principal place of business in Fairfax, Virginia. NRA has a membership of
24 approximately 4 million persons. The purposes of NRA include protection of the
25 right of law-abiding citizens to keep and bear firearms for the lawful defense of
26 their families, persons, and property, and from unlawful government regulations
27 and preconditions placed on the exercise of that right. NRA spends its resources on
28 each of those activities. NRA brings this action on behalf of itself and its hundreds

1 of thousands of members in California, including Plaintiffs BAUER,
2 WARKENTIN, and HACKER, who have been, are being, and will in the future be
3 subjected to DEFENDANTS' imposition of the DROS Fee.

4 21. Plaintiff CRPA FOUNDATION is a non-profit entity classified under
5 section 501(c)(3) of the Internal Revenue Code and incorporated under California
6 law, with headquarters in Fullerton, California. Contributions to the CRPA
7 FOUNDATION are used for the direct benefit of Californians. Funds contributed
8 to and granted by CRPA FOUNDATION benefit a wide variety of constituencies
9 throughout California, including gun collectors, hunters, target shooters, law
10 enforcement, and those who choose to own a firearm to defend themselves and
11 their families. The CRPA FOUNDATION spends its resources seeking to raise
12 awareness about unconstitutional laws, defend and expand the legal recognition of
13 the rights protected by the Second Amendment, promote firearms and hunting
14 safety, protect hunting rights, enhance marksmanship skills of those participating
15 in shooting sports, and educate the general public about firearms. The CRPA
16 FOUNDATION supports law enforcement and various charitable, educational,
17 scientific, and other firearms-related public interest activities that support and
18 defend the Second Amendment rights of all law-abiding Americans.

19 22. In this suit, the CRPA FOUNDATION represents the interests of the
20 many citizen and taxpayer members of its related association, the California Rifle
21 and Pistol Association, who reside in California and who wish to sell or purchase
22 firearms, or who have sold or purchased firearms, and have been charged the
23 DROS Fee. These members are too numerous to conveniently bring this action
24 individually. The CRPA FOUNDATION brings this action on behalf of itself and
25 its tens of thousands of supporters in California, including Plaintiff BAUER, who
26 have been, are being, and will in the future be subjected to the DROS Fee being
27 used to fund unrelated activities.

28 23. Plaintiff HERB BAUER SPORTING GOODS, INC., is a California

1 corporation with its principal place of business in the County of Fresno, California.
2 It is a licensed firearms dealer under both federal and California law (i.e., an FFL)
3 that sells a variety of firearms. California law requires Plaintiff HERB BAUER to
4 collect the DROS Fee for DOJ, at DOJ's direction, from firearm transferees.
5 Accordingly, Plaintiff HERB BAUER is injured by its being forced to facilitate
6 DEFENDANTS' unlawful use of revenues collected from the DROS Fee.

7 24. The individual PLAINTIFFS identified above are residents and taxpayers
8 of California from the City and County of Fresno who have been required to pay
9 the DROS Fee, Defendants' use of which violates PLAINTIFFS' constitutional
10 rights.

11 25. Each of the associational PLAINTIFFS identified above either has
12 individual members or supporters, or represents individual members of a related
13 organization, who are citizens and taxpayers of California, including in Fresno
14 County, who have an acute interest in purchasing firearms and do not wish to pay
15 unlawful fees, taxes, or other costs associated with that purchase and thus have
16 standing to seek declaratory and injunctive relief to halt or reduce the
17 unconstitutional use of the monies collected from the DROS Fee. The interests of
18 these members are germane to their respective associations' purposes; and neither
19 the claims asserted nor the relief requested herein requires their members
20 participate in this lawsuit individually.

21 **II. Defendants**

22 26. Defendant KAMALA HARRIS is the Attorney General of California. She
23 is the chief law enforcement officer of California, and is charged by Article V,
24 Section 13 of the California Constitution with the duty to inform the general public
25 and to supervise and instruct local prosecutors and law enforcement agencies
26 regarding the meaning of the laws of the State, including the DROS Fee, and to
27 ensure the fair, uniform and consistent enforcement of those laws throughout the
28 state. She is sued in her official capacity.

1 27. Defendant STEPHEN LINDLEY is the Acting Chief of the DOJ Bureau
2 of Firearms and, as such, is responsible for executing, interpreting, and enforcing
3 the laws of the State of California – as well as its customs, practices, and policies –
4 at issue in this lawsuit. He is sued in his official capacity.

5 28. Defendants HARRIS and LINDLEY (collectively “DEFENDANTS”) are
6 responsible for administering and enforcing the DROS Fee, are in fact presently
7 enforcing the DROS Fee against PLAINTIFFS, and will continue to enforce the
8 DROS Fee against PLAINTIFFS.

9 29. DEFENDANTS also are responsible for spending monies appropriated to
10 the DOJ by the Legislature from the DROS Special Account, and have been
11 spending, are spending, and will continue to spend monies from the DROS Fee on
12 the APPS program.

13 30. The true names or capacities, whether individual, corporate, associate or
14 otherwise of the DEFENDANTS named herein as DOES 1-10, are presently
15 unknown to PLAINTIFFS, who therefore sue said DEFENDANTS by such
16 fictitious names. PLAINTIFFS pray for leave to amend this Complaint and Petition
17 to show the true names, capacities, and/or liabilities of DOE Defendants if and
18 when they have been determined.

19 OVERVIEW OF REGULATORY SCHEME

20 I. Constitutional Provisions and Controlling Law

21 31. The Second Amendment to the United States Constitution provides: “A
22 well regulated militia, being necessary to the security of a free State, the right of
23 the people to keep and bear arms, shall not be infringed.” U.S. Const. amend. II.

24 32. The Second Amendment protects a fundamental, individual right to
25 possess firearms for self-defense that is incorporated through the Due Process
26 clause of the Fourteenth Amendment to restrict state and local governments from
27 infringing on the right.

28 33. The right to keep and bear arms for self-defense implies a corresponding

1 right to acquire firearms.

2 34. The U.S. Supreme Court has made clear that government's authority to
3 levy fees on the exercise of constitutional rights is limited. Such fees may only be
4 imposed to defray the government's expenses incurred in regulating activities
5 reasonably related to the fee payer.

6 **II. The Dealer's Record of Sale (DROS) Fee Imposed on Firearm Transfers**

7 35. California confers discretion on DOJ to impose various fees on firearm
8 purchasers, which they must pay as a prerequisite to qualify for receiving a firearm.
9 The only fee at issue in this case is the DROS Fee, the one associated with
10 processing the Dealer's Record of Sale.

11 36. California Penal Code sections 28225(a)-(c) [formerly 12076(e)], 28230
12 [12076(f)], 28235 [12076(g)], and 28240(a)-(b) [12076(i)], establish the fees
13 associated with a DROS, and govern what the funds collected therefrom can be
14 used for.

15 37. Subdivision (a) of Penal Code section 28225 [12076(e)] provides:

16 The [DOJ] may require the [FFL] to charge each firearm purchaser a
17 fee not to exceed fourteen dollars (\$14), except that the fee may be
18 increased at a rate not to exceed any increase in the California
Consumer Price Index as compiled and reported by the Department of
Industrial Relations.

19 38. The DOJ promulgated California Code of Regulations, Title 11, section
20 4001, increasing the cap on the DROS fee from \$14 to \$19 for the first handgun or
21 any number of rifles/shotguns in a single transaction, and capping the DROS fee
22 for each additional *handgun* being purchased along with the first handgun at \$15.

23 39. Subdivision (b) of Penal Code section 28225 [12076(e)] further provides
24 that "[t]he [DROS] fee shall be no more than is necessary to fund" the activities
25 enumerated at Penal Code section 28225(b)(1)-(11) [12076(e)(1)-(10)].

26 40. Penal Code section 28225(b)(11) [12076(e)(10)] purports to authorize the
27 DOJ to use revenues from the DROS fee to fund "the estimated reasonable costs of
28 [DOJ] firearms-related regulatory and enforcement activities related to the sale,

1 purchase, possession, loan, or transfer of firearms.”

2 41. Prior to January 1, 2012, section 28225(b)(11) [12076(e)(10)] did not
3 provide for expenditure of DROS fee revenues on the mere “possession” of
4 firearms. But the Legislature amended that section during the 2011 Legislative
5 session to allow for such, based on its following purported findings:

6 SECTION 1. The Legislature finds and declares all of the following:

7 (a) California is the first and only state in the nation to establish an
8 automated system for tracking handgun and assault weapon owners who
might fall into a prohibited status.

9 (b) The California Department of Justice (DOJ) is required to maintain
10 an online database, which is currently known as the Armed Prohibited
11 Persons System, otherwise known as APPS, which cross-references all
12 handgun and assault weapon owners across the state against criminal
history records to determine persons who have been, or will become,
prohibited from possessing a firearm subsequent to the legal acquisition
or registration of a firearm or assault weapon.

13 (c) The DOJ is further required to provide authorized law enforcement
14 agencies with inquiry capabilities and investigative assistance to
determine the prohibition status of a person of interest.

15 (d) Each day, the list of armed prohibited persons in California grows
16 by about 15 to 20 people. There are currently more than 18,000 armed
17 prohibited persons in California. Collectively, these individuals are
18 believed to be in possession of over 34,000 handguns and 1,590 assault
weapons. The illegal possession of these firearms presents a substantial
danger to public safety.

19 (e) Neither the DOJ nor local law enforcement has sufficient resources
20 to confiscate the enormous backlog of weapons, nor can they keep up
with the daily influx of newly prohibited persons.

21 (f) A Dealer Record of Sale fee is imposed upon every sale or transfer
22 of a firearm by a dealer in California. Existing law authorizes the DOJ to
23 utilize these funds for firearms-related regulatory and enforcement
activities related to the sale, purchase, loan, or transfer of firearms
pursuant to any provision listed in Section 16580 of the Penal Code, but
not expressly for the enforcement activities related to possession.

24 (g) Rather than placing an additional burden on the taxpayers of
25 California to fund enhanced enforcement of the existing armed prohibited
26 persons program, it is the intent of the Legislature in enacting this
27 measure to allow the DOJ to utilize the Dealer Record of Sale Account
for the additional, limited purpose of funding enforcement of the Armed
Prohibited Persons System.

28 42. Penal Code section 28230(a)(2) [12076(f)(1)(B)] provides for DOJ to also

1 use DROS fee revenues for “the actual processing costs associated with the
2 submission of a [DROS] to the [DOJ].”

3 43. Pursuant to statute, revenue from the DROS fee is supposed to be
4 deposited into the DROS Special Account of the General Fund (“DROS Special
5 Account”) and appropriated by the Legislature. Cal. Penal Code § 28235
6 [12076(g)].

7
8 **GENERAL ALLEGATIONS**

9 44. All of the above paragraphs are re-alleged and incorporated herein by
10 reference.

11 45. Individual PLAINTIFFS BAUER, WARKENTIN, HACKER, and
12 FERRY, and those persons represented by organizational PLAINTIFFS NRA and
13 CRPA FOUNDATION, have each been required to pay, have in fact paid, and
14 expect to pay in the future the DROS Fee as currently required by California law
15 before taking possession of firearms purchased from an FFL or transferred through
16 an FFL as a private party transfer.

17 46. The funds from the DROS Fee that PLAINTIFFS paid and expect to pay
18 in the future are purportedly deposited into the DROS Special Account and
19 ultimately surrendered to DEFENDANTS’ control pursuant to appropriation from
20 the DROS Special Account by the Legislature.

21 47. The Legislature has appropriated, and DEFENDANTS intend to spend
22 from the DROS Special Account, \$25 million to fund, at least in part, general law
23 enforcement activities associated with the APPS Program.

24 48. Because the fundamental right to possess a firearm under the Second
25 Amendment includes a corresponding right to acquire a firearm, monies collected
26 from the DROS Fee must only be used to fund activities that are reasonably related
27 to the fee payer’s impact on the state.

28 49. Simply because the crimes targeted by the APPS program involve

1 firearms does not mean they have a sufficient nexus to DROS Fee payers such that
2 its enforcement costs may constitutionally fall on the shoulders of PLAINTIFFS
3 and other lawful firearm purchasers via the DROS Fee; they do not and cannot.

4 50. DEFENDANTS cause PLAINTIFFS irreparable harm by choosing to
5 spend revenues obtained from the DROS Fee on general law enforcement
6 operations associated with the APPS program because they are requiring
7 PLAINTIFFS to uniquely subsidize government services that are not reasonably
8 related to regulating lawful firearms transactions, but are admittedly for the general
9 welfare.

10 51. The utilization of the DROS Fee by DEFENDANTS for these improper
11 purposes necessitates judicial action to halt infringements and violations of
12 PLAINTIFFS' constitutional rights.

13 **DECLARATORY JUDGMENT ALLEGATIONS**

14 52. All of the above paragraphs are re-alleged and incorporated herein by
15 reference.

16 53. There is an actual and present controversy between the parties hereto in
17 that PLAINTIFFS contend that the manner in which DOJ currently uses the
18 revenues from the DROS Fee is unconstitutional and on information and belief,
19 allege that DEFENDANTS' disagree.

20 54. PLAINTIFFS desire a judicial declaration of their rights and
21 DEFENDANTS' duties; namely, that the DOJ's expenditure of monies collected
22 from the DROS Fee on general law enforcement activities associated with the
23 APPS program infringes on PLAINTIFFS' Second Amendment rights.

24 55. To be clear, PLAINTIFFS do not ask this Court to address the legality of
25 imposing the DROS Fee in the first place nor that of the APPS System.
26 PLAINTIFFS here merely seek a declaration as to whether the monies from a fee
27 that they are required to pay before they may lawfully engage in Second
28

1 Amendment protected conduct, i.e., obtaining a firearm, can be appropriated to
2 general law enforcement purposes unrelated to regulating PLAINTIFFS' impact on
3 the state.

4 **INJUNCTIVE RELIEF ALLEGATIONS**

5 56. All of the above paragraphs are re-alleged and incorporated herein by
6 reference.

7 57. PLAINTIFFS have been, are presently, and will continue to be
8 irreparably harmed by the assessment of the DROS Fee as a precondition on the
9 exercise of PLAINTIFFS' Second Amendment rights insofar as the revenues from
10 such assessment are utilized for purposes not reasonably related to regulating fee
11 payers' activities in lawfully obtaining a firearm, i.e., general law enforcement
12 activities.

13 58. If an injunction does not issue from this Court enjoining DEFENDANTS
14 from spending DROS Fee revenues on such general law enforcement activities,
15 DEFENDANTS will continue to do so in derogation of PLAINTIFFS' Second
16 Amendment rights, thereby irreparably harming PLAINTIFFS.

17 59. PLAINTIFFS have no adequate remedy at law. Damages are
18 indeterminate or unascertainable and, in any event, would not fully redress any
19 harm suffered by PLAINTIFFS as a result of DEFENDANTS subjecting
20 PLAINTIFFS to the illegal precondition on the exercise of PLAINTIFFS'
21 constitutional right to acquire firearms, i.e., funding general law enforcement
22 activities.

23 60. Injunctive relief would eliminate PLAINTIFFS' irreparable harm and
24 allow PLAINTIFFS to acquire firearms free from the unlawful precondition
25 currently inherent in the mandatory DROS Fee, in accordance with their rights
26 under the Second and Fourteenth Amendments.

27 61. Accordingly, injunctive relief is appropriate.
28

1 **CLAIM FOR RELIEF:**
2 **VALIDITY OF DEFENDANTS' USE OF DROS FEE REVENUES**
3 **Violation of the Second Amendment Right to Keep and Bear Arms**
4 **(U.S. Const., Amends. II and XIV)**
5 **(By All Plaintiffs Against All Defendants)**

6 62. All of the above paragraphs are re-alleged and incorporated herein by
7 reference.

8 63. DEFENDANTS use revenues collected from a fee, payment of which is
9 generally required as a precondition for the lawful receipt of a firearm in
10 California, in order to fund general law enforcement activities not reasonably
11 related to regulating the behavior or impact on the state of the fee payers – like
12 PLAINTIFFS. In doing so, DEFENDANTS are propagating customs, policies, and
13 practices that infringe on PLAINTIFFS' right to acquire firearms as guaranteed by
14 the Second and Fourteenth Amendments.

15 64. DEFENDANTS cannot satisfy their burden of justifying these customs,
16 policies, and practices that infringe PLAINTIFFS' rights.

17 65. PLAINTIFFS are entitled to declaratory and injunctive relief against
18 DEFENDANTS and their officers, agents, servants, employees, and all persons in
19 active concert or participation with them who receive actual notice of the
20 injunction, enjoining them from engaging in such customs, policies, and practices.

21 **PRAYER**

22 WHEREFORE PLAINTIFFS pray for relief as follows:

23 1) For a declaration that DEFENDANTS' enforcement of the APPS program
24 is not sufficiently related to PLAINTIFFS' lawful firearm purchases so as to justify
25 DEFENDANTS' using the revenues from the DROS Fee – which PLAINTIFFS
26 must pay to obtain a firearm – for the purpose of funding the APPS program, and
27 that such use of DROS Fee funds impermissibly infringes on PLAINTIFFS'
28 Second Amendment rights because it improperly requires PLAINTIFFS to bear the
burden of financing general law enforcement activities as a precondition to
exercising those rights;

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO BRANCH COURTHOUSE**

BARRY BAUER, STEPHEN WARKENTIN, NICOLE FERRY, LELAND ADLEY, JEFFREY HACKER, NATIONAL RIFLE ASSOCIATION OF AMERICA, INC., CALIFORNIA RIFLE PISTOL ASSOCIATION FOUNDATION, HERB BAUER SPORTING GOODS, INC.

CASE NO. 1:11-cv-01440-LJO-MJS

CERTIFICATE OF SERVICE

Plaintiffs

vs.

KAMALA HARRIS, in Her Official Capacity as Attorney General For the State of California; STEPHEN LINDLEY, in His Official Capacity as Acting Chief for the California Department of Justice, and DOES 1-10.

Defendants.

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of: **SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them. Electronically filed documents have been served conventionally by the filer to:

Anthony R. Hakl, Deputy Attorney General
California Department of Justice
Office of the Attorney General
Civil Law Division
Government Law Section
1300 I Street, Suite 125
Sacramento, CA 94244

I declare under penalty of perjury that the foregoing is true and correct.
Executed on July 24, 2013.

/s/ C. D. Michel
C. D. Michel
Attorney for Plaintiffs

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO BRANCH COURTHOUSE

BARRY BAUER, STEPHEN
WARKENTIN, NICOLE FERRY,
LELAND ADLEY, JEFFREY HACKER,
NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC., CALIFORNIA
RIFLE AND PISTOL ASSOCIATION
FOUNDATION, HERB BAUER
SPORTING GOODS, INC.,

Plaintiffs,

vs.

Case No.
1:11-cv-01440-LJO-MJS

KAMALA HARRIS, in Her Official
Capacity as Attorney General
For the State of California;
STEPHEN LINDLEY, in His
Official Capacity as Acting
Chief for the California
Department of Justice, and
DOES 1-10,

Defendants.

~~~~~

DEPOSITION OF  
STEPHEN J. LINDLEY  
February 21, 2014  
10:38 a.m.  
1300 I Street  
Sacramento, California

Daniel E. Blair, CSR No. 4388



1 APPEARANCES OF COUNSEL

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25

INDEX OF EXAMINATION

WITNESS: Stephen J. Lindley

EXAMINATION

PAGE

By Mr. Franklin

5

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF SACRAMENTO

3 --oOo--

4 DAVID GENTRY, JAMES  
5 PARKER, MARK MIDLAM,  
6 JAMES BASS, and CALGUNS  
7 SHOOTING SPORTS  
8 ASSOCIATION,

9 Plaintiffs and  
10 Petitioners,

11 vs.

12 Case No. 34-2013-80001667

13 KAMALA HARRIS, in Her  
14 Official Capacity as  
15 Attorney General for the  
16 State of California;  
17 STEPHEN LINDLEY, in His  
18 Official Capacity as  
19 Acting Chief for the  
20 California Department of  
21 Justice, BETTY YEE, in  
22 Her Official Capacity as  
23 State Controller for the  
24 State of California and  
25 DOES 1-10,

Defendants and  
Respondents.

\_\_\_\_\_/ DEPOSITION OF

STEPHEN J. LINDLEY

May 24, 2017

9:52 a.m.

1300 I Street  
Sacramento, California

LAURIE D. LERDA, CSR No. 3649

1 APPEARANCES OF COUNSEL

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4 MICHEL & ASSOCIATES, P.C.  
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10 On Behalf of the Defendants and Respondents:

11 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE  
12 OFFICE OF THE ATTORNEY GENERAL,  
13 CIVIL LAW DIVISION, GOVERNMENT LAW SECTION  
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18 anthony.hakl@doj.ca.gov

19 Also Present: Robert D. Wilson  
20  
21  
22  
23  
24  
25

--oOo--

INDEX OF EXAMINATION

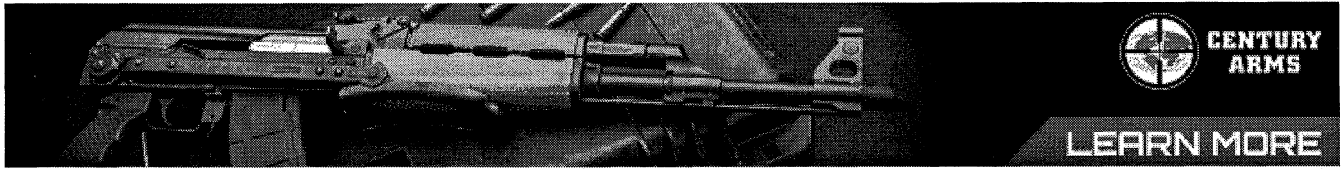
WITNESS: STEPHEN J. LINDLEY

| EXAMINATION     | PAGE |
|-----------------|------|
| By Mr. Franklin | 6    |

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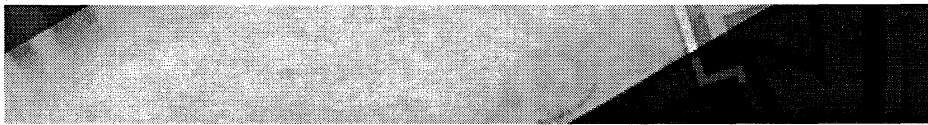
# **EXHIBIT E**





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## AMMOLAND

SHOOTING SPORTS NEWS

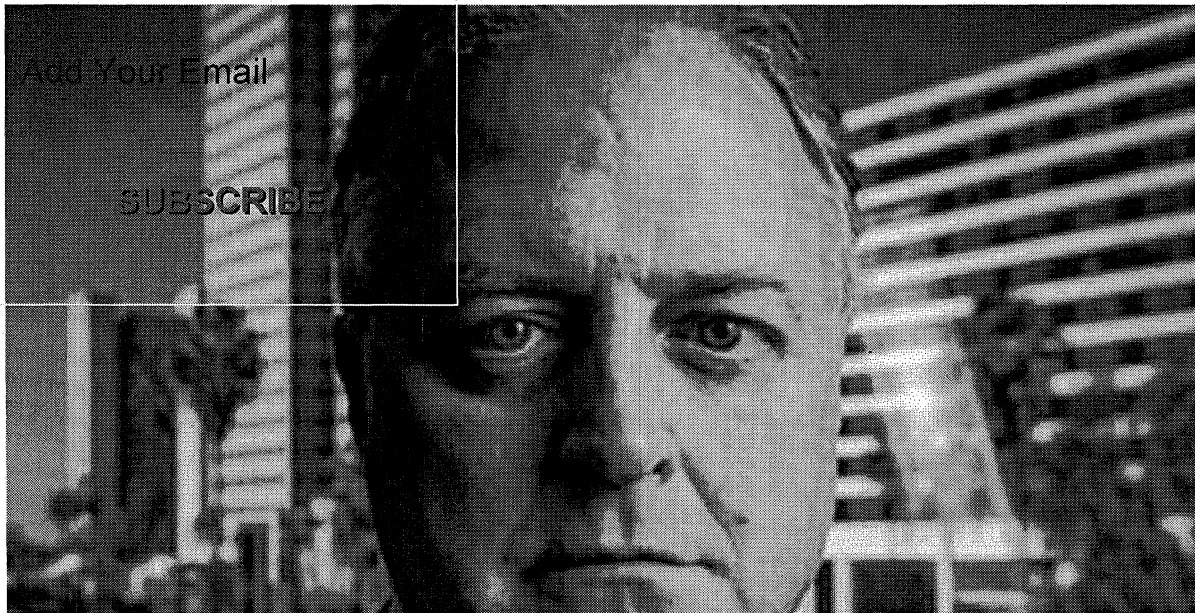
### California's Triggerman - C.D. 'Chuck' Michel

Ammoland Inc. Posted on February 2, 2015 by Ammoland

#### KEEP IN THE KNOW

by *Bill Blum*

Get the latest firearms news delivered straight to your inbox.  
*Long Beach attorney Chuck Michel has built a successful career by challenging firearms regulations – and winning.*





California's Triggerman Chuck Michel



California Lawyer



KEEP IN THE KNOW  
extends outside the home

**California** -- (Ammoland.com)- C.D. "Chuck" Michel won big against what he calls the "gun grabbers" last February when a three-judge panel of the Ninth U.S. Circuit Court of Appeals reversed a trial court ruling in one of the most significant Second Amendment cases of his career.

Not only did the 2-1 majority invalidate San Diego County's restrictive policy for obtaining a concealed-carry handgun permit, it went on to declare that the personal right to keep and bear arms

Get the latest firearms news. Michel, a Long Beach-based contract attorney for the California Rifle and Pistol Association (CRPA) delivered a straight to you of the National Rifle Association – has been the lead plaintiffs attorney in *Peruta v. San Diego* (742 F.3d 1144 (9th Cir. 2014)) since April 2010. In 2011 former Solicitor General Paul D. Clement filed an amicus brief on behalf of the NRA, and he later argued the case for the appellants.

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"We got everything we asked for from the court," says Michel, who drafted the pleadings.

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In a 69-page opinion, Judge Diarmuid O'Scannlain, one of the circuit's most conservative members, crafted a meticulous analysis of the Second Amendment and pre-Civil War gun-ownership rights. He concluded that the county's interpretation of "good cause" to obtain a concealed-carry permit – documenting circumstances showing that the applicant was uniquely in harm's way – infringed the constitutional right to "bear Arms."

O'Scannlain wrote, “[T]he right is, and has always been, oriented to the end of self-defense. Any contrary interpretation of the right, whether propounded in 1791 or just last week, is error.” (Peruta, 742 F.3d at 1155 (emphasis by the court).)

One other federal circuit had explicitly issued such a holding before – Moore v. Madigan (702 F.3d 933 (7th Cir. 2012)) – but not in so detailed and definitive an opinion.

From Michel's perspective, the broad sweep of O'Scannlain's prose also vindicated the NRA's steady and deliberate approach to litigation. In the wake of the U.S. Supreme Court's landmark decision recognizing an individual's right to own firearms (*District of Columbia v. Heller*, 554 U.S. 570 (2008)), gun-rights groups had rushed to clarify the scope of permissible regulation. The NRA's contentious rival – the *Second Amendment Foundation in Washington state* – had brought a similar challenge to concealed-carry policy in California's Yolo County. Three weeks after the Ninth Circuit's decision in Peruta, the same panel invalidated Yolo's policy. But it did so in an unpublished three-page decision that cited Peruta as controlling precedent. (Richards v. Prieto, 560 Fed. Appx. 681 (9th Cir. 2014).)

When the sheriff of San Diego County declined to petition for rehearing of Peruta, others attempted to step into the breach. But in November the Ninth Circuit denied intervenor status to Attorney General Kamala D. Harris, the Brady Campaign to Prevent Gun Violence, and the California Police Chiefs and Peace Officers' Associations. (Peruta v. County of San Diego, 771 F.3d 570 (9th Cir. 2014).) Still, Judge Sidney R. Thomas's strong dissent in Peruta gave Michel cause for concern.

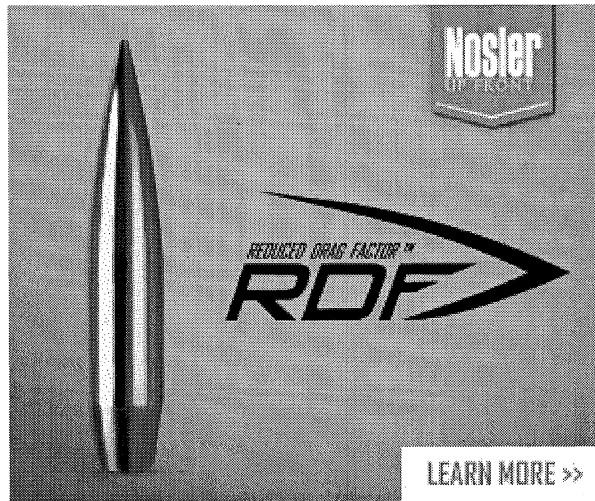
Inbox

In December, two days after the Montana jurist began a seven-year term as Chief Judge, Michel's worries were borne out: The Ninth Circuit called for briefing – *due Christmas Eve* – to determine if Peruta should be reheard en banc. If review is granted, Thomas will lead a tribunal that includes ten other judges chosen at random.

No one knows, of course, how the en banc process will conclude.

“The Circuit consists of roughly two-thirds Democratic appointees and one-third Republican,” says Michel. “But judges don't always vote along political lines. And our position is very persuasive.”

Should the respondents lose an en banc ruling, Michel promises he won't back down. He'll appeal Peruta all the way to the U.S. Supreme Court – very likely joined by libertarians and other advocates of individual gun rights....



6 thoughts on "California's Triggerman – C.D. 'Chuck' Michel"



Wes Smith says:  
**AMMOLAND**  
 SHOOTING SPORTS NEWS  
 The dark side is that Chuck Michel and the NRA espouse marketing of NRA financial services to children, and fraudulently sell any kid's name and address they can get as an adult to other companies, to get money for the NRA. While Chuck Michel does some good work, he unethically tries to pretend like he's on the side of reasonable discourse, but lies and then uses legal ruses to stab people in the back. Not a nice guy! But it's really amazing that the NRA keeps him working for them, despite his advocating of marketing and illegally selling to kids, and dancing around the edges of mail fraud and wire fraud. Chuck Michel, your past will catch up to you!

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 Reply

Oscar **SUBSCRIBE**  
 July 6, 2016 at 1:32 PM

Keep up the great work Mr Michel. I just recently joined the California Rifle and Pistol Association.

Reply

Michael Gallagher says:  
 February 11, 2015 at 9:42 PM

When Wayne La Pierre and the NRA were treating gun owning Californians like red-headed step children (Roberti, Roos) I vowed that they would not get one more dime from me. He (La Pierre) said they would not support a losing fight. I have always supported CRPA and Chuck Michel They won't give up and neither will I. This is OUR state and it was once a beautiful, and Constitutional, place to grow up in and live. I would walk through hell on Sunday for Chuck Michel and CRPA. Gentlemen, keep up the good work.

Reply



Raymond Scott says:

February 11, 2015 at 3:11 PM

Way to go Chuck Michel, Esq.!! Many have given up on our state, but things can change and for the better.Keep up the good fight for our civil rights in California.

Reply



ammoland  
SHOOTING SPORTS NEWS

February 11, 2015 at 6:06 PM

There are times when i think going to war here in california would be enjoyable.

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February 3, 2015 at 8:24 PM

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# **EXHIBIT F**

1 C. D. Michel - S.B.N. 144258  
Glenn S. McRoberts - S.B.N. 144852  
2 Scott M. Franklin - S.B.N. 240254  
Sean A. Brady - S.B.N. 262007  
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7 Attorneys for Plaintiffs

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SACRAMENTO

10  
11 DAVID GENTRY, JAMES PARKER,  
MARK MIDLAM, JAMES BASS, and  
12 CALGUNS SHOOTING SPORTS  
ASSOCIATION

13 Plaintiffs and Petitioners,  
14

15 vs.

16 KAMALA HARRIS, in Her Official  
Capacity as Attorney General for the State of  
17 California; STEPHEN LINDLEY, in His  
Official Capacity as Acting Chief for the  
California Department of Justice, JOHN  
18 CHIANG, in his official capacity as State  
Controller for the State of California, and  
19 DOES 1-10.

20 Defendants and Respondents.  
21

CASE NO. 34-2013-80001667

**REQUESTS FOR PRODUCTION OF  
DOCUMENTS  
(SET ONE)**

22 **PROPOUNDING PARTY:**

**PLAINTIFFS**

23 **RESPONDING PARTY:**

**DEFENDANTS ATTORNEY GENERAL**

**KAMALA HARRIS & BUREAU OF**

**FIREARMS CHIEF STEPHEN LINDLEY**

26 **SET NO:**

**ONE**



1 Plaintiffs David Gentry, James Parker, Mark Midlam, James Bass, and Calguns Shooting  
2 Sports Association (collectively "PLAINTIFFS") hereby demand Defendants Kamala Harris and  
3 Stephen Lindley (collectively "DEFENDANTS"), produce for inspection and/or photocopying, all  
4 documents, papers, books, account letters, photographs, objects and all other things designated  
5 herein. The production is to take place on June 22, 2014, at 10:00 a.m., at 180 E. Ocean Blvd.,  
6 Suite 200, Long Beach, California, or at such prior time and place as may be agreed upon by  
7 counsel.

8 Within thirty days after service of this request, DEFENDANTS must serve a written  
9 response subscribed under oath describing the documents/things DEFENDANTS will produce and  
10 stating any objections DEFENDANTS have to the production of any documents/things described  
11 below. Failure to serve a response within the allotted time shall be deemed to be a waiver of any  
12 objections to the production of the demanded documents/things.

13 If DEFENDANTS withhold, under claim of privilege or otherwise, any document or part  
14 thereof, which is requested to be produced, the following information must be provided for each  
15 such document:

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

28 As to all documents required to be produced hereby, duplicates or photocopies may be

1 provided in place of the original documents where duplicates or photocopies are identical in every  
2 respect to the originals and are clear, legible copies.

3 **REQUEST FOR PRODUCTION NO. 1**

4 Each and every DOCUMENT (as used herein, "DOCUMENT" means any written, printed,  
5 typed, photostatic, photographed, recorded, or otherwise reproduced communication or record of  
6 every kind and description, whether comprised of letters, words, numbers, pictures, sounds, or  
7 symbols, or any combination thereof, whether prepared by hand or by electronic, magnetic,  
8 photographic, mechanic or other means, and including audio or video recordings of  
9 communications, occurrences or events. *This definition includes*, but is not limited to, any and  
10 all of the following: *e-mails*, correspondence, notes, minutes, records, messages, memoranda,  
11 diaries, contracts, agreements, invoices, orders, acknowledgments, receipts, bills, statements,  
12 checks, check registers, carbon copies, financial statements, journals, ledgers, appraisals, reports,  
13 forecasts, compilations, schedules, studies, summaries, analyses, pamphlets, brochures,  
14 advertisements, newspaper clippings, articles, tables, tabulations, plans, photographs, pictures,  
15 film, microfilm, microfiche, computer-stored or computer-readable data, computer programs,  
16 computer printouts, telegrams, telexes, facsimiles, tapes, transcripts, recordings, and all other  
17 sources or formats from which data, information, or communications can be obtained.

18 "DOCUMENT" shall also include any draft, preliminary version, or revisions of the foregoing,  
19 and all copies of a DOCUMENT shall be produced to the extent that the copies differ from the  
20 document produced due to notations, additions, insertions, deletions, comments, attachments,  
21 enclosures or markings of any kind, *but excluding any document produced as part of the*  
22 *December 21, 2012, Response to Plaintiff's Request for Production of Documents, Set One, in*  
23 *the action Bauer v. Harris, United States District Court for the Eastern District of California,*  
24 *Case No. 1:11-cv-1440-LJO-MJS*, and also excluding any document provided in a supplement to  
25 the response of December 21, 2012, that has been served on counsel for the Plaintiffs in that  
26 action) appearing to have been created after January 1, 2000, that shows the calculation of a cost,  
27 including an estimated cost, referred to in SECTION 28225 (as used herein, "SECTION 28225"  
28 refers to California Penal Code section 28255 and its predecessor, California Penal Code section

1 12706).

2 **REQUEST FOR PRODUCTION NO. 2**

3 Each and every DOCUMENT appearing to have been created after January 1, 2000,  
4 specifically identifying any figure to be a cost, including an estimated cost, referred to in Penal  
5 Code section 28225, excluding any DOCUMENT provided in response to a request above.

6 **REQUEST FOR PRODUCTION NO. 3**

7 Each and every DOCUMENT referring to a cost arising from APPS (as used herein,  
8 "APPS" refers to the Armed Prohibited Persons System program, also known as Armed &  
9 Prohibited Persons System program or California Armed and Prohibited Person Program, and  
10 enforcement activities based on the use of data derived from APPS, including but not limited to  
11 investigations of persons identified by APPS as potentially possessing one or more firearm  
12 illegally) being paid out funds obtained from the DROS SPECIAL ACCOUNT (as used herein,  
13 "DROS SPECIAL ACCOUNT" refers to the portion of the state's General Fund wherein funds  
14 collected under SECTION 28225 are deposited) prior to May 1, 2013.

15 **REQUEST FOR PRODUCTION NO. 4**

16 Each and every DOCUMENT referring to an APPS-related cost being paid out funds  
17 obtained from the GENERAL FUND (as used herein, the term "GENERAL FUND" refers to the  
18 General Fund for the state of California, *excluding* any special accounts that are normally  
19 considered to be within the General Fund) after April 30, 2013.

20 **REQUEST FOR PRODUCTION NO. 5**

21 Each and every DOCUMENT referring to an APPS-related cost being paid from a source  
22 other than the GENERAL FUND or the DROS SPECIAL ACCOUNT.

23 **REQUEST FOR PRODUCTION NO. 6**

24 Each and every written transcript, audio file, or other DOCUMENT that reflects testimony  
25 Defendant Kamala Harris has given to a legislative body in California, limited to testimony  
26 concerning APPS, the DROS PROCESS (as used herein, "DROS PROCESS" refers to the  
27 background check process that occurs when a firearm purchase or transfer occurs in California;  
28 "DROS PROCESS" can be found at <http://oag.ca.gov/firearms/pubfaqs>), or DROS FEE FUNDS

1 C. D. Michel - S.B.N. 144258  
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2 Sean A. Brady - S.B.N. 262007  
MICHEL & ASSOCIATES, P.C.  
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6 Attorneys for Plaintiffs

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SACRAMENTO

10

11 DAVID GENTRY, JAMES PARKER,  
MARK MIDLAM, JAMES BASS, and  
12 CALGUNS SHOOTING SPORTS  
ASSOCIATION,

13 Plaintiffs and Petitioners,

14

vs.

15 KAMALA HARRIS, in her official capacity  
as Attorney General for the state of  
16 California; STEPHEN LINDLEY, in his  
official capacity as Acting Chief for the  
17 California Department of Justice, Bureau of  
Firearms; BETTY YEE, in her official  
18 capacity as State Controller for the state of  
California, and DOES 1-10,

19

Defendants and Respondents.

20

21

22 **PROPOUNDING PARTIES:**

23 **RESPONDING PARTIES:**

24

25 **SET NO:**

26 ///

27

28

CASE NO. 34-2013-80001667

**REQUESTS FOR PRODUCTION OF  
DOCUMENTS (SET FOUR)**

**PLAINTIFFS**

**DEFENDANTS KAMALA HARRIS &**

**STEPHEN LINDLEY**

**FOUR**

1 Plaintiffs David Gentry, James Parker, Mark Midlam, James Bass, and Calguns Shooting  
2 Sports Association (collectively "PLAINTIFFS") hereby demand defendants Kamala Harris and  
3 Stephen Lindley (collectively "DEFENDANTS") produce for inspection and/or photocopying all  
4 documents, papers, books, account letters, photographs, objects, and all other things designated  
5 herein. The production is to take place on October 10, 2016, at 10:00 a.m. at 180 E. Ocean Blvd.,  
6 Suite 200, Long Beach, California, or at such prior time and place as may be agreed upon by  
7 counsel.

8 Within thirty days after service of this request, DEFENDANTS must serve a written  
9 response subscribed under oath describing the documents/things DEFENDANTS will produce and  
10 stating any objections DEFENDANTS have to the production of any documents/things described  
11 below. Failure to serve a response within the allotted time shall be deemed a waiver of any  
12 objections to the production of the demanded documents/things.

13 If DEFENDANTS withhold, under claim of privilege or otherwise, any document or part  
14 thereof which is requested to be produced, the following information must be provided for each  
15 such document:

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

28 As to all documents required to be produced hereby, duplicates or photocopies may be

1 provided in place of the original documents where duplicates or photocopies are identical in every  
2 respect to the originals and are clear, legible copies.

3 **REQUEST FOR PRODUCTION NO. 92**

4 Each and every DOCUMENT ("DOCUMENT" means any written, printed, typed,  
5 photostatic, photographed, recorded, or otherwise reproduced communication or record of every  
6 kind and description, whether comprised of letters, words, numbers, pictures, sounds, or symbols,  
7 or any combination thereof, whether prepared by hand or by electronic, magnetic, photographic,  
8 mechanic or other means, and including audio or video recordings of communications,  
9 occurrences, or events. *This definition includes*, but is not limited to, any and all of the following:  
10 *e-mails*, correspondence, notes, minutes, records, messages, memoranda, diaries, contracts,  
11 agreements, invoices, orders, acknowledgments, receipts, bills, statements, checks, check  
12 registers, carbon copies, financial statements, journals, ledgers, appraisals, reports, forecasts,  
13 compilations, schedules, studies, summaries, analyses, pamphlets, brochures, advertisements,  
14 newspaper clippings, articles, tables, tabulations, plans, photographs, pictures, film, microfilm,  
15 microfiche, computer-stored or computer-readable data, computer programs, computer printouts,  
16 telegrams, telexes, facsimiles, tapes, transcripts, recordings, and all other sources or formats from  
17 which data, information, or communications can be obtained. "DOCUMENT" shall also include  
18 any draft, preliminary version, or revisions of the foregoing, and all copies of a document shall be  
19 produced to the extent that the copies differ from the document produced due to notations,  
20 additions, insertions, deletions, comments, attachments, enclosures or markings of any kind, *but*  
21 *excluding any document produced in the action Bauer v. Harris, United States District Court*  
22 *for the Eastern District of California, Case No. 1:11-cv-1440-LJO-MJS*, and also excluding  
23 any document provided in response to discovery previously propounded in this action) provided or  
24 appearing to have been provided by CAL DOJ (as used herein, "CAL DOJ" refers to the  
25 California Department of Justice, including the office of the Attorney General, and all persons  
26 working for or at the direction of the California Department of Justice) to a legislative budget  
27 committee that refers to the DROS SPECIAL ACCOUNT (as used herein, "DROS SPECIAL  
28 ACCOUNT" refers to the portion of the state's General Fund wherein DROS FEE funds are

1 deposited), limited to DOCUMENTS that appear to have been created after January 1, 2008.

2 **REQUEST FOR PRODUCTION NO. 93**

3 Each and every DOCUMENT listing the sources of the revenue comprising the  
4 \$17,286,000 of revenue related to “miscellaneous services to the public” that went into the DROS  
5 SPECIAL ACCOUNT for fiscal year 2014-2015; this request is based on data stated in  
6 California’s 2016-2017 budget, though responding to this request does not require reference  
7 thereto by the responding parties.

8 **REQUEST FOR PRODUCTION NO. 94**

9 Each and every DOCUMENT listing the classes of expenditures that comprise the  
10 \$28,616,000 of expenditures related to “Department of Justice (State Operations)” that were  
11 funded from the DROS SPECIAL ACCOUNT for fiscal year 2014-2015; this request is based on  
12 data stated in California’s 2016-2017 budget, though responding to this request does not require  
13 reference thereto by the responding parties.

14 **REQUEST FOR PRODUCTION NO. 95**

15 Each and every DOCUMENT titled “DOJ Programs Funded with DROS Special Fund”  
16 concerning fiscal years 2014-2015 to the present.

17 **REQUEST FOR PRODUCTION NO. 96**

18 Each and every DOCUMENT, whether provided to the office of State Senator Mark Leno  
19 or not, referring to SB 819’s potential impact on the general taxpaying public.

20 **REQUEST FOR PRODUCTION NO. 97**

21 Each and every DOCUMENT appearing to have been created by CAL DOJ between  
22 January 1, 2010, and January 1, 2013, concerning the impact, whether potential or actual, of the  
23 \$11,500,000 loan taken from the DROS SPECIAL ACCOUNT.

24 **REQUEST FOR PRODUCTION NO. 98**

25 Each and every email appearing to have been created by CAL DOJ between January 1,  
26 2010, and January 1, 2013, concerning the impact—whether potential or actual—of the \$11,500,000  
27 loan taken from the DROS SPECIAL ACCOUNT.

28 ///

# EXHIBIT G



**U.S. District Court  
Eastern District of California - Live System (Fresno)  
CIVIL DOCKET FOR CASE #: 1:11-cv-01440-LJO-MJS**

Bauer, et al. vs. Harris, et al.  
Assigned to: District Judge Lawrence J. O'Neill  
Referred to: Magistrate Judge Michael J. Seng  
Case in other court: USCA, 15-15428  
Cause: 42:1983 Civil Rights Act

Date Filed: 08/25/2011  
Date Terminated: 03/02/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Barry Bauer**

represented by **Carl Dawson Michel**  
Michel & Associates, P.C.  
180 East Ocean Blvd., Suite 200  
Long Beach, CA 90802  
562-216-4444  
Fax: 562-216-4445  
Email: cmichel@michellawyers.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Stephen Warkentin**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Nicole Ferry**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Leland Adley**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jeffrey Hacker**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**National Rifle Association of America,  
Inc.**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**California Rifle & Pistol Association  
Foundation**

represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Herb Bauer Sporting Goods, Inc.**represented by **Carl Dawson Michel**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Kamala D. Harris**represented by **Susan K. Smith**  
Office of the Attorney General of California  
300 South Spring Street  
6th Floor, South Tower  
Los Angeles, CA 90013  
(213) 897-2105  
Fax: (213) 897-1071  
Email: susan.smith@doj.ca.gov  
*TERMINATED: 07/24/2012*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Anthony R. Hakl , III**  
Attorney General's Office for the State of  
California  
Department of Justice  
1300 I Street  
P.O. Box 255200  
Sacramento, CA 95814  
916-210-6065  
Fax: 916-324-8835  
Email: anthony.hakl@doj.ca.gov  
*ATTORNEY TO BE NOTICED***Defendant****Stephen Lindley**represented by **Susan K. Smith**  
(See above for address)  
*TERMINATED: 07/24/2012*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Anthony R. Hakl , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****Does 1-10**

| <b>Date Filed</b> | <b>#</b> | <b>Docket Text</b>                                                                                                                                               |
|-------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/25/2011        | <u>1</u> | CIVIL COVER SHEET by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | National Rifle Association of America, Inc., Stephen Warkentin (Michel, Chuck) (Entered: 08/25/2011)                                                                                                                                                                                                                                                                                                                                                                                     |
| 08/25/2011 | <u>2</u>  | COMPLAINT <i>For Declaratory And Injunctive Relief 42 U.S.C. sections 1983, 1988</i> against Kamala D. Harris, Stephen Lindley, Does 1-10 by National Rifle Association of America, Inc., Herb Bauer Sporting Goods, Inc., Barry Bauer, Leland Adley, Nicole Ferry, California Rifle & Pistol Association Foundation, Stephen Warkentin, Jeffrey Hacker. Attorney Michel, Chuck D. added.(Michel, Chuck) (Entered: 08/25/2011)                                                           |
| 08/26/2011 |           | RECEIPT number #CAE100016086 \$350.00 fbo Barry Bauer by C. D. Michel on 8/26/2011. (Marrujo, C) (Entered: 08/26/2011)                                                                                                                                                                                                                                                                                                                                                                   |
| 08/26/2011 | <u>4</u>  | SUMMONS ISSUED as to *Kamala D. Harris, Stephen Lindley* with answer to complaint due within *21* days. Attorney *Chuck D. Michel* *Michel & Associates, P.C.* *180 East Ocean Blvd., Suite 200* *Long Beach, CA 90802*. (Lundstrom, T) (Entered: 08/26/2011)                                                                                                                                                                                                                            |
| 08/26/2011 | <u>5</u>  | CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 12/8/2011 at 10:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. (Attachments: # <u>1</u> Standing Order, # <u>2</u> Consent Form, # <u>3</u> VDRP Form) (Lundstrom, T) (Entered: 08/26/2011)                                                                                                                                                                                                  |
| 12/02/2011 | <u>6</u>  | MINUTE ORDER: (**TEXT ONLY**) Plaintiff's notified the Court they are still serving Defendant in case. Initial Scheduling Conference set for 12/8/2011 at 10:30 a.m. is CONTINUED to 2/9/2012 at 11:00 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. A Joint Scheduling Conference Report carefully prepared and executed by all counsel, shall be electronically filed in CM/ECF one (1) full week prior to the Scheduling Conference. (Yu, L) (Entered: 12/02/2011) |
| 01/09/2012 | <u>7</u>  | SUMMONS RETURNED EXECUTED: Kamala D. Harris served on 12/22/2011, answer due 1/12/2012. (Attachments: # <u>1</u> Exhibit A)(Michel, Carl) (Entered: 01/09/2012)                                                                                                                                                                                                                                                                                                                          |
| 01/09/2012 | <u>8</u>  | SUMMONS RETURNED EXECUTED: Stephen Lindley served on 12/22/2011, answer due 1/12/2012. (Attachments: # <u>1</u> Exhibit A)(Michel, Carl) (Entered: 01/09/2012)                                                                                                                                                                                                                                                                                                                           |
| 01/10/2012 | <u>9</u>  | STIPULATION and PROPOSED ORDER for To Extend Pleading Deadlines by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 01/10/2012)                                                                                                                                                                      |
| 01/11/2012 | <u>10</u> | STIPULATION TO EXTEND PLEADING DEADLINES AND ORDER signed by Magistrate Judge Michael J. Seng on 1/11/2012. (Yu, L) (Entered: 01/11/2012)                                                                                                                                                                                                                                                                                                                                                |
| 01/17/2012 | <u>11</u> | MINUTE ORDER: (**TEXT ONLY**) Initial Scheduling Conference set for 2/9/2012 at 11:00 AM is CONTINUED to 4/12/2012 at 11:00 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. A Joint Scheduling Report carefully prepared shall be filed with the Court one (1) full week prior to the Scheduling Conference, and shall be emailed to mjsorders@caed.uscourts.gov. (Yu, L) (Entered: 01/17/2012)                                                                         |
| 02/09/2012 | <u>12</u> | FIRST AMENDED COMPLAINT against Does 1-10, Kamala D. Harris, Stephen Lindley by National Rifle Association of America, Inc., Nicole Ferry, California Rifle & Pistol Association Foundation, Stephen Warkentin, Herb Bauer Sporting Goods, Inc., Leland Adley, Barry Bauer, Jeffrey Hacker.(Michel, Carl) (Entered: 02/09/2012)                                                                                                                                                          |
| 03/08/2012 | <u>13</u> | ANSWER to <u>12</u> Amended Complaint, by Kamala D. Harris, Stephen Lindley. Attorney Smith, Susan K. added.(Smith, Susan) (Entered: 03/08/2012)                                                                                                                                                                                                                                                                                                                                         |
| 03/21/2012 | <u>14</u> | MOTION to STAY by Kamala D. Harris, Stephen Lindley. Motion Hearing set for 4/18/2012 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill.                                                                                                                                                                                                                                                                                                                        |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | (Attachments: # <u>1</u> Declaration of Susan K. Smith in Support of Notice of Motion and Motion to Stay)(Smith, Susan) (Entered: 03/21/2012)                                                                                                                                                                                                                                                                                                                                                                         |
| 03/21/2012 | <u>15</u> | REQUEST for <i>Judicial Notice Filed Concurrently with Motion to Stay</i> by Kamala D. Harris, Stephen Lindley re <u>14</u> MOTION to STAY filed by Stephen Lindley, Kamala D. Harris. (Smith, Susan) (Entered: 03/21/2012)                                                                                                                                                                                                                                                                                           |
| 03/22/2012 | <u>16</u> | MINUTE ORDER: (**TEXT ONLY**) <u>14</u> Motion to Stay set for 04/18/2012 at 8:30 a.m. in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill is MOVED to 4/20/2012 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. Initial Scheduling Conference set for 04/12/2012 in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng is CONTINUED to 6/28/2012 at 11:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. (Yu, L) (Entered: 03/22/2012)                 |
| 04/02/2012 | <u>17</u> | STIPULATION and PROPOSED ORDER for Continuance of Motion to Stay Hearing Date and Extend Associated Deadlines and [Proposed] Order by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 04/02/2012)                                                                                                                                |
| 04/03/2012 | <u>18</u> | STIPULATION FOR CONTINUANCE OF MOTION TO STAY HEARING. Motion Hearing is continued to 5/25/2012 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 04/03/2012. (Yu, L) (Entered: 04/03/2012)                                                                                                                                                                                                                                                     |
| 04/20/2012 | <u>19</u> | STIPULATION For Continuance of Motion to Stay Hearing Date and Extend Associated Deadlines and [Proposed] Order by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 04/20/2012)                                                                                                                                                   |
| 04/20/2012 | <u>20</u> | STIPULATION FOR CONTINUANCE OF MOTION TO STAY HEARING DATE AND EXTEND ASSOCIATED DEADLINES and ORDER THEREON. Motion Hearing is continued to 6/22/2012 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 04/20/2012. (Yu, L) (Entered: 04/20/2012)                                                                                                                                                                                              |
| 05/15/2012 | <u>21</u> | MINUTE ORDER: (**TEXT ONLY**) <u>14</u> Motion to Stay set for June 22, 2012 at 9:30 a.m. in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng is CONTINUED to July 6, 2012 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. Initial Scheduling Conference set for June 28, 2012 in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng is CONTINUED to August 9, 2012 at 11:00 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. (Yu, L) (Entered: 05/15/2012) |
| 06/06/2012 | <u>22</u> | WITHDRAWAL of <u>14</u> MOTION to STAY by Kamala D. Harris, Stephen Lindley. (Smith, Susan) (Entered: 06/06/2012)                                                                                                                                                                                                                                                                                                                                                                                                     |
| 06/07/2012 | <u>23</u> | MINUTE ORDER: (**TEXT ONLY**) On June 6, Defendant filed a <u>22</u> Withdrawal of Motion to Stay. The Motion Hearing set for July 6, 2012 at 9:30 a.m. before Magistrate Judge Michael J. Seng is VACATED. The Initial Scheduling Conference set for August 9, 2012 at 11:00 a.m. before Magsitrate Judge Michael J. Seng shall proceed as previously ordered. (Yu, L) (Entered: 06/07/2012)                                                                                                                         |
| 07/06/2012 | <u>24</u> | JOINT SCHEDULING REPORT by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 07/06/2012)                                                                                                                                                                                                                                           |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/24/2012 | <u>25</u> | NOTICE of Change of Assignment of Counsel Within Attorney General's Office by Kamala D. Harris, Stephen Lindley. (Smith, Susan) (Entered: 07/24/2012)                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 08/07/2012 | 26        | MINUTE ORDER (Text Only): The Initial Scheduling Conference set for August 9, 2012 at 11:00 a.m. shall be held in Magistrate Judge Michael J. Seng's Yosemite Chambers. The parties are directed to appear telephonically by making reservations through CourtCall at 866-582-6878. Please send confirmations to the courtroom deputy at lyu@caed.uscourts.gov. (Arellano, S.) (Entered: 08/07/2012)                                                                                                                                                                          |
| 08/09/2012 | 27        | MINUTES (Text Only) for proceedings held before Magistrate Judge Michael J. Seng: SCHEDULING CONFERENCE held on 8/9/2012 in Chambers. Plaintiffs Counsel Sean Brady present. Defendants Counsel Anthony Hakl present. Court Reporter/CD Number: Held in Chambers, off the record. (Yu, L) (Entered: 08/10/2012)                                                                                                                                                                                                                                                               |
| 08/10/2012 | <u>28</u> | SCHEDULING ORDER : <u>Initial Disclosures</u> : 07/11/2012, <u>Discovery Deadlines</u> : Non-Expert: 2/27/2013. Expert: 6/27/2013. <u>Motion Deadlines</u> : Non-Dispositive Motions filed by 6/27/2013. Dispositive Motions filed by 8/16/2013, <u>Pretrial Conference</u> 11/14/2013 at 08:15 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. <u>Jury Trial</u> 1/28/2014 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill, signed by Magistrate Judge Michael J. Seng on 08/10/2012. (Yu, L) (Entered: 08/13/2012)            |
| 01/22/2013 | <u>29</u> | STIPULATION To Extend Discovery Cut-Off Dates and Proposed Order by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 01/22/2013)                                                                                                                                                                                                                                                          |
| 01/23/2013 | <u>30</u> | STIPULATION TO EXTEND DISCOVERY CUT-OFF DATES AND ORDER signed by Magistrate Judge Michael J. Seng on 1/23/2013. (Yu, L) (Entered: 01/23/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 05/22/2013 | <u>31</u> | STIPULATION and PROPOSED ORDER for to Vacate Rule 16 Scheduling Order by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Attachments: # <u>1</u> Declaration of Sean A. Brady in Support)(Michel, Carl) (Entered: 05/22/2013)                                                                                                                                                                                    |
| 05/28/2013 | <u>32</u> | Stipulation to Vacate Rule 16 Scheduling Order and Order Thereon. A Scheduling Conference is now set for August 8, 2013 at 10:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 05/28/2013. (Yu, L) (Entered: 05/28/2013)                                                                                                                                                                                                                                                                                     |
| 06/13/2013 | <u>33</u> | MOTION to AMEND the <u>12</u> Amended Complaint, by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Motion for Leave to Amend Complaint, # <u>2</u> Exhibit A to Memorandum of Points and Authorities, # <u>3</u> Declaration of Sean A. Brady in Support of Motion for Leave to Amend Complaint)(Michel, Carl) (Entered: 06/13/2013) |
| 06/14/2013 | 34        | MINUTE ORDER: (**TEXT ONLY**)A Motion Hearing on Plaintiff's Motion to Amend is set for July 26, 2013 at 09:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 06/14/2013. (Yu, L) (Entered: 06/14/2013)                                                                                                                                                                                                                                                                                                       |
| 07/09/2013 | <u>35</u> | STATEMENT of NON-OPPOSITION by Kamala D. Harris, Stephen Lindley to <u>33</u> MOTION to AMEND the <u>12</u> Amended Complaint,. (Attachments: # <u>1</u> Proof of Service) (Hakl, Anthony) (Entered: 07/09/2013)                                                                                                                                                                                                                                                                                                                                                              |
| 07/22/2013 | <u>36</u> | ORDER granting <u>33</u> Plaintiff's Motion for Leave to File a Second Amended Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | The Motion Hearing set for July 26, 2013 is VACATED. Plaintiff to file a Second Amended Complaint within ten (10) days of the service of this order, signed by Magistrate Judge Michael J. Seng on 7/22/2013. (Yu, L) (Entered: 07/22/2013)                                                                                                                                                                                                                                                                                                                                                    |
| 07/24/2013 | <u>37</u> | SECOND AMENDED COMPLAINT against All Defendants by National Rifle Association of America, Inc., Nicole Ferry, California Rifle & Pistol Association Foundation, Stephen Warkentin, Herb Bauer Sporting Goods, Inc., Leland Adley, Barry Bauer, Jeffrey Hacker.(Michel, Carl) (Entered: 07/24/2013)                                                                                                                                                                                                                                                                                             |
| 08/02/2013 | 38        | MINUTE ORDER: (***)TEXT ONLY(***)The Initial Scheduling Conference set for August 8, 2013 at 10:30 a.m. is CONTINUED to September 27, 2013 at 10:30 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng, signed by Magistrate Judge Michael J. Seng on 08/02/2013. (Yu, L) (Entered: 08/02/2013)                                                                                                                                                                                                                                                                                   |
| 08/07/2013 | <u>39</u> | ANSWER to <u>37</u> Amended Complaint, by Kamala D. Harris, Stephen Lindley. (Attachments: # <u>1</u> Proof of Service)(Hakl, Anthony) (Entered: 08/07/2013)                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 09/13/2013 | <u>40</u> | JOINT SCHEDULING REPORT by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Michel, Carl) (Entered: 09/13/2013)                                                                                                                                                                                                                                                                                                                    |
| 09/17/2013 | 41        | MINUTE ORDER: (***)TEXT ONLY(***)The Initial Scheduling Conference set for September 27, 2013 at 10:30 a.m. is ADVANCED to September 27, 2013 at 09:00 AM in Courtroom 6 (MJS) before Magistrate Judge Michael J. Seng. The parties may appear telephonically by contacting Courtroom Deputy, Laurie C. Yu at (209)372-8917 or lyu@caed.uscourts.gov, signed by Magistrate Judge Michael J. Seng on 09/17/2013. (Yu, L) (Entered: 09/17/2013)                                                                                                                                                  |
| 09/27/2013 | 42        | MINUTES (Text Only) for proceedings held before Magistrate Judge Michael J. Seng: SCHEDULING CONFERENCE held on 9/27/2013. Parties appeared telephonically. Formal order to follow. Plaintiffs Counsel Sean Brady present. Defendants Counsel Anthony Hakl present. Court Reporter/CD Number: Held in Chambers off the record. (Yu, L) (Entered: 09/27/2013)                                                                                                                                                                                                                                   |
| 09/30/2013 | <u>43</u> | SCHEDULING ORDER : Discovery Deadlines: Non-Expert: 4/20/2014. Expert: 8/15/2014. Expert Disclosure Deadlines: Filing: 5/22/2014, Supplemental/Rebuttal: 06/20/2014. Motion Deadlines: Non-Dispositive Motions filed by 9/22/2014. Dispositive Motions filed by 11/17/2014, Pretrial Conference set for 2/10/2015 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. Jury Trial set for 3/24/2015 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill, signed by Magistrate Judge Michael J. Seng on 09/30/2013. (Yu, L) (Entered: 09/30/2013) |
| 11/06/2014 | <u>44</u> | MOTION to CONTINUE <i>Time for Filing Dispositive Motions</i> by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Attachments: # <u>1</u> Declaration Declaration of Sean A Brady in Support of Joint Motion to Extend Time for Filing Dispositive Motions, # <u>2</u> Proposed Order Proposed Order)(Michel, Carl) (Entered: 11/06/2014)                                                                                          |
| 11/07/2014 | 45        | (TEXT ENTRY ONLY) MINUTE ORDER: The Court has reviewed the joint motion to extend time for filing dispositive motions <u>44</u> , which also contains a request to vacate the trial date. This submission does not present good cause to either vacate or continue the trial date and is therefore DENIED WITHOUT PREJUDICE. The parties may submit a revised stipulation that reasonably modifies the dispositive motions and pretrial deadlines signed by District Judge Lawrence J. O'Neill on November 7, 2014. (Munoz, I) (Entered: 11/07/2014)                                           |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/07/2014 | <u>46</u> | MOTION for EXTENSION OF TIME to file Dispositive Motions & Related Deadlines by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. (Attachments: # <u>1</u> Declaration of Sean A. Brady in Support of Motion, # <u>2</u> Proposed Order)(Michel, Carl) (Entered: 11/07/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11/13/2014 | <u>47</u> | ORDER EXTENDING TIME FOR FILING DISPOSITIVE MOTIONS <u>46</u> signed by District Judge Lawrence J. O'Neill on November 13, 2014. (Munoz, I) (Entered: 11/13/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12/12/2014 | <u>48</u> | MOTION for 45-DAY EXTENSION OF TIME to Extend Time to File Dispositive Motions by Barry Bauer. (Attachments: # <u>1</u> Declaration of Sean A Brady in Support of Joint Motion to Extend Time to File Dispositive Motions, # <u>2</u> Proposed Order)(Michel, Carl) (Entered: 12/12/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 12/15/2014 | <u>49</u> | AMENDED MOTION for EXTENSION OF TIME to re <u>48</u> MOTION for 45-DAY EXTENSION OF TIME to Extend Time to File Dispositive Motions by Barry Bauer. (Attachments: # <u>1</u> Declaration of Sean A Brady in Support of Joint Amended Motion to Extend Time to File Dispositive Motions, # <u>2</u> Proposed Order Granting Joint Motion to Extend Time to File Dispositive Motions)(Michel, Carl) (Entered: 12/15/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12/15/2014 | <u>50</u> | ORDER GRANTING JOINT AMENDED MOTION TO EXTEND TIME TO FILE DISPOSITIVE MOTIONS (Docs. 48 & 49) signed by District Judge Lawrence J. O'Neill on December 15, 2014. (Munoz, I) (Entered: 12/15/2014)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 01/20/2015 | <u>51</u> | MOTION for SUMMARY JUDGMENT by Kamala D. Harris. Motion Hearing set for 2/26/2015 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. (Attachments: # <u>1</u> Points and Authorities, # <u>2</u> Statement Undisputed Facts in Support, # <u>3</u> Declaration of Stephen Lindley, # <u>4</u> Declaration of Joel Tochterman, # <u>5</u> Declaration of Anthony R. Hakl, # <u>6</u> Exhibit Exhibit A to Dec of Hakl, # <u>7</u> Exhibit Exhibit B to Dec of Hakl, # <u>8</u> Exhibit Exhibit C-E of Dec of Hakl, # <u>9</u> Exhibit Exhibit F to Dec of Hakl, # <u>10</u> Proof of Service)(Hakl, Anthony) (Entered: 01/20/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 01/20/2015 | <u>52</u> | MOTION for SUMMARY JUDGMENT by Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin. Motion Hearing set for 2/26/2015 at 08:30 AM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. (Attachments: # <u>1</u> Points and Authorities Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Summary Judgment, # <u>2</u> Statement Plaintiffs' Statement of Undisputed Facts in Support of Motion for Summary Judgment, # <u>3</u> Declaration Declaration of Jeffrey Hacker In Support of Motion for Summary Judgment, # <u>4</u> Declaration Declaration of Christopher Cox on Behalf of the National Rifle Association in Support of Motion for Summary Judgment, # <u>5</u> Declaration Declaration of Steven Dember on Behalf of the CRPA Foundation in Support of Motion for Summary Judgment, # <u>6</u> Declaration Declaration of Barry Bauer as Plaintiff and on Behalf of Herb Bauer's Sporting Goods, Inc. in Support of Motion for Summary Judgment, # <u>7</u> Declaration Declaration of Margaret E. Leidy in Support of Plaintiffs' Motion for Summary Judgment; Exhibits A Through JJ, # <u>8</u> Exhibit Exhibits to Margaret Leidy's Declaration - Part 1, # <u>9</u> Exhibit Exhibits to Margaret Leidy's Declaration - Part 2, # <u>10</u> Exhibit Plaintiffs' Request for Judicial Notice, # <u>11</u> Exhibit Exhibits to Plaintiffs' Request for Judicial Notice)(Michel, Carl) (Entered: 01/20/2015) |
| 01/21/2015 | <u>53</u> | NOTICE of Errata re Plaintiffs' Request for Judicial Notice by Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin re <u>52</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Exhibit Plaintiffs' Request for                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | Judicial Notice, # <u>2</u> Exhibit Exhibits to Plaintiffs' Request for Judicial Notice)(Michel, Carl) (Entered: 01/21/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 02/12/2015 | <u>54</u> | OPPOSITION by Kamala D. Harris to <u>52</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Declaration of Anthony Hakl, # <u>2</u> Exhibit Exhibit A to Hakl Dec, # <u>3</u> Exhibit Exhibit B to Hakl Dec, # <u>4</u> Declaration of Stephen Lindley, # <u>5</u> Exhibit Exhibit A to Lindley Dec, # <u>6</u> Response to Statement of Undisputed Facts)(Hakl, Anthony) (Entered: 02/12/2015)                                                                                                                                                                                                                                                                        |
| 02/12/2015 | <u>55</u> | OPPOSITION by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin to <u>51</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Response Plaintiffs' Response to Statement of Undisputed Facts in Support of Defendants' Motion for Summary Judgment, or in the Alternative Summary Adjudication)(Michel, Carl) (Entered: 02/12/2015)                                                                                                                                                                            |
| 02/17/2015 | <u>56</u> | MINUTE ORDER: (TEXT ENTRY ONLY) In the interests of judicial and party efficiency and to afford the Court sufficient time to confirm the parties' contention that this this case can be decided on the pending cross motions for summary judgment without the need for a trial, the deadline for filing a joint pretrial conference statement is EXTENDED to Friday, February 20, 2015 signed by District Judge Lawrence J. O'Neill on February 17, 2015. (Munoz, I) (Entered: 02/17/2015)                                                                                                                                                                                   |
| 02/18/2015 | <u>57</u> | MINUTE ORDER: (TEXT ENTRY ONLY) The Court has reviewed preliminarily the pending cross motions for summary judgment and concurs with the parties that this case can be resolved on the papers without the need for a trial. Accordingly, the pretrial conference and trial dates are VACATED. In addition, upon expiration of the reply deadline, the Court will take the matter under submission on the papers without oral argument pursuant to Local Rule 230(g). Therefore, the hearing on the pending motions, currently set for February 26, 2015, is also VACATED signed by District Judge Lawrence J. O'Neill on February 18, 2015. (Munoz, I) (Entered: 02/18/2015) |
| 02/19/2015 | <u>58</u> | REPLY by Kamala D. Harris to RESPONSE to <u>51</u> MOTION for SUMMARY JUDGMENT. (Hakl, Anthony) (Entered: 02/19/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 02/19/2015 | <u>59</u> | REPLY by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc., Stephen Warkentin re <u>52</u> MOTION for SUMMARY JUDGMENT. (Michel, Carl) (Entered: 02/19/2015)                                                                                                                                                                                                                                                                                                                                                                           |
| 03/02/2015 | <u>60</u> | MEMORANDUM DECISION AND ORDER Re Cross Motions for Summary Judgment re <u>51</u> , <u>52</u> , signed by District Judge Lawrence J. O'Neill on 03/02/15. CASE CLOSED. (Gonzalez, R) (Entered: 03/02/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 03/02/2015 | <u>61</u> | JUDGMENT dated *03/02/15* pursuant to order. (Gonzalez, R) (Entered: 03/02/2015)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 03/06/2015 | <u>62</u> | NOTICE of APPEAL by Leland Adley, Barry Bauer, California Rifle & Pistol Association Foundation, Nicole Ferry, Jeffrey Hacker, Herb Bauer Sporting Goods, Inc., National Rifle Association of America, Inc.. (Filing fee \$ 505, receipt number 0972-5780827) (Michel, Carl) (Entered: 03/06/2015)                                                                                                                                                                                                                                                                                                                                                                           |
| 03/09/2015 | <u>63</u> | USCA APPEAL FEES received in the amount of \$ 505 (Receipt # 09725780827) from Leland Adley on 3/6/2015 re <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. (Lundstrom, T) (Entered: 03/09/2015)                                                                                                                                                                                                                                                                                                |
| 03/09/2015 | <u>64</u> | APPEAL PROCESSED to Ninth Circuit re <u>62</u> Notice of Appeal, filed by Barry Bauer,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |



|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. Notice of Appeal filed *3/6/2015*, Complaint filed *8/25/2011* and Appealed Order / Judgment filed *3/2/2015*. ** *Fee Status: Paid on 3/6/2015 in the amount of \$505.00* (Attachments: # <u>1</u> Appeal Information) (Gonzalez, R) (Entered: 03/09/2015) |
| 03/09/2015 | <u>65</u> | USCA CASE NUMBER 15-15428 for <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. (Gonzalez, R) (Entered: 03/09/2015)                                                                                                                                         |
| 06/01/2017 | <u>66</u> | USCA OPINION as to <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. <i>AFFIRMED</i> . (Gonzalez, R) (Entered: 06/02/2017)                                                                                                                                  |
| 07/12/2017 | <u>67</u> | ORDER, of USCA as to <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. <i>Appellant's Petition for Rehearing En Banc is DENIED</i> . (Sant Agata, S) (Entered: 07/12/2017)                                                                                  |
| 07/20/2017 | <u>68</u> | USCA MANDATE as to <u>62</u> Notice of Appeal, filed by Barry Bauer, Herb Bauer Sporting Goods, Inc., California Rifle & Pistol Association Foundation, Jeffrey Hacker, Leland Adley, National Rifle Association of America, Inc., Nicole Ferry. <i>The judgment of this Court, entered June 01, 2017, takes effect this date</i> . (Gonzalez, R) (Entered: 07/20/2017)                                                                 |

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# **EXHIBIT H**



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# CALGUNS Shooting Sports Association

## Gun Clubs

1135 W Queenside Dr Covina CA 917223123

1135 W Queenside Dr Covina CA 917223123

62675782076267578207

[jacob@cgssa.org](mailto:jacob@cgssa.org)

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- Oldest First
- Random

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- Highest Rated

List Grid Map

# EXHIBIT I




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# Members' Council Directory

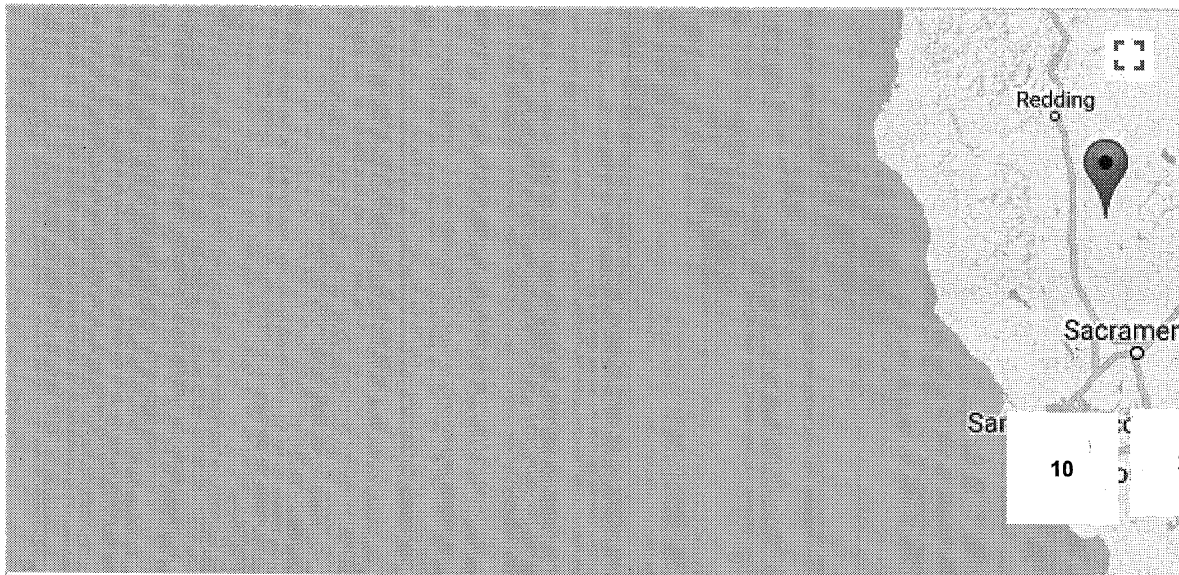
The NRA Members' Councils of California – California's ORIGINAL  
Grassroots Gun Lobby

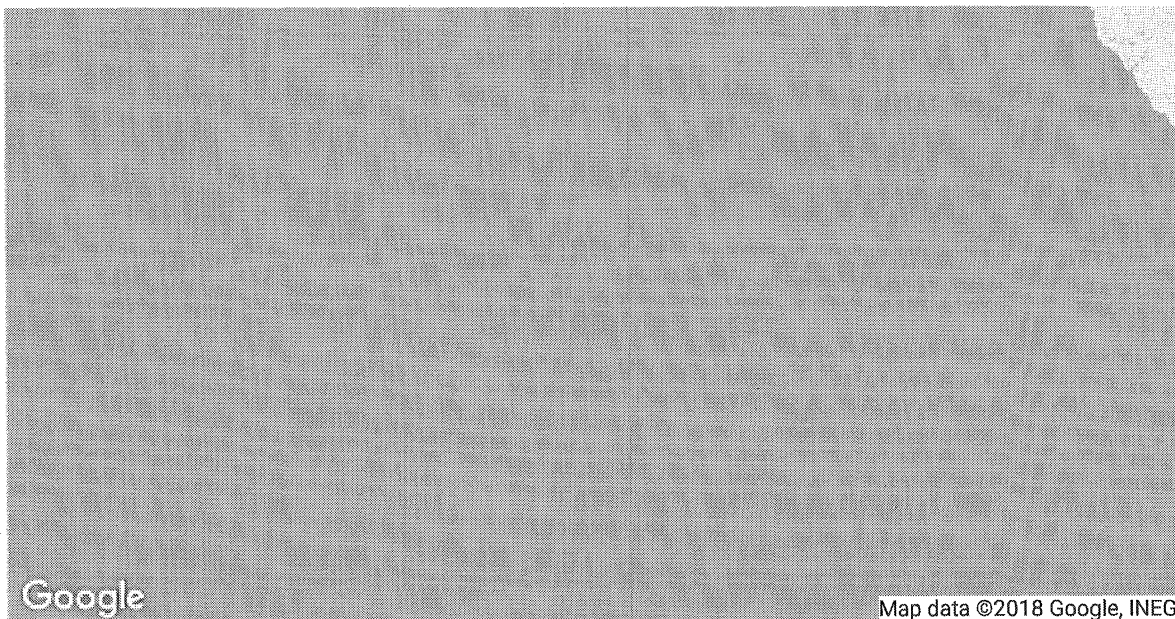
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Enter a location 

Members' Councils (32) 







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### About NRA

**The National Rifle Association is America's longest-standing civil rights organization. Together with our more than five million members, we're proud defenders of history's patriots and diligent protectors of the Second Amendment.**

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# **EXHIBIT J**

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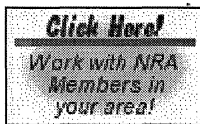
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 NRA Members' Councils of California

# NRA Members' Councils of California CALIFORNIA ALERT SYSTEM

*A message from our friends at the Calguns Shooting Sports Association*

### FIGHT BACK



As seen on the NRA Members' Council Facebook and Twitter pages:

<https://www.facebook.com/NRAMembersCouncils/>

<https://twitter.com/CalNRA>

### CALIFORNIANS

Join with other NRA Members in your area! We are only asking for a little of your time.

*Together, we can make a difference!*

### HELP THE NRA

Spread the word about our activities in California!

Take a moment and post this message to Internet forums and web sites where gun owners congregate on-line. And don't forget to click on the "Forward this e-mail to a Friend" button so they can sign up for our important messages from the CALIFORNIA ALERT SYSTEM. CAL-ERTs are provided as a free service of the NRA Members' Councils of California.

Join Our Mailing List!

## Challengers & Volunteers Needed!

Come on out and test out that Glock you bought. The match is low key and fun. Bring a friend, ammo, and your Glock and enjoy the day. Interested?



# CALGUNS/GLOCK



This is the new format for the CALIFORNIA ALERT SYSTEM.

Please sign-up for CAL-ERTs by using this link and entering your email address. As is our policy, we will only send something to you when it is important that you receive our information. Also, please don't hesitate to forward this message to your friends.

Thank you in advance.

H. Paul Payne  
Program Administrator for the  
NRA Members' Councils of  
California

[Join Our Mailing List!](#)

# WEST COAST CHALLENGE II

## SPRING 2017

On Saturday, April 1st, and Sunday, April 2nd, in conjunction with the GLOCK Sports Shooting Foundation (GSSF), we will be returning to Burro Canyon Shooting Park (22100 E East Fork Rd, Azusa, CA 91702) to host the GLOCK West Coast Challenge II - Spring. The event will run both days, and consist of open squadding from 9AM to 1PM.

We're currently looking for volunteers for three days (Friday, Saturday, and Sunday) of the event (Friday will be a setup day). To make things a little easier to manage, and improve the quality of match officiation we're going to open up volunteer opportunities to those who can work full days first and then open it up to partial day volunteers as needed. As a full day volunteer, you will still earn two entries for each day worked into the special drawing of a free GLOCK Pistol. This drawing is just for the volunteers and the winner will be drawn at the end of the day on Sunday (you do not have to be present to win). In addition, each volunteer will receive a trendy GLOCK Range Officer Polo Shirt, a GLOCK Range Officer Hat, and complimentary gift of their choice from GLOCK for each day worked. If you're a volunteer who has volunteered both days, but is also competing, we will allow you time off to shoot your match (or matches).

Click [here](#) to register as a volunteer for the match (Volunteer Registration)

Click [here](#) to register for the match. (Standard Registration)

Click [here](#) to register for the match. (GLOCK Girls Side Match and Pocket GLOCKS Division)

[Directions to the range](#)

[GLOCK Shooting Sports Foundation \(GSSF\) Website](#)

[The GLOCK Report Volume II 2015](#) (The rules start on page 7)

If you're not familiar with GSSF matches here's a nice 17 minute video that takes you stage by stage and division by division.



[CGSSA GSSF Volunteer Flyer](#)

[CGSSA GSSF Challenger Flyer](#)

[Burro Canyon Shooting Park](#)  
22100 E East Fork Rd Azusa, CA 91702

CALGUNS Shooting Sports Assoc.  
Contact: [Contact@CGSSA.Org](mailto:Contact@CGSSA.Org)

## **DON'T FORGET TO FORWARD THIS MESSAGE TO YOUR FRIENDS, CLUBS, GROUPS, AND EVERY GUN OWNER IN CALIFORNIA**

### **Help NRA Get Californians Connected with NRA's California Resources**

Help the NRA expand its California network to keep all pro-Second Amendment Californians better informed about legislation in Congress, Sacramento, and locally that threatens your right to keep and bear arms, as well as developments in Second Amendment litigation and regulatory enforcement actions. Please **forward this email** to your family, friends and fellow gun owners, whether they belong to the NRA or not! Encourage them to sign up for California NRA's Stayed Informed **e-mails here**. And follow NRA through these additional connections:

#### **Websites:**

**[NRA-ILA](#)** , **[NRA-ILA California](#)** , **[CalNRA.com](#)** , **[CalGunLaws.com](#)** , **[HuntforTruth.org](#)**

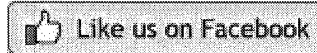
#### **Facebook Pages:**

**[NRA's Facebook page](#)** , **[CalGunLaws.com Facebook page](#)** , **[NRA Members' Councils' Facebook page](#)** , **[Hunt for Truth Facebook page](#)**

**LinkedIn:** **[NRA's LinkedIn page](#)** , **YouTube:** **[NRA YouTube](#)** , **Twitter:** **[NRA Twitter](#)** , **[NRA-ILA Twitter](#)** , **[CalNRA Twitter](#)** , **[CalGunLaws Twitter](#)**

The NRA recognizes that California is one of the most active Second Amendment "battleground states," so for decades NRA has devoted substantial resources to fighting for the right to keep and bear arms for Californians. The NRA has full-time legislative advocates in its Sacramento office fighting ill-conceived gun ban proposals. NRA coordinates a statewide campaign to fight ill-conceived local gun bans and regulations. And NRA has been litigating cases in California courts to promote the right to self-defense, the right to hunt, and the Second Amendment for many years. NRA's California legal team continues to work pro-actively to strike down ill-conceived gun control laws and ordinances, and to protect the Second Amendment rights of California firearms owners. For information about NRA's litigation efforts, see **<http://michellawyers.com/significant-cases/civil-rights-cases/>**

LINKS YOU MIGHT BE INTERESTED IN:



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NEWS  
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**NRA's California Attorneys**

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# **EXHIBIT K**

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**Calguns Shooting Sports Association**

January 14, 2013 ·

From NRA's H Paul Payne:

**LAST MINUTE ALERT -- PLEASE ATTEND MEETING IN DEL MAR**

We just learned that the city of Del Mar, in San Diego County is attempting to pass a resolution that would negatively affect the Crossroads of the West Gun Show that is held at the Del Mar Fairgrounds five times per year.

[http://www.delmar.ca.us/.../City%20C.../cc20130114\\_item%2012.pdf](http://www.delmar.ca.us/.../City%20C.../cc20130114_item%2012.pdf)

While we realize that this information comes at the last minute, please try to attend the Del Mar City Council meeting and speak against "Item 12" on the agenda, which is the resolution.

The meeting will begin at 6:00PM tonight and will occur at 1050 Camino Del Mar. A map is available at <http://goo.gl/maps/2hW3Q>.

**FORWARD THIS INFORMATION TO ANYONE IN SAN DIEGO COUNTY!**

[http://www.delmar.ca.us/Government/C...\\_item%2012.pdf](http://www.delmar.ca.us/Government/C..._item%2012.pdf)

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**See more of Calguns Shooting Sports Association on Facebook**

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# EXHIBIT L

(<http://cgssa.org/>)

CalGuns Shooting Sports Association

- ✉ [cgssaadmin@cgssa.org](mailto:cgssaadmin@cgssa.org) (mailto:cgssaadmin@cgssa.org)
- f (<https://facebook.com/calguns>)
- t (<https://twitter.com/calgunsdotnet>)
- in (<http://linkedin.com/company/calguns-shooting-sports-association>)
- g (<https://www.google.com/+cgssa.org>)

# About Us

Home (<http://cgssa.org/>) / About Us



## Mission Statement

### To help rebuild the California Shooting Sports Community.

The CALGUNS Shooting Sports Association believes that the 2nd Amendment must be maintained, exercised and advanced in order to keep it relevant within our current day California Shooting Community. To support this belief we:

1. Maintain: Bring California Firearms Owner out from behind their keyboards and back out to the range to meet like-minded people thereby encouraging what becomes a constantly developing community.
2. Exercise: Once out and meeting and gathering, empower this developing community with information about the political landscape and its effect on their future as well as what Shooting Sports Options there are and can be in California.
3. Advance: Encourage the developing community to reach out and involve others through education and community development events.

Warmest Regards

Jacob Rascon  
 (aka) Pennys Dad  
 President, CALGUNS Shooting Sports Assoc.  
 State Director, CALGUNS.Net Community Outreach  
 Appleseed and NRA Instructor  
[jacob@CGSSA.Org](mailto:jacob@CGSSA.Org)

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## Archives

- [July 2017 \(http://cgssa.org/2017/07/\)](http://cgssa.org/2017/07/)
- [May 2017 \(http://cgssa.org/2017/05/\)](http://cgssa.org/2017/05/)
- [April 2017 \(http://cgssa.org/2017/04/\)](http://cgssa.org/2017/04/)
- [March 2017 \(http://cgssa.org/2017/03/\)](http://cgssa.org/2017/03/)
- [February 2017 \(http://cgssa.org/2017/02/\)](http://cgssa.org/2017/02/)
- [January 2017 \(http://cgssa.org/2017/01/\)](http://cgssa.org/2017/01/)
- [November 2016 \(http://cgssa.org/2016/11/\)](http://cgssa.org/2016/11/)
- [October 2016 \(http://cgssa.org/2016/10/\)](http://cgssa.org/2016/10/)
- [September 2016 \(http://cgssa.org/2016/09/\)](http://cgssa.org/2016/09/)
- [July 2016 \(http://cgssa.org/2016/07/\)](http://cgssa.org/2016/07/)
- [May 2016 \(http://cgssa.org/2016/05/\)](http://cgssa.org/2016/05/)
- [April 2016 \(http://cgssa.org/2016/04/\)](http://cgssa.org/2016/04/)
- [March 2016 \(http://cgssa.org/2016/03/\)](http://cgssa.org/2016/03/)
- [January 2016 \(http://cgssa.org/2016/01/\)](http://cgssa.org/2016/01/)
- [November 2015 \(http://cgssa.org/2015/11/\)](http://cgssa.org/2015/11/)
- [October 2015 \(http://cgssa.org/2015/10/\)](http://cgssa.org/2015/10/)
- [September 2015 \(http://cgssa.org/2015/09/\)](http://cgssa.org/2015/09/)
- [August 2015 \(http://cgssa.org/2015/08/\)](http://cgssa.org/2015/08/)
- [July 2015 \(http://cgssa.org/2015/07/\)](http://cgssa.org/2015/07/)
- [June 2015 \(http://cgssa.org/2015/06/\)](http://cgssa.org/2015/06/)
- [May 2015 \(http://cgssa.org/2015/05/\)](http://cgssa.org/2015/05/)
- [April 2015 \(http://cgssa.org/2015/04/\)](http://cgssa.org/2015/04/)
- [March 2015 \(http://cgssa.org/2015/03/\)](http://cgssa.org/2015/03/)
- [February 2015 \(http://cgssa.org/2015/02/\)](http://cgssa.org/2015/02/)
- [January 2015 \(http://cgssa.org/2015/01/\)](http://cgssa.org/2015/01/)
- [December 2014 \(http://cgssa.org/2014/12/\)](http://cgssa.org/2014/12/)
- [November 2014 \(http://cgssa.org/2014/11/\)](http://cgssa.org/2014/11/)
- [October 2014 \(http://cgssa.org/2014/10/\)](http://cgssa.org/2014/10/)
- [September 2014 \(http://cgssa.org/2014/09/\)](http://cgssa.org/2014/09/)
- [August 2014 \(http://cgssa.org/2014/08/\)](http://cgssa.org/2014/08/)
- [July 2014 \(http://cgssa.org/2014/07/\)](http://cgssa.org/2014/07/)
- [June 2014 \(http://cgssa.org/2014/06/\)](http://cgssa.org/2014/06/)
- [May 2014 \(http://cgssa.org/2014/05/\)](http://cgssa.org/2014/05/)
- [April 2014 \(http://cgssa.org/2014/04/\)](http://cgssa.org/2014/04/)
- [February 2014 \(http://cgssa.org/2014/02/\)](http://cgssa.org/2014/02/)
- [January 2014 \(http://cgssa.org/2014/01/\)](http://cgssa.org/2014/01/)
- [December 2013 \(http://cgssa.org/2013/12/\)](http://cgssa.org/2013/12/)

• A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

()

- [f \(https://facebook.com/calguns\)](https://facebook.com/calguns)
- [t \(https://twitter.com/calgunsdotnet\)](https://twitter.com/calgunsdotnet)
- [in \(http://linkedin.com/company/calguns-shooting-sports-association\)](http://linkedin.com/company/calguns-shooting-sports-association)
- [g \(https://www.google.com/+cgssa.org\)](https://www.google.com/+cgssa.org)



# **EXHIBIT M**

# BECOME AN INSTRUCTOR

Since 1871, a major objective of the National Rifle Association has been to provide education and training in the safe and proper use of firearms. Knowing how to shoot is an important requirement for NRA instructors, but you will also need to know how to teach others to shoot. NRA Instructor Training Courses help you develop the additional knowledge, skills and techniques needed to organize and teach courses in the NRA Basic Firearm Training Program.

## To qualify as an NRA Instructor:

- Candidates must possess and demonstrate a solid background in firearm safety and shooting skills acquired through previous firearm training and/or previous shooting experience. Instructor candidates must be intimately familiar with each action type in the discipline for which they wish to be certified.
- Candidates will be required to demonstrate solid and safe firearm handling skills required to be successful during an instructor training course by completing pre-course questionnaires and qualification exercises administered by the NRA Appointed Training Counselor.
- Candidates must satisfactorily complete an NRA Instructor Training Course in the discipline they wish to teach (e.g., NRA Basic Pistol Course), and receive the endorsement of the NRA Training Counselor conducting that training.

NRA Instructor courses are discipline specific. During the course candidates

will learn NRA policies and procedures; basic public speaking skills; training methodology; use of a training team and training aids; organizing a course, building a budget; and finally preparing to teach. In addition, candidates will be provided the appropriate lesson plans and basic course student packets. Role-playing is a major part of an instructor course; therefore, the minimum class size should be at least four candidates, with 10-12 candidates being ideal. Candidates take turns working in teams, actually conducting portions of the course to other candidates who portray basic students.

Instructor training courses are conducted by NRA Training Counselors. Training Counselors are active and experienced instructors who have been certified by NRA to train experienced shooters to teach others to shoot. Training Counselors will evaluate candidates' performance based on their ability to handle the firearms with confidence, use of appropriate training aids, following the lesson plans and meeting all learning objectives, while utilizing the teaching philosophies expected of NRA Certified Instructors. Candidates can also expect to learn the NRA discipline specific instructional methods and evaluating and improving the performance of beginning shooters.

## To qualify as an NRA Carry Guard Instructor:

Though much of the above NRA Instructor requirements still apply to potential NRA Carry Guard instructors, the advanced nature of NRA Carry Guard training requires an additional application process.

The NRA Carry Guard Instructor Program will be led by the NRA Carry Guard Development Team, which includes NRA Director of Education and Training and NRA Carry Guard Training Director Eric Frohardt and NRA Carry Guard National Director George Severence.

Prerequisites: For instructor applications to be considered, potential instructors must:

- Pass the NRA Carry Guard Level 1 training course with Distinction (score of 90% or more)
- Submit a resume

Applicants who qualify based upon the above criteria will be required to:

- Attend and pass an NRA Carry Guard Level 1 Instructor Training course (Instructor Training dates to be announced)
- Undergo a probationary instructor period (details of such will be provided during Instructor Training)

Note: Any potential NRA Carry Guard instructor may be subject to a background check, as well as in-person and/or telephone interviews.



## Home Safety Courses [↗](#)

When it comes to shooting, safety is always priority number one. Learn how to teach others to safely handle their firearm at home and at the range. Take your first step towards becoming an NRA safety training instructor.

[+](#) Course Details

FIND NEAR YOU [↗](#)



## Pistol Courses [↗](#)

Gain the knowledge, skills, and attitude essential to organizing, promoting and teaching the NRA Education & Training Division's various pistol courses, including basics of pistol shooting, defensive training, reloading and NRA Carry Guard concealed carry training. Explore the available courses below and get more information about the curriculum and focus of each instructor class.

[+](#) Course Details

FIND NEAR YOU [↗](#)



## Rifle Courses [↗](#)

The NRA Education & Training Division offers a variety of rifle training courses, from the basics of pistol shooting to muzzleloading and reloading. Get more information about the curriculum and focus of each course.

[+](#) Course Details

FIND NEAR YOU [↗](#)



## Shotgun Courses [↗](#)

Share your love of shotgun shooting with others and become an NRA certified shotgun instructor or coach. Get more information about the curriculum and focus of each course.

[+](#) Course Details

FIND NEAR YOU [↗](#)

# **EXHIBIT N**



## DEALER RECORD OF SALE TRANSACTIONS

The following chart shows the total number of transactions processed by DOJ between 1972 and 2016.



### NOTES

- 1972-1990:** Figures represent handguns only; legislation requiring eligibility check on long gun purchasers and expanded prohibiting categories effective January 1, 1991.
- 1972-1974:** DOJ was required to notify dealers and law enforcement of prohibited firearm purchasers, but was unable to stop delivery because the waiting period was limited to 5 days.
- 1975-1997:** 15-day waiting period in place.
- 1997-present:** 10-day waiting period in place.
- 2000:** Limit handgun purchases to 1 in a 30-day period.
- 2014:** DOJ retains long gun information.

# DEALER RECORD OF SALE

(Calendar Year Statistics)

| Year | Handguns | Handgun Denials |
|------|----------|-----------------|
| 1972 | 190,335  |                 |
| 1973 | 192,108  |                 |
| 1974 | 234,691  |                 |
| 1975 | 231,916  |                 |
| 1976 | 204,658  |                 |
| 1977 | 225,412  |                 |
| 1978 | 258,485  |                 |
| 1979 | 268,447  |                 |
| 1980 | 325,041  |                 |
| 1981 | 371,160  |                 |
| 1982 | 311,870  | 1,008           |
| 1983 | 268,462  | 1,148           |
| 1984 | 275,882  | 1,349           |
| 1985 | 293,624  | 1,413           |
| 1986 | 266,480  | 1,515           |
| 1987 | 273,628  | 1,702           |
| 1988 | 291,171  | 1,803           |
| 1989 | 333,069  | 1,793           |
| 1990 | 330,295  | 2,437           |

| Year | Handgun | Handgun Denials | Long guns | Long gun Denials | All Guns  | Total Denials |
|------|---------|-----------------|-----------|------------------|-----------|---------------|
| 1991 | 329,133 | 3,934           | 160,300   | 1,925            | 489,433   | 5,859         |
| 1992 | 382,122 | 4,037           | 177,486   | 1,726            | 559,608   | 5,763         |
| 1993 | 433,822 | 4,605           | 208,375   | 1,904            | 642,197   | 6,509         |
| 1994 | 382,085 | 3,862           | 217,587   | 2,564            | 599,672   | 6,426         |
| 1995 | 254,626 | 2,534           | 157,042   | 1,672            | 411,668   | 4,206         |
| 1996 | 215,804 | 2,111           | 138,068   | 1,531            | 353,872   | 3,642         |
| 1997 | 204,409 | 1,839           | 150,727   | 1,615            | 355,136   | 3,454         |
| 1998 | 189,481 | 1,721           | 153,059   | 1,596            | 342,540   | 3,317         |
| 1999 | 244,569 | 2,233           | 268,849   | 2,546            | 513,418   | 4,779         |
| 2000 | 201,865 | 1,572           | 184,345   | 1,903            | 386,210   | 3,475         |
| 2001 | 155,203 | 1,449           | 198,519   | 2,158            | 353,722   | 3,607         |
| 2002 | 169,469 | 1,661           | 182,956   | 2,172            | 352,425   | 3,833         |
| 2003 | 126,233 | 1,254           | 164,143   | 1,774            | 290,376   | 3,028         |
| 2004 | 145,335 | 1,497           | 169,730   | 1,828            | 315,065   | 3,325         |
| 2005 | 160,990 | 1,592           | 183,857   | 1,878            | 344,847   | 3,470         |
| 2006 | 169,629 | 2,045           | 205,944   | 1,689            | 375,573   | 3,734         |
| 2007 | 180,190 | 2,373           | 190,438   | 1,926            | 370,628   | 4,299         |
| 2008 | 208,312 | 2,737           | 216,932   | 2,201            | 425,244   | 4,938         |
| 2009 | 228,368 | 2,916           | 255,504   | 2,221            | 483,872   | 5,137         |
| 2010 | 236,086 | 2,740           | 262,859   | 2,286            | 498,945   | 5,026         |
| 2011 | 293,429 | 3,094           | 307,814   | 2,767            | 601,243   | 5,805*        |
| 2012 | 388,006 | 3,842           | 429,732   | 3,682            | 817,738   | 7,524         |
| 2013 | 422,030 | 3,813           | 538,149   | 3,680            | 960,179   | 7493          |
| 2014 | 512,174 | 4,272           | 418,863   | 4,297            | 931,037   | 8,569         |
| 2015 | 483,372 | 5,417           | 397,231   | 4,252            | 880,603   | 9,669         |
| 2016 | 572,644 | 6,172           | 758,678   | 6,149            | 1,331,322 | 12,321        |

\*The Handgun and Long Gun Dealer Record of Sale Denials counts do not equal because the same subject may have been denied for both a handgun and long gun purchased at the same time.

# EXHIBIT O

**XAVIER BECERRA**  
*Attorney General*

*State of California*  
**DEPARTMENT OF JUSTICE**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 322-9041  
Facsimile: (916) 324-8835  
E-Mail: Anthony.Hakl@doj.ca.gov

October 6, 2017

Scott Franklin  
Michel & Associates, P.C.  
180 E. Ocean Boulevard, Suite 200  
Long Beach, CA 90802

RE: *Gentry, David, et al. v. Xavier Becerra, et al.*  
Superior Court of California, County of Sacramento, Case No. 34-2013-80001667

Dear Mr. Franklin:

Attached are the documents responsive to the Request for Production of Documents (Set Four), Request No. 95. They are numbered AGRFP001240-001301. Note that they cover fiscal year 2014-15 (the year requested) and 2015-16 (the most recent year for which complete data is available).

Also attached are the verifications for the discovery responses we served earlier this week.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony R. Hakl".

ANTHONY R. HAKL  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

# DOJ Programs Funded with DROS Special Fund

FY 2015/16

## BUREAU OF FIREARMS

| Unit Code                          | Program Title          | Appropriation        | Actual<br>Year-End<br>Expenditures | DROS<br>Funding % |
|------------------------------------|------------------------|----------------------|------------------------------------|-------------------|
| 510                                | Dealers Record of Sale | \$ 12,623,000        | \$ 11,573,006 <sup>1/</sup>        | 100%              |
| 505                                | Armed Prohibited       | \$ 7,430,000         | \$ 7,332,426                       | 100%              |
| 823                                | Gun Show               | \$ 813,000           | \$ 784,675                         | 100%              |
| 710                                | Executive Unit         | \$ 733,000           | \$ 1,005,414                       | 23%               |
| 930                                | APPS (SB 140)          | \$ 8,000,000         | \$ 6,036,072                       | 100%              |
| <b>FIREARMS TOTAL DROS FUNDING</b> |                        | <b>\$ 29,599,000</b> | <b>\$ 26,731,593</b>               |                   |

## DIVISION OF CRIMINAL JUSTICE INFORMATION SERVICES

| Unit Code                       | Program Title             | Appropriation        | Actual<br>Year-End<br>Expenditures | DROS<br>Funding % |
|---------------------------------|---------------------------|----------------------|------------------------------------|-------------------|
| 861                             | Technology Support Bureau | \$ 1,330,000         | \$ 1,236,705                       | 2%                |
| 795                             | DROS - Long Gun           | \$ 205,000           | \$ 176,239                         | 100%              |
| 732                             | Firearms Program - DROS   | \$ 329,000           | \$ 247,755                         | 100%              |
| 700                             | CJIS Facilities           | \$ 2,000             | \$ 2,391                           | 0.04%             |
| <b>DCJIS TOTAL DROS FUNDING</b> |                           | <b>\$ 1,866,000</b>  | <b>\$ 1,663,090</b>                |                   |
| <b>DOJ TOTAL DROS FUNDING</b>   |                           | <b>\$ 31,465,000</b> | <b>\$ 28,394,683</b>               |                   |

<sup>1/</sup> Actual year-end expenditures include \$2,337,446 in statewide ProRata charges.

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
 FOR  
 DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |          |
| CIVIL SERVICE-PERMANENT          | 1,981,501.16           | .00                   | 9,115,934.39       | .00                      | .00     | .00      |
| CIVIL SERVICE-TEMP HELP          | 177,801.66             | .00                   | 977,588.35         | .00                      | .00     | .00      |
| OVERTIME                         | 532,533.53             | .00                   | 2,281,681.08       | .00                      | .00     | .00      |
| STAFF BENEFITS                   | 686,741.25             | .00                   | 5,018,830.57       | .00                      | .00     | .00      |
| PERSONAL SERVICES                | 2,478,577.60           | .00                   | 17,394,034.39      | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE                  | 30,116.27              | .00                   | 193,675.82         | .00                      | .00     | .00      |
| PRINTING                         | 3,398.24               | .00                   | 24,943.03          | .00                      | .00     | .00      |
| COMMUNICATIONS                   | 23,739.69              | .00                   | 150,796.02         | .00                      | .00     | .00      |
| POSTAGE                          | 574.97                 | .00                   | 72,117.67          | .00                      | .00     | .00      |
| INSURANCE                        | .00                    | .00                   | 3,326.01           | .00                      | .00     | .00      |
| TRAVEL IN-STATE                  | 17,815.32              | .00                   | 154,660.51         | .00                      | .00     | .00      |
| TRAVEL OUT-OF-STATE              | 150.67                 | .00                   | 4,082.62           | .00                      | .00     | .00      |
| TRAINING                         | 2,364.75               | .00                   | 7,896.87           | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 374,264.01             | .00                   | 303,795.05         | .00                      | .00     | .00      |
| UTILITIES                        | 3,624.30               | .00                   | 32,177.10          | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 677,210.15             | .00                   | 32,014.87          | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 63,771.54              | .00                   | 60,535.27          | .00                      | .00     | .00      |
| DEPARTMENTAL SERVICES            | 85,209.21              | .00                   | 876,798.21         | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | 53,460.85              | .00                   | 165,822.54         | .00                      | .00     | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 2,337,446.00       | .00                      | .00     | .00      |
| EQUIPMENT                        | .00                    | .00                   | 34,015.50          | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE           | 686,836.15             | .00                   | 521,613.06         | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 1,581,627.58           | .00                   | 3,256,868.93       | .00                      | .00     | .00      |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 44,617.28          | .00                      | .00     | .00      |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 44,617.28          | .00                      | .00     | .00      |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | .00                | .00                      | .00     | .00      |

FY 2015

CHAPT 0010

FUND 0460000

CROSS-REFERENCE N

DEPARTMENT OF JUSTICE

PAGE 537

DATE 7/25/2016

REPORT OF EXPENDITURES AS OF JUN 30, 2016

TIME 13:22:49

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT

| DESCRIPTION | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|-------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| GRAND TOTAL | 896,950.02             | 21,599,000.00         | 20,695,520.60      | .00                      | 903,479.40 | 95.81    |

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR

DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : OFFICE OF THE DIRECTOR

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | FCI USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                | 80,655.44              | .00                   | 801,909.61         | .00                      | .00     | .00      |
| CIVIL SERVICE-PERMANENT          | 27,169.02              | .00                   | 331,477.97         | .00                      | .00     | .00      |
| CIVIL SERVICE-TEMP HELP          | 2,873.80               | .00                   | 46,661.86          | .00                      | .00     | .00      |
| OVERTIME                         | 53.12                  | .00                   | 2,259.36           | .00                      | .00     | .00      |
| STAFF BENEFITS                   | 50,559.50              | .00                   | 421,510.42         | .00                      | .00     | .00      |
| PERSONAL SERVICES                | 80,655.44              | .00                   | 801,909.61         | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE                  | 50.27                  | .00                   | 5,144.68           | .00                      | .00     | .00      |
| PRINTING                         | 43.24                  | .00                   | 863.72             | .00                      | .00     | .00      |
| COMMUNICATIONS                   | 5,113.76               | .00                   | 27,477.53          | .00                      | .00     | .00      |
| POSTAGE                          | .00                    | .00                   | 134.43             | .00                      | .00     | .00      |
| INSURANCE                        | 340.62                 | .00                   | 3,326.01           | .00                      | .00     | .00      |
| TRAVEL IN-STATE                  | .00                    | .00                   | 6,683.16           | .00                      | .00     | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 1.64               | .00                      | .00     | .00      |
| TRAINING                         | 1,099.26               | .00                   | 24.62              | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 114.93                 | .00                   | 30,816.89          | .00                      | .00     | .00      |
| UTILITIES                        | 2,860.16               | .00                   | 1,468.91           | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 40.12                  | .00                   | 54,868.76          | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 5,178.29               | .00                   | 1,395.32           | .00                      | .00     | .00      |
| DEPARTMENTAL SERVICES            | 93.15                  | .00                   | 53,202.00          | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | 975.68                 | .00                   | 1,899.54           | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE           |                        |                       | 12,688.82          | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 15,901.48              | .00                   | 199,987.13         | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |          |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 3,517.28           | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | 3,517.28           | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     | .00      |



FY 2015    CREDIT 0010    FUND 0460000    CROSS-REFERENCE NO

DATE 7/25/2016

DEPARTMENT OF JUSTICE

PAGE 539

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR

DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

| DESCRIPTION | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCF USED |
|-------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| GRAND TOTAL | 96,556.92              | 733,000.00            | 1,005,414.02       | .00                      | 272,414.02 | 137.16   |

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : OFFICE OF THE DIRECTOR  
 COMPONENT: EXECUTIVE UNITS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |          |
| CIVIL SERVICE-PERMANENT          | 27,169.02              | .00                   | 331,477.97         | .00                      | .00     | .00      |
| CIVIL SERVICE-TEMP HELP          | 2,873.80               | .00                   | 46,661.86          | .00                      | .00     | .00      |
| OVERTIME                         | 53.12                  | .00                   | 2,259.36           | .00                      | .00     | .00      |
| STAFF BENEFITS                   | 50,559.50              | .00                   | 421,510.42         | .00                      | .00     | .00      |
| PERSONAL SERVICES                | 80,655.44              | .00                   | 801,989.61         | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE                  | 50.27                  | .00                   | 5,144.68           | .00                      | .00     | .00      |
| PRINTING                         | 43.24                  | .00                   | 863.72             | .00                      | .00     | .00      |
| COMMUNICATIONS                   | 5,113.76               | .00                   | 27,477.53          | .00                      | .00     | .00      |
| POSTAGE                          | .00                    | .00                   | 134.43             | .00                      | .00     | .00      |
| INSURANCE                        | .00                    | .00                   | 3,326.01           | .00                      | .00     | .00      |
| TRAVEL IN-STATE                  | 340.62                 | .00                   | 6,683.16           | .00                      | .00     | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 1.64               | .00                      | .00     | .00      |
| TRAINING                         | .00                    | .00                   | 24.62              | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 1,099.26               | .00                   | 30,816.89          | .00                      | .00     | .00      |
| UTILITIES                        | 114.93                 | .00                   | 1,468.01           | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 2,860.16               | .00                   | 54,868.76          | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 40.12                  | .00                   | 1,395.52           | .00                      | .00     | .00      |
| DEPARTMENTAL SERVICES            | 5,170.29               | .00                   | 53,202.00          | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | 93.15                  | .00                   | 1,899.54           | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE           | 975.68                 | .00                   | 12,680.82          | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 15,901.48              | .00                   | 199,987.13         | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |          |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 3,517.28           | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | 3,517.28           | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     | .00      |

FY 2015    CHAPT 0010    FUND 0460000    CROSS-REFERENCE N51

DATE 7/25/2016

DEPARTMENT OF JUSTICE

PAGE 541

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
FOR

DEALER'S RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

COMPONENT: EXECUTIVE UNITS

| DESCRIPTION | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE     | PCI USED |
|-------------|------------------------|-----------------------|--------------------|--------------------------|-------------|----------|
| GRAND TOTAL | 96,556.92              | 733,000.00            | 1,005,414.02       | .00                      | 272,414.02- | 137.16   |

PROGRAM : LAW ENFORCEMENT COMPONENT: EXECUTIVE UNITS  
 ELEMENT : OFFICE OF THE DIRECTOR TASK : EXECUTIVE UNIT \*7100

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCF USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                | 25,611.57              | .00                   | 312,788.57         | .00                      | .00     | .00      |
| CIVIL SERVICE-PERMANENT          | 2,873.80               | .00                   | 46,661.86          | .00                      | .00     | .00      |
| CIVIL SERVICE-TEMP HELP          | .00                    | .00                   | 1,517.25           | .00                      | .00     | .00      |
| OVERTIME                         | 49,906.98              | .00                   | 413,726.03         | .00                      | .00     | .00      |
| STAFF BENEFITS                   |                        |                       |                    |                          |         |          |
| PERSONAL SERVICES                | 78,392.35              | .00                   | 774,693.71         | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE                  | 39.62                  | .00                   | 5,099.18           | .00                      | .00     | .00      |
| PRINTING                         | 43.24                  | .00                   | 863.72             | .00                      | .00     | .00      |
| COMMUNICATIONS                   | 637.39                 | .00                   | 7,541.35           | .00                      | .00     | .00      |
| POSTAGE                          | .00                    | .00                   | 134.43             | .00                      | .00     | .00      |
| INSURANCE                        | .00                    | .00                   | 2,494.51           | .00                      | .00     | .00      |
| TRAVEL IN-STATE                  | 349.62                 | .00                   | 6,672.37           | .00                      | .00     | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 1.64               | .00                      | .00     | .00      |
| TRAINING                         | .00                    | .00                   | 24.62              | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 1,068.79               | .00                   | 30,650.45          | .00                      | .00     | .00      |
| UTILITIES                        | 114.93                 | .00                   | 1,468.01           | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 2,860.16               | .00                   | 54,868.76          | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 40.12                  | .00                   | 1,395.32           | .00                      | .00     | .00      |
| DEPARTMENTAL SERVICES            | 5,170.29               | .00                   | 53,202.00          | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | 48.78                  | .00                   | 1,345.63           | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE           | 829.53                 | .00                   | 11,940.91          | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 11,193.47              | .00                   | 177,702.90         | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |          |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 3,517.28           | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | 3,517.28           | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     | .00      |

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR

DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : OFFICE OF THE DIRECTOR

COMPONENT: EXECUTIVE UNITS  
TASK : EXECUTIVE UNIT \*7100

| DESCRIPTION | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-1-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCF USED |
|-------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
|-------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|

|             |           |            |            |     |            |        |
|-------------|-----------|------------|------------|-----|------------|--------|
| GRAND TOTAL | 89,585.82 | 733,000.00 | 955,913.89 | .00 | 222,913.89 | 130.41 |
|-------------|-----------|------------|------------|-----|------------|--------|

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR

DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : OFFICE OF THE DIRECTOR

COMPONENT: EXECUTIVE UNITS  
 TASK : HONOR GUARD \*5040

| DESCRIPTION           | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCT USED |
|-----------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES     | 53.12                  | .00                   | 742.11             | .00                      | .00     | .00      |
| OVERTIME              | .77                    | .00                   | 9.49               | .00                      | .00     | .00      |
| STAFF BENEFITS        |                        |                       |                    |                          |         |          |
| PERSONAL SERVICES     | 53.89                  | .00                   | 751.60             | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP | .00                    | .00                   | 10.79              | .00                      | .00     | .00      |
| TRAVEL IN-STATE       |                        |                       |                    |                          |         |          |
| OPERATING EXP & EQUIP | .00                    | .00                   | 10.79              | .00                      | .00     | .00      |
| GRAND TOTAL           | 53.89                  | .00                   | 762.39             | .00                      | 762.39  | .00      |

PROGRAM : LAW ENFORCEMENT COMPONENT: OPERATIONS SUPPORT  
 ELEMENT : OFFICE OF THE DIRECTOR TASK : RADIO COMMUNICATION\*5130  
 DEALERS RECORD OF SALE ACT

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCT USED |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES       |                        |                       |                    |                          |         |          |
| CIVIL SERVICE-PERMANENT | 1,537.45               | .00                   | 18,689.40          | .00                      | .00     | .00      |
| STAFF BENEFITS          | 651.75                 | .00                   | 7,774.90           | .00                      | .00     | .00      |
| PERSONAL SERVICES       | 2,209.20               | .00                   | 26,464.30          | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE         | 10.65                  | .00                   | 45.50              | .00                      | .00     | .00      |
| COMMUNICATIONS          | 4,476.37               | .00                   | 19,936.18          | .00                      | .00     | .00      |
| INSURANCE               | .00                    | .00                   | 831.50             | .00                      | .00     | .00      |
| FACILITIES OPERATION    | 50.47                  | .00                   | 166.44             | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY  | 44.37                  | .00                   | 553.91             | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE  | 146.15                 | .00                   | 739.91             | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP   | 4,708.01               | .00                   | 22,273.44          | .00                      | .00     | .00      |

GRAND TOTAL 6,917.21 .00 48,737.74 .00 48,737.74 .00

DEPARTMENT OF JUSTICE

REPORT OF EXPENDITURES AS OF JUN 30, 2016

DATE 7/25/2016

TIME 13:22:49

FOR DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCF USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |          |
| CIVIL SERVICE-PERMANENT          | 1,054,332.14           | .00                   | 8,784,456.42       | .00                      | .00     | .00      |
| CIVIL SERVICE-TEMP HRP           | 174,927.86             | .00                   | 930,926.49         | .00                      | .00     | .00      |
| OVERTIME                         | 532,480.41             | .00                   | 2,279,421.72       | .00                      | .00     | .00      |
| STAFF BENEFITS                   | 636,181.75             | .00                   | 4,597,520.15       | .00                      | .00     | .00      |
| PERSONAL SERVICES                | 2,397,922.16           | .00                   | 16,592,124.78      | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE                  | 30,066.00              | .00                   | 188,531.14         | .00                      | .00     | .00      |
| PRINTING                         | 3,355.00               | .00                   | 24,079.31          | .00                      | .00     | .00      |
| COMMUNICATIONS                   | 18,625.93              | .00                   | 123,318.49         | .00                      | .00     | .00      |
| POSTAGE                          | 574.97                 | .00                   | 71,983.24          | .00                      | .00     | .00      |
| TRAVEL IN-STATE                  | 17,474.70              | .00                   | 147,977.35         | .00                      | .00     | .00      |
| TRAVEL OUT-OF-STATE              | 150.67                 | .00                   | 4,080.98           | .00                      | .00     | .00      |
| TRAINING                         | 2,364.75               | .00                   | 7,872.25           | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 375,363.27             | .00                   | 334,611.94         | .00                      | .00     | .00      |
| UTILITIES                        | 3,509.37               | .00                   | 30,709.09          | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 680,070.31             | .00                   | 22,853.89          | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 63,811.66              | .00                   | 59,139.95          | .00                      | .00     | .00      |
| DEPARTMENTAL SERVICES            | 80,038.92              | .00                   | 823,596.21         | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | 53,367.70              | .00                   | 163,923.00         | .00                      | .00     | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 2,337,446.00       | .00                      | .00     | .00      |
| EQUIPMENT                        | .00                    | .00                   | 34,015.50          | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE           | 687,811.83             | .00                   | 534,293.88         | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 1,597,529.06           | .00                   | 3,056,881.80       | .00                      | .00     | .00      |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 41,100.00          | .00                      | .00     | .00      |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 41,100.00          | .00                      | .00     | .00      |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | .00                | .00                      | .00     | .00      |



DEPARTMENT OF JUSTICE

REPORT OF EXPENDITURES AS OF JUN 30, 2016

DATE 7/25/2016

TIME 13:22:49

FOR DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE      | PCT USED |
|-------------|------------------------|-----------------------|--------------------|--------------------------|--------------|----------|
| GRAND TOTAL | 800,393.10             | 20,866,000.00         | 19,690,106.58      | .00                      | 1,175,893.42 | 94.36    |

PROGRAM : LAW ENFORCEMENT COMPONENT: ARMED PROHIBITED \*5050  
 ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT          | 585,210.70             | .00                   | 3,295,224.60       | .00                      | .00       | .00      |
| CIVIL SERVICE-TEMP HELP          | 142,191.04             | .00                   | 416,767.48         | .00                      | .00       | .00      |
| OVERTIME                         | 433,393.76             | .00                   | 1,053,265.92       | .00                      | .00       | .00      |
| STAFF BENEFITS                   | 402,341.52             | .00                   | 1,871,566.35       | .00                      | .00       | .00      |
| PERSONAL SERVICES                | 1,563,137.02           | .00                   | 6,636,824.35       | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |          |
| GENERAL EXPENSE                  | 2,871.90               | .00                   | 22,736.86          | .00                      | .00       | .00      |
| PRINTING                         | 1,525.00               | .00                   | 1,871.20           | .00                      | .00       | .00      |
| COMMUNICATIONS                   | 12,054.50              | .00                   | 32,704.29          | .00                      | .00       | .00      |
| POSTAGE                          | 574.97                 | .00                   | 1,027.65           | .00                      | .00       | .00      |
| TRAVEL IN-STATE                  | 9,923.31               | .00                   | 64,452.80          | .00                      | .00       | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 1,164.29           | .00                      | .00       | .00      |
| TRAINING                         | 2,318.75               | .00                   | 5,107.75           | .00                      | .00       | .00      |
| FACILITIES OPERATION             | 788.22                 | .00                   | 7,886.10           | .00                      | .00       | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 2,802.99               | .00                   | 36,725.95          | .00                      | .00       | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 791.86                 | .00                   | 34,001.22          | .00                      | .00       | .00      |
| INFORMATION SERVICES             | 32,054.42              | .00                   | 329,838.29         | .00                      | .00       | .00      |
| INFORMATION TECHNOLOGY           | .00                    | .00                   | 5,986.51           | .00                      | .00       | .00      |
| EQUIPMENT                        | .00                    | .00                   | 34,015.50          | .00                      | .00       | .00      |
| OTHER ITEMS OF EXPENSE           | 52,929.42              | .00                   | 145,013.77         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            | 118,635.34             | .00                   | 654,501.18         | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |          |
| SPECIAL ITEMS OF EXPENSE         | .00                    | .00                   | 41,100.00          | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | 41,100.00          | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL                      | 1,681,772.36           | 7,430,000.00          | 7,332,425.53       | .00                      | 97,574.47 | 98.68    |

DATE 7/25/2016  
 TIME 13:22:49  
 REPORT OF EXPENDITURES AS OF JUN 30, 2016  
 FOR  
 DEALERS RECORD OF SALE ACT  
 COMPONENT: DECS \*5100

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE      | PCI USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|--------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |              |          |
| CIVIL SERVICE-PERMANENT          | 448,692.14             | .00                   | 5,197,687.31       | .00                      | .00          | .00      |
| CIVIL SERVICE-TEMP HELP          | 32,736.82              | .00                   | 514,159.01         | .00                      | .00          | .00      |
| OVERTIME                         | 88,602.14              | .00                   | 1,004,030.49       | .00                      | .00          | .00      |
| STAFF BENEFITS                   | 224,081.69             | .00                   | 2,576,700.13       | .00                      | .00          | .00      |
| PERSONAL SERVICES                | 794,112.79             | .00                   | 9,292,576.94       | .00                      | .00          | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |              |          |
| GENERAL EXPENSE                  | 25,706.37              | .00                   | 119,285.76         | .00                      | .00          | .00      |
| PRINTING                         | 1,830.00               | .00                   | 20,691.28          | .00                      | .00          | .00      |
| COMMUNICATIONS                   | 6,571.43               | .00                   | 90,614.20          | .00                      | .00          | .00      |
| POSTAGE                          | .00                    | .00                   | 70,955.59          | .00                      | .00          | .00      |
| TRAVEL IN-STATE                  | 6,858.59               | .00                   | 76,178.64          | .00                      | .00          | .00      |
| TRAVEL OUT-OF-STATE              | 150.67                 | .00                   | 2,911.69           | .00                      | .00          | .00      |
| TRAINING                         | 46.00                  | .00                   | 966.00             | .00                      | .00          | .00      |
| FACILITIES OPERATION             | 376,151.49             | .00                   | 342,648.04         | .00                      | .00          | .00      |
| UTILITIES                        | 3,509.37               | .00                   | 30,709.09          | .00                      | .00          | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 682,873.30             | .00                   | 59,579.84          | .00                      | .00          | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 64,603.52              | .00                   | 25,138.73          | .00                      | .00          | .00      |
| DEPARTMENTAL SERVICES            | 42,447.82              | .00                   | 436,785.85         | .00                      | .00          | .00      |
| INFORMATION TECHNOLOGY           | 53,567.70              | .00                   | 157,936.49         | .00                      | .00          | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 2,337,446.00       | .00                      | .00          | .00      |
| OTHER ITEMS OF EXPENSE           | 741,466.67             | .00                   | 686,962.72         | .00                      | .00          | .00      |
| OPERATING EXP & EQUIP            | 1,724,607.03           | .00                   | 2,280,428.72       | .00                      | .00          | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |              |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00          | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00          | .00      |
| GRAND TOTAL                      | 930,494.24             | 12,623,000.00         | 11,573,005.66      | .00                      | 1,049,994.34 | 91.68    |

DATE 7/25/2016 TIME 13:22:49 REPORT OF EXPENDITURES AS OF JUN 30, 2016 FOR DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT COMPONENT: GUN SHOW \*8230  
 ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | PCT USED |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES       |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT | 20,429.30              | .00                   | 291,544.51         | .00                      | .00       | .00      |
| OVERTIME                | 10,484.51              | .00                   | 222,125.31         | .00                      | .00       | .00      |
| STAFF BENEFITS          | 9,758.54               | .00                   | 149,053.67         | .00                      | .00       | .00      |
| =====                   | 40,672.35              | .00                   | 662,723.49         | .00                      | .00       | .00      |
| PERSONAL SERVICES       |                        |                       |                    |                          |           |          |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |           |          |
| GENERAL EXPENSE         | 1,487.73               | .00                   | 46,508.52          | .00                      | .00       | .00      |
| PRINTING                | .00                    | .00                   | 1,516.83           | .00                      | .00       | .00      |
| TRAVEL IN-STATE         | 692.80                 | .00                   | 7,345.91           | .00                      | .00       | .00      |
| TRAVEL OUT-OF-STATE     | .00                    | .00                   | 5.00               | .00                      | .00       | .00      |
| TRAINING                | .00                    | .00                   | 1,798.50           | .00                      | .00       | .00      |
| FACILITIES OPERATION    | .00                    | .00                   | 150.00             | .00                      | .00       | .00      |
| DEPARTMENTAL SERVICES   | 5,536.68               | .00                   | 56,972.07          | .00                      | .00       | .00      |
| OTHER ITEMS OF EXPENSE  | 725.42                 | .00                   | 7,655.07           | .00                      | .00       | .00      |
| =====                   | 8,442.63               | .00                   | 121,951.90         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |           |          |
| SPEC ITEMS OF EXPENSE   |                        |                       |                    |                          |           |          |
| INTERNAL COST RECOVERY  | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| =====                   | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE   |                        |                       |                    |                          |           |          |
| =====                   | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL             | 49,114.98              | 813,000.00            | 784,675.39         | .00                      | 28,324.61 | 96.51    |

DEPARTMENT OF JUSTICE

REPORT OF EXPENDITURES AS OF JUN 30, 2016

DATE 7/25/2016

TIME 13:22:49

FOR DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 62,252.51              | .00                   | 711,846.31         | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | 1,154.22               | .00                   | 14,604.14          | .00                      | .00        | .00      |
| OVERTIME                         | 153.10                 | .00                   | 5,518.34           | .00                      | .00        | .00      |
| SALARY RECOVERY                  | .00                    | .00                   | 41.00              | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 32,106.22              | .00                   | 351,783.25         | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 95,666.05              | .00                   | 1,083,711.04       | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 36.65                  | .00                   | 1,512.08           | .00                      | .00        | .00      |
| PRINTING                         | 9.40                   | .00                   | 185.14             | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 332.03                 | .00                   | 4,331.00           | .00                      | .00        | .00      |
| POSTAGE                          | .00                    | .00                   | 68.88              | .00                      | .00        | .00      |
| INSURANCE                        | .00                    | .00                   | 84.10              | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 1,723.94               | .00                   | 1,116.81           | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 29.12              | .00                      | .00        | .00      |
| TRAINING                         | 2.67                   | .00                   | 1,276.97           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 32.36                  | .00                   | 2,191.94           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 926.50                 | .00                   | 4,400.72           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-F | 3,980.88               | .00                   | 70,770.45          | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 17,328.40              | .00                   | 178,308.39         | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 77,427.67              | .00                   | 314,963.56         | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 21.72                  | .00                   | 139.65             | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 98,369.00              | .00                   | 579,378.81         | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 194,035.05             | 1,866,000.00          | 1,663,089.85       | .00                      | 202,910.15 | 89.12    |

PROGRAM : CALIF JUSTICE INFO SERV  
 ELEMENT : CJIS OPERATIONAL SUP PRG  
 FOR DEALERS RECOED OF SALE ACT

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                | .00                    | .00                   | .23                | .00                      | .00     | .00      |
| STAFF BENEFITS                   |                        |                       |                    |                          |         |          |
| PERSONAL SERVICES                | .00                    | .00                   | .23                | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE                  | .48                    | .00                   | 25.02              | .00                      | .00     | .00      |
| COMMERCE                         | 4.96                   | .00                   | 90.57              | .00                      | .00     | .00      |
| POSTAGE                          | .00                    | .00                   | 68.88              | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 32.36                  | .00                   | 2,191.94           | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 3.89                   | .00                   | 8.36               | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | .00                    | .00                   | 3.37               | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 2.16               | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 41.69                  | .00                   | 2,390.30           | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| GRAND TOTAL                      | 41.69                  | 2,000.00              | 2,390.53           | .00                      | 390.53  | 119.52   |

DEPARTMENT OF JUSTICE

REPORT OF EXPENDITURES AS OF JUN 30, 2016

DATE 7/25/2016

FOR DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : CUIS OPERATIONAL SUP PRG

COMPONENT: COSP

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                | .00                    | .00                   | .23                | .00                      | .00     | .00      |
| STAFF BENEFITS                   | .00                    | .00                   | .23                | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | .48                    | .00                   | 25.02              | .00                      | .00     | .00      |
| GENERAL EXPENSE                  | 4.96                   | .00                   | 90.57              | .00                      | .00     | .00      |
| COMMUNICATIONS                   | .00                    | .00                   | 68.88              | .00                      | .00     | .00      |
| POSTAGE                          | .00                    | .00                   | 2,191.94           | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 32.36                  | .00                   | 8.36               | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 3.89                   | .00                   | 3.37               | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | .00                    | .00                   | 2.16               | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   |                    | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 41.69                  | .00                   | 2,390.30           | .00                      | .00     | .00      |

SPEC ITEMS OF EXPENSE

|                        |     |     |     |     |     |     |
|------------------------|-----|-----|-----|-----|-----|-----|
| INTERNAL COST RECOVERY | .00 | .00 | .00 | .00 | .00 | .00 |
|------------------------|-----|-----|-----|-----|-----|-----|

SPEC ITEMS OF EXPENSE

|  |     |     |     |     |     |     |
|--|-----|-----|-----|-----|-----|-----|
|  | .00 | .00 | .00 | .00 | .00 | .00 |
|--|-----|-----|-----|-----|-----|-----|

GRAND TOTAL

|  |       |          |          |     |        |        |
|--|-------|----------|----------|-----|--------|--------|
|  | 41.69 | 2,000.00 | 2,390.53 | .00 | 390.53 | 119.52 |
|--|-------|----------|----------|-----|--------|--------|

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR

DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : CJS OPERATIONAL SUP PRG

COMPONENT: C03P  
TASK : CJS-FAC & COMM \*7000

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                | .00                    | .00                   | .23                | .00                      | .00     | .00      |
| STAFF BENEFITS                   | .00                    | .00                   | .23                | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | .48                    | .00                   | 25.02              | .00                      | .00     | .00      |
| GENERAL EXPENSE                  | 4.96                   | .00                   | 90.57              | .00                      | .00     | .00      |
| COMMUNICATIONS                   | .00                    | .00                   | 68.88              | .00                      | .00     | .00      |
| POSTAGE                          | 32.36                  | .00                   | 2,191.94           | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 3.89                   | .00                   | 8.36               | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | .00                    | .00                   | 3.37               | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | .00                    | .00                   | 2.16               | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   |                    |                          |         |          |
| OPERATING EXP & EQUIP            | 41.69                  | .00                   | 2,390.30           | .00                      | .00     | .00      |

SPEC ITEMS OF EXPENSE

|                        |     |     |     |     |     |     |
|------------------------|-----|-----|-----|-----|-----|-----|
| INTERNAL COST RECOVERY | .00 | .00 | .00 | .00 | .00 | .00 |
| SPEC ITEMS OF EXPENSE  | .00 | .00 | .00 | .00 | .00 | .00 |

GRAND TOTAL

41.69 2,000.00 2,390.53 .00 390.53 119.52



TIME 13:22:49 REPORT OF EXPENDITURES AS OF JUN 30, 2016

FUR DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM ID & INVEST

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | PCY USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT          | 10,406.60              | .00                   | 133,876.36         | .00                      | .00       | .00      |
| OVERTIME                         | .00                    | .00                   | 3,460.66           | .00                      | .00       | .00      |
| STAFF BENEFITS                   | 6,298.41               | .00                   | 54,760.41          | .00                      | .00       | .00      |
| PERSONAL SERVICES                | 16,705.01              | .00                   | 192,097.43         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |          |
| TRAVEL IN-STATE                  | 1,908.20               | .00                   | .00                | .00                      | .00       | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 894.39                 | .00                   | 2,683.17           | .00                      | .00       | .00      |
| DEPARTMENTAL SERVICES            | 5,148.13               | .00                   | 52,974.03          | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            | 4,134.32               | .00                   | 55,657.20          | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL                      | 20,839.33              | 329,000.00            | 247,754.63         | .00                      | 81,245.37 | 75.30    |

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
 FOR  
 DEALERS RECORD OF SALE ACT  
 PROGRAM : CALIF JUSTICE INFO SERV  
 ELEMENT : BUR OF CRIM ID & INVEST  
 COMPONENT: FIREARMS PGM - DRCS\*7520

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCF USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                | 10,406.60              | .00                   | 133,876.36         | .00                      | .00     | .00      |
| CIVIL SERVICE-PERMANENT          | .00                    | .00                   | 3,460.66           | .00                      | .00     | .00      |
| OVERTIME                         | 6,298.41               | .00                   | 54,760.41          | .00                      | .00     | .00      |
| STAFF BENEFITS                   |                        |                       |                    |                          |         |          |
| PERSONAL SERVICES                | 16,705.01              | .00                   | 192,097.43         | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| TRAVEL IN-STATE                  | 1,908.20               | .00                   | .00                | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 894.39                 | .00                   | 2,683.17           | .00                      | .00     | .00      |
| DEPARTMENTAL SERVICES            | 5,148.13               | .00                   | 52,974.03          | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 4,134.32               | .00                   | 55,657.20          | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |         |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     | .00      |

|                       |           |            |            |     |           |       |
|-----------------------|-----------|------------|------------|-----|-----------|-------|
| SPEC ITEMS OF EXPENSE | .00       | .00        | .00        | .00 | .00       | .00   |
| GRAND TOTAL           | 20,839.33 | 329,000.00 | 247,754.63 | .00 | 81,245.37 | 75.30 |

DEPARTMENT OF JUSTICE

DATE 7/25/2016

TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM INFO & ANALYS

| DESCRIPTION                                 | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | PCT USED |
|---------------------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES                           |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT                     | 8,577.00               | .00                   | 91,652.10          | .00                      | .00       | .00      |
| STAFF BENEFITS                              | 6,147.75               | .00                   | 65,596.55          | .00                      | .00       | .00      |
| =====                                       | =====                  | =====                 | =====              | =====                    | =====     | =====    |
| PERSONAL SERVICES                           | 14,724.75              | .00                   | 157,248.65         | .00                      | .00       | .00      |
| =====                                       | =====                  | =====                 | =====              | =====                    | =====     | =====    |
| OPERATING EXP & EQUIP DEPARTMENTAL SERVICES | 1,845.56               | .00                   | 18,990.69          | .00                      | .00       | .00      |
| =====                                       | =====                  | =====                 | =====              | =====                    | =====     | =====    |
| OPERATING EXP & EQUIP                       | 1,845.56               | .00                   | 18,990.69          | .00                      | .00       | .00      |
| =====                                       | =====                  | =====                 | =====              | =====                    | =====     | =====    |
| SPEC ITEMS OF EXPENSE                       | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| INTERNAL COST RECOVERY                      | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| =====                                       | =====                  | =====                 | =====              | =====                    | =====     | =====    |
| SPEC ITEMS OF EXPENSE                       | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| =====                                       | =====                  | =====                 | =====              | =====                    | =====     | =====    |
| GRAND TOTAL                                 | 16,570.31              | 205,000.00            | 176,239.34         | .00                      | 28,760.66 | 85.97    |

DEPARTMENT OF JUSTICE

DATE 7/25/2016

REPORT OF EXPENDITURES AS OF JUN 30, 2016

TIME 13:22:49

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: DROS - LONG GUN \*7950

ELEMENT : BUR OF CRIM INFO & ANALYS

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | PCT USED |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES       |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT | 8,577.00               | .00                   | 91,652.10          | .00                      | .00       | .00      |
| STAFF BENEFITS          | 6,147.75               | .00                   | 65,596.55          | .00                      | .00       | .00      |
| PERSONAL SERVICES       | 14,724.75              | .00                   | 157,248.65         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |           |          |
| DEPARTMENTAL SERVICES   | 1,845.56               | .00                   | 18,990.69          | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP   | 1,845.56               | .00                   | 18,990.69          | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE   |                        |                       |                    |                          |           |          |
| INTERNAL COST RECOVERY  | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE   | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL             | 16,570.31              | 205,000.00            | 176,239.34         | .00                      | 28,760.66 | 85.97    |

PROGRAM : CALIF JUSTICE INFO SERV  
 ELEMENT : HAWKINS DATA CENTER

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT          | 43,268.91              | .00                   | 486,317.85         | .00                      | .00       | .00      |
| CIVIL SERVICE-TEMP HELP          | 1,154.22               | .00                   | 14,604.14          | .00                      | .00       | .00      |
| OVERTIME                         | 153.10                 | .00                   | 2,057.68           | .00                      | .00       | .00      |
| SALARY RECOVERY                  | .00                    | .00                   | 41.00              | .00                      | .00       | .00      |
| STAFF BENEFITS                   | 19,660.06              | .00                   | 231,426.06         | .00                      | .00       | .00      |
| PERSONAL SERVICES                | 64,236.29              | .00                   | 734,364.73         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |          |
| GENERAL EXPENSE                  | 36.17                  | .00                   | 1,487.06           | .00                      | .00       | .00      |
| PRINTING                         | 9.40                   | .00                   | 185.14             | .00                      | .00       | .00      |
| COMMUNICATIONS                   | 327.07                 | .00                   | 4,240.43           | .00                      | .00       | .00      |
| INSURANCE                        | .00                    | .00                   | 84.10              | .00                      | .00       | .00      |
| TRAVEL IN-STATE                  | 184.26                 | .00                   | 1,116.81           | .00                      | .00       | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 29.12              | .00                      | .00       | .00      |
| TRAINING                         | 2.67                   | .00                   | 1,276.97           | .00                      | .00       | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 28.22                  | .00                   | 1,709.19           | .00                      | .00       | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 3,980.88               | .00                   | 70,770.45          | .00                      | .00       | .00      |
| DEPARTMENTAL SERVICES            | 10,334.71              | .00                   | 106,343.67         | .00                      | .00       | .00      |
| INFORMATION TECHNOLOGY           | 77,427.67              | .00                   | 314,960.19         | .00                      | .00       | .00      |
| OTHER ITEMS OF EXPENSE           | 21.72                  | .00                   | 137.49             | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            | 92,347.43              | .00                   | 502,340.62         | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL                      | 156,583.72             | 1,330,000.00          | 1,236,705.35       | .00                      | 93,294.65 | 92.98    |

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: CRIM JUS INFO TECH \*8600  
 ELEMENT : HAWKINS DATA CENTER FOR DEALERS RECORD OF SALE ACT

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE           | PCT USED   |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-------------------|------------|
| PERSONAL SERVICES                |                        |                       |                    |                          |                   |            |
| CIVIL SERVICE-FERMENT            | 10,939.52              | .00                   | 121,951.81         | .00                      | .00               | .00        |
| CIVIL SERVICE-JUMP HELP          | 222.93                 | .00                   | 3,186.02           | .00                      | .00               | .00        |
| OVERTIME                         | 15.72                  | .00                   | 55.81              | .00                      | .00               | .00        |
| STAFF BENEFITS                   | 5,216.27               | .00                   | 57,835.70          | .00                      | .00               | .00        |
| PERSONAL SERVICES                | 16,394.44              | .00                   | 183,029.34         | .00                      | .00               | .00        |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |                   |            |
| TRAVEL IN-STATE                  | 20.13                  | .00                   | 2.09               | .00                      | .00               | .00        |
| CONSULTANT & PROFESSIONAL SVCS-I | 14.11                  | .00                   | .00                | .00                      | .00               | .00        |
| OPERATING EXP & EQUIP            | 5.02                   | .00                   | 2.09               | .00                      | .00               | .00        |
| <b>GRAND TOTAL</b>               | <b>16,388.42</b>       | <b>.00</b>            | <b>183,031.43</b>  | <b>.00</b>               | <b>183,031.43</b> | <b>.00</b> |

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: TECH SUPPORT BUR \*8610  
 ELEMENT : FAWKINS DATA CENTER

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 15,288.18              | .00                   | 176,235.95         | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | 553.07                 | .00                   | 7,464.85           | .00                      | .00        | .00      |
| OVERTIME                         | 126.83                 | .00                   | 1,471.32           | .00                      | .00        | .00      |
| SALARY RECOVERY                  | 41.00                  | .00                   | .00                | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 7,480.43               | .00                   | 84,050.40          | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 23,489.51              | .00                   | 269,222.52         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 36.17                  | .00                   | 1,485.10           | .00                      | .00        | .00      |
| PRINTING                         | 9.40                   | .00                   | 185.14             | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 327.07                 | .00                   | 4,240.43           | .00                      | .00        | .00      |
| INSURANCE                        | .00                    | .00                   | 84.10              | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 234.04                 | .00                   | 1,108.55           | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 29.12              | .00                      | .00        | .00      |
| TRAINING                         | 2.67                   | .00                   | 1,276.97           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 14.11                  | .00                   | 1,709.19           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 3,980.88               | .00                   | 70,770.45          | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 10,334.71              | .00                   | 106,543.67         | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 77,427.67              | .00                   | 314,960.19         | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 21.72                  | .00                   | 137.49             | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 92,383.10              | .00                   | 502,330.40         | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 115,872.61             | 1,330,000.00          | 771,552.92         | .00                      | 558,447.08 | 58.01    |

REPORT OF EXPENDITURES AS OF JUN 30, 2016  
 FOR  
 DEPTERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
 ELEMENT : HAWKINS DATA CENTER  
 COMPONENT: DEPT TECH SVS BUR \*8620

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES       |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT | 13,373.45              | .00                   | 147,426.64         | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP | 326.20                 | .00                   | 3,094.01           | .00                      | .00        | .00      |
| OVERTIME                | 10.55                  | .00                   | 512.24             | .00                      | .00        | .00      |
| SALARY RECOVERY         | 41.00                  | .00                   | 41.00              | .00                      | .00        | .00      |
| STATE BENEFITS          | 5,335.83               | .00                   | 71,048.62          | .00                      | .00        | .00      |
| PERSONAL SERVICES       | 19,005.03              | .00                   | 222,040.51         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE         | .00                    | .00                   | 1.96               | .00                      | .00        | .00      |
| TRAVEL IN-STATE         | 33.59                  | .00                   | 2.23               | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP   | 33.59                  | .00                   | 4.19               | .00                      | .00        | .00      |
| GRAND TOTAL             | 18,971.44              | .00                   | 222,044.70         | .00                      | 222,044.70 | .00      |



DEPARTMENT OF JUSTICE

DATE 7/25/2016

REPORT OF EXPENDITURES AS OF JUN 30, 2016

TIME 13:22:49

FOR DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: SINS SUPPORT \*8630

ELEMENT : HAWKINS DATA CENTER

| DESCRIPTION                           | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | FCI USED |
|---------------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES                     |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT               | 3,667.76               | .00                   | 40,703.45          | .00                      | .00       | .00      |
| CIVIL SERVICE-TEMP HELP               | 52.02                  | .00                   | 859.26             | .00                      | .00       | .00      |
| OVERTIME                              | .00                    | .00                   | 18.31              | .00                      | .00       | .00      |
| STAFF BENEFITS                        | 1,627.53               | .00                   | 18,491.34          | .00                      | .00       | .00      |
| PERSONAL SERVICES                     | 5,347.31               | .00                   | 60,072.36          | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP TRAVEL IN-STATE | 3.94                   | .00                   | 3.94               | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP                 | 3.94                   | .00                   | 3.94               | .00                      | .00       | .00      |
| GRAND TOTAL                           | 5,351.25               | .00                   | 60,076.30          | .00                      | 50,076.30 | .00      |

TIME 13:02:06

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR SPECIAL ACCOUNTS

PROGRAM : SPECIAL FUNDS  
 ELEMENT : SPECIAL APPROPRIATIONS  
 COMPONENT: DRCS (0460)  
 TASK : AEPB BACKLOG \*9300

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE       | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |               |          |
| CIVIL SERVICE-PERMANENT          | 193,672.87-            | .00                   | 1,953,887.85       | .00                      | .00           | .00      |
| CIVIL SERVICE-TEMP HELP          | 10,957.00-             | .00                   | 204,277.53         | .00                      | .00           | .00      |
| OVERTIME                         | 137,741.44-            | .00                   | 1,525,895.39       | .00                      | .00           | .00      |
| STAFF BENEFITS                   | 117,586.07-            | .00                   | 1,202,859.14       | .00                      | .00           | .00      |
| PERSONAL SERVICES                | 459,957.38-            | .00                   | 4,886,919.91       | .00                      | .00           | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |               |          |
| GENERAL EXPENSE                  | 7,854.56-              | .00                   | 69,576.32          | .00                      | .00           | .00      |
| PRINTING                         | .00                    | .00                   | 5,019.57           | .00                      | .00           | .00      |
| COMMUNICATIONS                   | 8,110.73-              | .00                   | 114,743.50         | .00                      | .00           | .00      |
| POSTAGE                          | .00                    | .00                   | 3,258.85           | .00                      | .00           | .00      |
| INSURANCE                        | .00                    | .00                   | 82,742.10          | .00                      | .00           | .00      |
| TRAVEL IN-STATE                  | 3,754.57-              | .00                   | 39,929.85          | .00                      | .00           | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 2,801.46           | .00                      | .00           | .00      |
| TRAINING                         | .00                    | .00                   | 4,280.00           | .00                      | .00           | .00      |
| FACILITIES OPERATION             | 79,452.68-             | .00                   | 428,708.64         | .00                      | .00           | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 724.38-                | .00                   | 2,783.02           | .00                      | .00           | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 15,299.04-             | .00                   | 43,760.27          | .00                      | .00           | .00      |
| INFORMATION TECHNOLOGY           | 982.68-                | .00                   | 62,416.63          | .00                      | .00           | .00      |
| EQUIPMENT                        | .00                    | .00                   | 578.09             | .00                      | .00           | .00      |
| OTHER ITEMS OF EXPENSE           | 71,936.99-             | .00                   | 288,554.02         | .00                      | .00           | .00      |
| OPERATING EXP & EQUIP            | 188,115.53-            | .00                   | 1,149,152.32       | .00                      | .00           | .00      |
| GRAND TOTAL                      | 648,072.91-            | 24,000,000.00         | 6,036,072.23       | .00                      | 17,963,927.77 | 25.15    |

**DOJ Programs Funded with Firearms Safety and Enforcement Special Fund**

**FY 2015/16  
BUREAU OF FIREARMS**

| Unit Code                         | Program Title                | Appropriation       | Actual Year-End Expenditures | FSE Funding % |
|-----------------------------------|------------------------------|---------------------|------------------------------|---------------|
| 507                               | Handgun Safety Certification | \$ 4,249,000        | \$ 4,113,121                 | 1/ 100%       |
| 509                               | Firearms Safety Account      | \$ 53,000           | \$ 37,501                    | 13%           |
| <b>FIREARMS TOTAL FSE FUNDING</b> |                              | <b>\$ 4,302,000</b> | <b>\$ 4,150,621</b>          |               |

1/ Actual year-end expenditures include \$156,540 in statewide ProRata charges.

DEPARTMENT OF JUSTICE

DATE 7/25/2016 TIME 13:22:49

REPORT OF EXPENDITURES AS OF JUN 30, 2016

FOR FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCI USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 76,420.23              | .00                   | 847,193.69         | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | .00                    | .00                   | 89,883.42          | .00                      | .00        | .00      |
| OVERTIME                         | 1,993.90               | .00                   | 30,765.10          | .00                      | .00        | .00      |
| SHEET BENEFITS                   | 80,470.67              | .00                   | 536,889.22         | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 158,884.80             | .00                   | 1,504,731.43       | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 20,330.95              | .00                   | 28,470.57          | .00                      | .00        | .00      |
| PRINTING                         | 2,919.08               | .00                   | 4,060.08           | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 8,209.46               | .00                   | 8,223.51           | .00                      | .00        | .00      |
| POSTAGE                          | 7.75                   | .00                   | 768.76             | .00                      | .00        | .00      |
| INSURANCE                        | .00                    | .00                   | 10,638.27          | .00                      | .00        | .00      |
| TRAVEL IN STATE                  | 9,097.92               | .00                   | 22,293.77          | .00                      | .00        | .00      |
| TRAINING                         | 3,960.00               | .00                   | 3,960.00           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 138,709.94             | .00                   | 481,269.88         | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 4,570.42               | .00                   | 34,650.94          | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 71,289.30              | .00                   | 674,765.12         | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 10,083.65              | .00                   | 103,760.23         | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 5,754.65               | .00                   | 393,935.26         | .00                      | .00        | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 156,540.00         | .00                      | .00        | .00      |
| EQUIPMENT                        | .00                    | .00                   | 214,652.85         | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 139,561.80             | .00                   | 507,900.82         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 414,494.92             | .00                   | 2,645,890.96       | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .03                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 573,379.72             | 4,302,000.00          | 4,150,621.49       | .00                      | 151,378.51 | 96.48    |

PROGRAM : LAW ENFORCEMENT COMPONENT: BASIC FIREARMS SFTY-5070  
 ELEMENT : BUREAU OF FIREARMS FOR

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 75,303.15              | .00                   | 834,076.17         | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | .00                    | .00                   | 89,883.42          | .00                      | .00        | .00      |
| OVERTIME                         | 1,993.90               | .00                   | 30,672.63          | .00                      | .00        | .00      |
| STRAT BENEFITS                   | 79,809.06              | .00                   | 529,586.74         | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 157,106.11             | .00                   | 1,484,218.96       | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 20,330.95              | .00                   | 27,836.06          | .00                      | .00        | .00      |
| PRINTING                         | 2,919.08               | .00                   | 4,060.08           | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 8,209.46               | .00                   | 8,223.51           | .00                      | .00        | .00      |
| POSTAGE                          | 7.75                   | .00                   | 768.76             | .00                      | .00        | .00      |
| INSURANCE                        | .00                    | .00                   | 10,638.27          | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 9,697.92               | .00                   | 22,293.77          | .00                      | .00        | .00      |
| TRAINING                         | 3,960.00               | .00                   | 3,960.00           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 138,709.94             | .00                   | 481,289.88         | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 3,397.82               | .00                   | 27,371.00          | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 71,289.30              | .00                   | 674,765.12         | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 9,227.79               | .00                   | 94,953.45          | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 5,754.65               | .00                   | 393,935.26         | .00                      | .00        | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 156,540.00         | .00                      | .00        | .00      |
| EQUIPMENT                        | .00                    | .00                   | 214,652.85         | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 139,561.80             | .00                   | 507,633.82         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 412,466.46             | .00                   | 2,628,901.83       | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 569,572.57             | 4,249,000.00          | 4,113,120.79       | .00                      | 135,879.21 | 96.80    |

DATE 1/25/2016 TIME 13:22:49 REPORT OF EXPENDITURES AS OF JUN 30, 2016 FOR FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT ELEMENT : BUREAU OF FIREARMS COMPONENT: FIREARMS SFTY ACCT \*5090

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | RF USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|---------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |         |
| CIVIL SERVICE-PERMANENT          | 1,117.08               | .00                   | 13,117.52          | .00                      | .00       | .00     |
| OVERTIME                         | .00                    | .00                   | 92.47              | .00                      | .00       | .00     |
| STAFF BENEFITS                   | 661.51                 | .00                   | 7,302.48           | .00                      | .00       | .00     |
| PERSONAL SERVICES                | 1,778.69               | .00                   | 20,512.47          | .00                      | .00       | .00     |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |         |
| GENERAL EXPENSE                  | .00                    | .00                   | 634.51             | .00                      | .00       | .00     |
| CONSULTANT & PROFESSIONAL SVCS-I | 1,172.60               | .00                   | 7,279.94           | .00                      | .00       | .00     |
| DEPARTMENTAL SERVICES            | 855.86                 | .00                   | 8,806.78           | .00                      | .00       | .00     |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 267.00             | .00                      | .00       | .00     |
| OPERATING EXP & EQUIP            | 2,028.46               | .00                   | 16,988.23          | .00                      | .00       | .00     |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |         |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       | .00     |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00       | .00     |
| GRAND TOTAL                      | 3,807.15               | 53,000.00             | 37,560.70          | .00                      | 15,499.30 | 70.75   |

# DOJ Programs Funded with Firearms Safety Account Special Fund

## FY 2015/16 BUREAU OF FIREARMS

| Unit Code                         | Program Title           | Appropriation     | Actual<br>Year-End<br>Expenditures | FSA<br>Funding % |
|-----------------------------------|-------------------------|-------------------|------------------------------------|------------------|
| 509                               | Firearms Safety Account | \$ 344,000        | \$ 257,987 1/                      | 87%              |
| <b>FIREARMS TOTAL FSA FUNDING</b> |                         | <b>\$ 344,000</b> | <b>\$ 257,987</b>                  |                  |

1/ Actual year-end expenditures include \$14,587 in statewide ProRata charges.

PROGRAM : LAW ENFORCEMENT COMPONENT: FIREARMS SETY ACCT #5090  
 ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |         |          |
| CIVIL SERVICE-PERMANENT          | 7,250.48               | .00                   | 85,139.84          | .00                      | .00     | .00      |
| OVERTIME                         | .00                    | .00                   | 600.18             | .00                      | .00     | .00      |
| STAFF BENEFITS                   | 4,294.22               | .00                   | 47,397.20          | .00                      | .00     | .00      |
| PERSONAL SERVICES                | 11,544.70              | .00                   | 133,137.22         | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE                  | .00                    | .00                   | 4,118.27           | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-J | 7,610.80               | .00                   | 47,250.90          | .00                      | .00     | .00      |
| DEPARTMENTAL SERVICES            | 5,555.02               | .00                   | 57,160.88          | .00                      | .00     | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 14,587.00          | .00                      | .00     | .00      |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 1,733.00           | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 13,165.82              | .00                   | 124,850.05         | .00                      | .00     | .00      |

| SPEC ITEMS OF EXPENSE | INTERNAL COST RECOVERY | SPEC ITEMS OF EXPENSE |
|-----------------------|------------------------|-----------------------|
| .00                   | .00                    | .00                   |
| .00                   | .00                    | .00                   |

GRAND TOTAL 24,710.52 344,000.00 257,987.27 86,012.73 74.99



## DOJ Programs Funded with DROS Special Fund

FY 2014/15

### BUREAU OF FIREARMS

| Unit Code                          | Program Title          | Appropriation        | Actual<br>Year-End<br>Expenditures | DROS<br>Funding % |
|------------------------------------|------------------------|----------------------|------------------------------------|-------------------|
| 510                                | Dealers Record of Sale | \$ 13,938,458        | \$ 13,243,312 <sup>1/</sup>        | 100%              |
| 505                                | Armed Prohibited       | \$ 6,921,859         | \$ 7,330,454                       | 100%              |
| 823                                | Gun Show               | \$ 785,365           | \$ 933,138                         | 100%              |
| 930                                | APPS (SB 140)          | \$ 8,000,000         | \$ 5,481,379                       | 100%              |
| <b>FIREARMS TOTAL DROS FUNDING</b> |                        | <b>\$ 29,645,682</b> | <b>\$ 26,988,283</b>               |                   |

### DIVISION OF CRIMINAL JUSTICE INFORMATION SERVICES

| Unit Code                       | Program Title             | Appropriation        | Actual<br>Year-End<br>Expenditures | DROS<br>Funding % |
|---------------------------------|---------------------------|----------------------|------------------------------------|-------------------|
| 861                             | Technology Support Bureau | \$ 1,308,000         | \$ 1,223,845                       | 2%                |
| 795                             | DROS - Long Gun           | \$ 199,659           | \$ 185,656                         | 100%              |
| 732                             | Firearms Program - DROS   | \$ 315,885           | \$ 216,253                         | 100%              |
| 700                             | CJIS Facilities           | \$ 2,000             | \$ 2,040                           | 0.04%             |
| <b>DCJIS TOTAL DROS FUNDING</b> |                           | <b>\$ 1,825,544</b>  | <b>\$ 1,627,794</b>                |                   |
| <b>DOJ TOTAL DROS FUNDING</b>   |                           | <b>\$ 31,471,226</b> | <b>\$ 28,616,077</b>               |                   |

1/ Actual year-end expenditures include \$1,415,577 in statewide ProRata charges.

PROGRAM : LAW ENFORCEMENT

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 689,258.38             | .00                   | 8,023,728.66       | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | 37,715.82              | .00                   | 382,739.21         | .00                      | .00        | .00      |
| OVERTIME                         | 113,518.18             | .00                   | 1,306,917.58       | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 333,737.56             | .00                   | 3,974,886.80       | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 1,174,229.94           | .00                   | 13,688,272.25      | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 5,814.51               | .00                   | 85,349.89          | .00                      | .00        | .00      |
| PRINTING                         | 7,368.00               | .00                   | 33,497.75          | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 11,663.75              | .00                   | 178,594.67         | .00                      | .00        | .00      |
| POSTAGE                          | 443.70                 | .00                   | 6,817.32           | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 14,420.72              | .00                   | 132,253.00         | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | 214.11                 | .00                   | 1,418.25           | .00                      | .00        | .00      |
| TRAINING                         | 985.00                 | .00                   | 3,227.00           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 605,233.73             | .00                   | 304,179.68         | .00                      | .00        | .00      |
| UTILITIES                        | 2,834.63               | .00                   | 33,220.83          | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 189,000.15             | .00                   | 885,606.93         | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 64,465.32              | .00                   | 561,411.54         | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 189,873.50             | .00                   | 1,249,965.39       | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 660,846.46             | .00                   | 877,593.65         | .00                      | .00        | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 1,415,577.00       | .00                      | .00        | .00      |
| EQUIPMENT                        | 51,627.00              | .00                   | 1,785,751.90       | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 23,937.19              | .00                   | 264,166.32         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 515,008.31             | .00                   | 7,818,631.12       | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 1,689,238.25           | 21,645,682.00         | 21,506,903.37      | .00                      | 138,778.63 | 99.35    |

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
 FOR  
 DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 689,258.28             | .00                   | 8,023,728.66       | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | 37,715.82              | .00                   | 1,306,917.58       | .00                      | .00        | .00      |
| OVERTIME                         | 113,518.18             | .00                   | 3,974,886.80       | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 333,737.56             | .00                   |                    |                          |            |          |
| PERSONAL SERVICES                | 1,174,229.94           | .00                   | 13,688,272.25      | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 5,814.51               | .00                   | 85,349.89          | .00                      | .00        | .00      |
| PRINTING                         | 7,368.00               | .00                   | 33,497.75          | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 11,663.75              | .00                   | 178,594.67         | .00                      | .00        | .00      |
| POSTAGE                          | 445.70                 | .00                   | 6,817.32           | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 14,420.72              | .00                   | 132,253.00         | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | 214.11                 | .00                   | 1,418.25           | .00                      | .00        | .00      |
| TRAINING                         | 985.00                 | .00                   | 3,227.00           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 605,233.73             | .00                   | 304,179.68         | .00                      | .00        | .00      |
| UTILITIES                        | 2,834.63               | .00                   | 33,220.83          | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 189,000.15             | .00                   | 885,606.93         | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 64,465.32              | .00                   | 561,411.54         | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 189,873.50             | .00                   | 1,249,965.39       | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 660,846.46             | .00                   | 877,593.65         | .00                      | .00        | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 1,415,577.00       | .00                      | .00        | .00      |
| EQUIPMENT                        | 51,627.00              | .00                   | 1,785,751.90       | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 23,937.19              | .00                   | 264,166.32         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 515,008.31             | .00                   | 7,818,631.12       | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 1,689,238.25           | 21,645,682.00         | 21,506,903.37      | .00                      | 138,778.63 | 99.35    |

PROGRAM : LAW ENFORCEMENT COMPONENT: ARMED PROHIBITED \*5050  
 ELEMENT : BUREAU OF FIREARMS DEALERS RECORD OF SALE ACT

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 233,583.32             | .00                   | 2,871,086.31       | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | 11,626.48              | .00                   | 77,317.87          | .00                      | .00        | .00      |
| OVERTIME                         | 14,526.76              | .00                   | 188,112.50         | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 116,846.35             | .00                   | 1,475,305.86       | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 376,582.91             | .00                   | 4,611,822.54       | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 2,088.08               | .00                   | 18,051.55          | .00                      | .00        | .00      |
| PRINTING                         | .00                    | .00                   | 6,244.58           | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 1,832.03               | .00                   | 31,558.69          | .00                      | .00        | .00      |
| POSTAGE                          | 445.70                 | .00                   | 4,321.32           | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 6,182.74               | .00                   | 55,473.03          | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | 214.11                 | .00                   | 965.56             | .00                      | .00        | .00      |
| TRAINING                         | 390.00                 | .00                   | 2,278.00           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 1,493.58               | .00                   | 67,664.11          | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 425.00                 | .00                   | 2,584.19           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 3,282.90               | .00                   | 36,473.70          | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 79,856.55              | .00                   | 525,707.47         | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 38.01                  | .00                   | 12,769.60          | .00                      | .00        | .00      |
| EQUIPMENT                        | 7,707.00               | .00                   | 1,798,818.42       | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 18,141.34              | .00                   | 155,720.80         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 106,683.04             | .00                   | 2,718,631.02       | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 483,265.95             | 6,921,859.00          | 7,330,453.56       | .00                      | 408,594.56 | 105.90   |

DEPARTMENT OF JUSTICE

DATE 7/20/2015

REPORT OF EXPENDITURES AS OF JUN 30, 2015

TIME 16:05:42

FOR

DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: DEOS \*5100

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | FBI USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 419,086.71             | .00                   | 4,738,456.04       | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | 26,089.34              | .00                   | 305,421.34         | .00                      | .00        | .00      |
| OVERTIME                         | 80,049.56              | .00                   | 914,723.09         | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 200,247.97             | .00                   | 2,284,562.05       | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 725,473.58             | .00                   | 8,242,962.52       | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 3,486.43               | .00                   | 66,586.23          | .00                      | .00        | .00      |
| PRINTING                         | 7,358.00               | .00                   | 27,243.17          | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 9,831.72               | .00                   | 147,035.98         | .00                      | .00        | .00      |
| POSTAGE                          | .00                    | .00                   | 2,496.00           | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 6,875.00               | .00                   | 72,557.02          | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 359.14             | .00                      | .00        | .00      |
| TRAINING                         | .00                    | .00                   | 145.00             | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 612,092.67             | .00                   | 231,150.21         | .00                      | .00        | .00      |
| UTILITIES                        | 2,834.63               | .00                   | 33,220.83          | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 188,452.28             | .00                   | 882,890.50         | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 61,164.17              | .00                   | 524,919.59         | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 100,420.46             | .00                   | 661,082.78         | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 660,808.45             | .00                   | 864,824.05         | .00                      | .00        | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 1,415,577.00       | .00                      | .00        | .00      |
| EQUIPMENT                        | 43,920.00              | .00                   | 13,066.52          | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 5,329.62               | .00                   | 83,328.12          | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 390,548.09             | .00                   | 5,690,349.10       | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 1,116,021.67           | 13,938,458.00         | 13,243,311.62      | .00                      | 695,146.38 | 95.01    |

TIME 16:05:42 PERCENT OF EXPENDITURES AS OF JUN 30, 2015

FOR DEALERS RECORD OF SALE ACT

PROGRAM : LAW ENFORCEMENT  
ELEMENT : BUREAU OF FIREARMS

COMPONENT: GUN SHOW \*8230

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | FCY USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT OVERTIME | 36,588.35              | .00                   | 414,186.31         | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 18,941.86              | .00                   | 204,081.99         | .00                      | .00        | .00      |
|                                  | 16,643.24              | .00                   | 215,218.89         | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 72,173.45              | .00                   | 833,487.19         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 240.00                 | .00                   | 712.11             | .00                      | .00        | .00      |
| PRINTING                         | 10.00                  | .00                   | 10.00              | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 1,362.98               | .00                   | 4,222.95           | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 93.55              | .00                      | .00        | .00      |
| TRAINING                         | 595.00                 | .00                   | 804.00             | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 5,365.36               | .00                   | 5,365.36           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 122.87                 | .00                   | 132.24             | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 18.25                  | .00                   | 18.25              | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 9,596.49               | .00                   | 63,175.14          | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 466.23                 | .00                   | 25,117.40          | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 17,777.18              | .00                   | 99,651.00          | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 89,950.63              | 785,365.00            | 933,138.19         | .00                      | 147,773.19 | 118.81   |

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 52,973.40              | .00                   | 669,849.33         | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | 1,500.91               | .00                   | 12,952.52          | .00                      | .00        | .00      |
| OVERTIME                         | 715.28                 | .00                   | 3,941.58           | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 26,222.62              | .00                   | 321,294.78         | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 81,412.21              | .00                   | 1,008,038.21       | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 254.54                 | .00                   | 1,747.77           | .00                      | .00        | .00      |
| PRINTING                         | 5.52                   | .00                   | 300.36             | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 372.02                 | .00                   | 4,373.73           | .00                      | .00        | .00      |
| POSTAGE                          | 19.75                  | .00                   | 59.30              | .00                      | .00        | .00      |
| INSURANCE                        | .00                    | .00                   | 81.16              | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 1,846.46               | .00                   | 3,732.10           | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | 6.64                   | .00                   | 6.64               | .00                      | .00        | .00      |
| TRAINING                         | 332.10                 | .00                   | 3,464.27           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 20.09                  | .00                   | 1,847.80           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 4,626.10               | .00                   | 7,543.44           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 799.46                 | .00                   | 23,452.83          | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 30,674.78              | .00                   | 201,936.64         | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 37,198.60              | .00                   | 371,043.58         | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 24.30                  | .00                   | 174.99             | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 76,180.36              | .00                   | 619,744.61         | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | 11.60                  | .00                   | 11.60              | .00                      | .00        | .00      |
| SPECIAL ITEMS OF EXPENSE         | 11.60                  | .00                   | 11.60              | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 157,604.17             | 1,825,544.00          | 1,627,794.42       | .00                      | 197,749.58 | 89.16    |

PROGRAM : CALIF JUSTICE INFO SERV  
 ELEMENT : CJIS OPERATIONAL SUP PRG

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | FCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                | .00                    | .00                   | .17                | .00                      | .00     | .00      |
| STAFF BENEFITS                   |                        |                       |                    |                          |         |          |
| PERSONAL SERVICES                | .00                    | .00                   | .17                | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE                  | 2.54                   | .00                   | 13.06              | .00                      | .00     | .00      |
| PRINTING                         | .00                    | .00                   | .19                | .00                      | .00     | .00      |
| COMMUNICATIONS                   | 5.84                   | .00                   | 87.95              | .00                      | .00     | .00      |
| POSTAGE                          | 19.75                  | .00                   | 59.30              | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 20.09                  | .00                   | 1,847.81           | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 56.84                  | .00                   | 22.57              | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | .00                    | .00                   | .09                | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | 9.27                   | .00                   | 9.27               | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | .65                    | .00                   | 2,040.24           | .00                      | .00     | .00      |

| SPEC ITEMS OF EXPENSE  | INTERNAL COST RECOVERY | INTERNAL COST RECOVERY | INTERNAL COST RECOVERY | INTERNAL COST RECOVERY | INTERNAL COST RECOVERY | INTERNAL COST RECOVERY |
|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| SPEC ITEMS OF EXPENSE  | .00                    | .00                    | .00                    | .00                    | .00                    | .00                    |
| INTERNAL COST RECOVERY |                        |                        |                        |                        |                        |                        |
| SPEC ITEMS OF EXPENSE  | .00                    | .00                    | .00                    | .00                    | .00                    | .00                    |
| INTERNAL COST RECOVERY |                        |                        |                        |                        |                        |                        |
| GRAND TOTAL            | .65                    | 2,000.00               | 2,040.41               | .00                    | 40.41                  | 102.02                 |



DATE 7/20/2015 TIME 16:05:42 REPORT OF EXPENDITURES AS OF JUN 30, 2015 FOR DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: COSE  
 ELEMENT : CJIS OPERATIONAL SUP ERG

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                | .00                    | .00                   | .17                | .00                      | .00     | .00      |
| STAFF BENEFITS                   | .00                    | .00                   | .17                | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | 2.54                   | .00                   | 13.06              | .00                      | .00     | .00      |
| GENERAL EXPENSE                  | .00                    | .00                   | .19                | .00                      | .00     | .00      |
| PRINTING                         | 5.84                   | .00                   | 87.95              | .00                      | .00     | .00      |
| COMMUNICATIONS                   | 19.75                  | .00                   | 59.30              | .00                      | .00     | .00      |
| POSTAGE                          | 20.09                  | .00                   | 1,847.81           | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 56.84                  | .00                   | 22.57              | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | .00                    | .00                   | .09                | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 9.27                   | .00                   | 9.27               | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | .65                    | .00                   | 2,040.24           | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00     | .00      |
| GRAND TOTAL                      | .65                    | 2,000.00              | 2,040.41           | .00                      | 40.41   | 102.02   |

DATE 7/20/2015 TIME 16:05:42 REPORT OF EXPENDITURES AS OF JUN 30, 2015 FOR DEALERS RECORD OF SALES ACT

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: COSP  
 ELEMENT : CUIS OPERATIONAL SUP PRG TASK : CUIS-FAC & COMM \*7000

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE | FCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|---------|----------|
| PERSONAL SERVICES                | .00                    | .00                   | .17                | .00                      | .00     | .00      |
| STAFF BENEFITS                   |                        |                       |                    |                          |         |          |
| PERSONAL SERVICES                | .00                    | .00                   | .17                | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |         |          |
| GENERAL EXPENSE                  | 2.54                   | .00                   | 13.06              | .00                      | .00     | .00      |
| PRINTING                         | .00                    | .00                   | .19                | .00                      | .00     | .00      |
| COMMUNICATIONS                   | 5.84                   | .00                   | 87.95              | .00                      | .00     | .00      |
| POSTAGE                          | 19.75                  | .00                   | 59.30              | .00                      | .00     | .00      |
| FACILITIES OPERATION             | 20.09                  | .00                   | 1,847.81           | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 56.84                  | .00                   | 22.57              | .00                      | .00     | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | .00                    | .00                   | .09                | .00                      | .00     | .00      |
| INFORMATION TECHNOLOGY           | 9.27                   | .00                   | 9.27               | .00                      | .00     | .00      |
| OPERATING EXP & EQUIP            | .65                    | .00                   | 2,040.24           | .00                      | .00     | .00      |

| SPEC ITEMS OF EXPENSE  | INTERNAL COST RECOVERY | INTERNAL COST RECOVERY | INTERNAL COST RECOVERY |
|------------------------|------------------------|------------------------|------------------------|
| INTERNAL COST RECOVERY | .00                    | .00                    | .00                    |
| SPEC ITEMS OF EXPENSE  | .00                    | .00                    | .00                    |

GRAND TOTAL .65 2,000.00 2,040.41 .00 40.41- 102.02

TIME 16:05:42

REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
ELEMENT : BUR OF CRIM ID & INVEST

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | PCI USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT          | 9,505.00               | .00                   | 112,765.00         | .00                      | .00       | .00      |
| STAFF BENEFITS                   | 4,245.86               | .00                   | 39,992.71          | .00                      | .00       | .00      |
| PERSONAL SERVICES                | 13,750.86              | .00                   | 152,757.71         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |          |
| TRAVEL IN-STATE                  | 1,397.76               | .00                   | 2,190.02           | .00                      | .00       | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | .00                    | .00                   | 2,643.04           | .00                      | .00       | .00      |
| DEPARTMENTAL SERVICES            | 8,911.03               | .00                   | 58,662.64          | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            | 10,308.79              | .00                   | 63,495.70          | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL                      | 24,059.65              | 315,885.00            | 216,253.41         | .00                      | 99,631.59 | 68.45    |

PROGRAM : CALIF JUSTICE INFO SERV  
 ELEMENT : FUR OF CRIM ID & INVEST  
 COMPONENT: FIREARMS PGM - DEOS\*7320

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT          | 9,505.00               | .00                   | 112,765.00         | .00                      | .00       | .00      |
| STAFF BENEFITS                   | 4,245.86               | .00                   | 39,992.71          | .00                      | .00       | .00      |
| PERSONAL SERVICES                | 13,750.86              | .00                   | 152,757.71         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |          |
| TRAVEL IN-STATE                  | 1,397.76               | .00                   | 2,190.02           | .00                      | .00       | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | .00                    | .00                   | 2,643.04           | .00                      | .00       | .00      |
| DEPARTMENTAL SERVICES            | 8,911.03               | .00                   | 58,662.64          | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            | 10,308.79              | .00                   | 63,495.70          | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL                      | 24,059.65              | 315,885.00            | 216,253.41         | .00                      | 99,631.59 | 68.45    |

TIME 16:05:42 REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR DELETES RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
 ELEMENT : BUR OF CRIM INFO & ANALYS

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | FCT USED |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES       |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT | 7,700.75               | .00                   | 97,398.19          | .00                      | .00       | .00      |
| OVERTIME                | .00                    | .00                   | 519.64             | .00                      | .00       | .00      |
| STAFF BENEFITS          | 5,026.46               | .00                   | 66,303.38          | .00                      | .00       | .00      |
| PERSONAL SERVICES       | 12,727.21              | .00                   | 164,221.21         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP   |                        |                       |                    |                          |           |          |
| DEPARTMENTAL SERVICES   | 3,255.95               | .00                   | 21,434.42          | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP   | 3,255.95               | .00                   | 21,434.42          | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE   |                        |                       |                    |                          |           |          |
| INTERNAL COST RECOVERY  | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE   | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL             | 15,983.16              | 199,659.00            | 185,655.63         | .00                      | 14,003.37 | 92.98    |

DEPARTMENT OF JUSTICE

DATE 7/20/2015

REPORT OF EXPENDITURES AS OF JUN 30, 2015

TIME 16:05:42

FOR  
DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: DROS - LONG GUN \*7950

ELEMENT : BUR OF CRIM INFO & ANNS

| DESCRIPTION                                 | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | FBI USED |
|---------------------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES                           |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT                     | 7,700.75               | .00                   | 97,398.19          | .00                      | .00       | .00      |
| OVERTIME                                    | .00                    | .00                   | 519.64             | .00                      | .00       | .00      |
| STAFF BENEFITS                              | 5,026.46               | .00                   | 66,303.38          | .00                      | .00       | .00      |
| PERSONAL SERVICES                           | 12,727.21              | .00                   | 164,221.21         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP DEPARTMENTAL SERVICES | 3,255.95               | .00                   | 21,434.42          | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP                       | 3,255.95               | .00                   | 21,434.42          | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE                       | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| INTERNAL COST RECOVERY                      | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE                       | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL                                 | 15,983.16              | 199,659.00            | 185,655.63         | .00                      | 14,003.37 | 92.98    |

DATE 7/20/2015 TIME 16:05:42  
 REPORT OF EXPENDITURES AS OF JUN 30, 2015  
 FOR  
 DEPT. RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
 ELEMENT : HAWKINS DATA CENTER

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT          | 35,767.65              | .00                   | 459,686.14         | .00                      | .00       | .00      |
| CIVIL SERVICE-TEMP HELP          | 1,500.91               | .00                   | 12,952.52          | .00                      | .00       | .00      |
| OVERTIME                         | 715.28                 | .00                   | 3,421.94           | .00                      | .00       | .00      |
| STAFF BENEFITS                   | 16,950.30              | .00                   | 214,998.52         | .00                      | .00       | .00      |
| PERSONAL SERVICES                | 54,934.14              | .00                   | 691,059.12         | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |           |          |
| GENERAL EXPENSE                  | 252.00                 | .00                   | 1,734.71           | .00                      | .00       | .00      |
| PRINTING                         | 5.52                   | .00                   | 300.17             | .00                      | .00       | .00      |
| COMMUNICATIONS                   | 366.18                 | .00                   | 4,285.78           | .00                      | .00       | .00      |
| INSURANCE                        | .00                    | .00                   | 81.16              | .00                      | .00       | .00      |
| TRAVEL IN-STATE                  | 448.70                 | .00                   | 1,542.08           | .00                      | .00       | .00      |
| TRAVEL OUT-OF-STATE              | 6.64                   | .00                   | 6.64               | .00                      | .00       | .00      |
| TRAINING                         | 332.10                 | .00                   | 3,464.27           | .00                      | .00       | .00      |
| FACILITIES OPERATION             | .00                    | .00                   | .01                | .00                      | .00       | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 4,682.94               | .00                   | 4,877.83           | .00                      | .00       | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 799.46                 | .00                   | 23,432.74          | .00                      | .00       | .00      |
| DEPARTMENTAL SERVICES            | 18,507.80              | .00                   | 121,839.58         | .00                      | .00       | .00      |
| INFORMATION TECHNOLOGY           | 37,189.33              | .00                   | 371,034.51         | .00                      | .00       | .00      |
| OTHER ITEMS OF EXPENSE           | 24.30                  | .00                   | 174.99             | .00                      | .00       | .00      |
| OPERATING EXP & EQUIP            | 62,614.97              | .00                   | 532,774.25         | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |           |          |
| SPECIAL ITEMS OF EXPENSE         | 11.60                  | .00                   | 11.60              | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            | 11.60                  | .00                   | 11.60              | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00       | .00      |
| GRAND TOTAL                      | 117,560.71             | 1,308,000.00          | 1,223,844.97       | .00                      | 84,155.03 | 93.56    |

REPORT OF EXPENDITURES AS OF JUN 30, 2015  
 FOR  
 DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: CRIM JUS INFO TECH \*8600  
 ELEMENT : FAWKINS DATA CENTER

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 7,513.05               | .00                   | 115,264.99         | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | 430.63                 | .00                   | 4,443.99           | .00                      | .00        | .00      |
| OVERTIME                         | 2.11                   | .00                   | 565.69             | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 3,563.08               | .00                   | 53,493.25          | .00                      | .00        | .00      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      | =====    |
| PERSONAL SERVICES                | 11,508.87              | .00                   | 173,767.92         | .00                      | .00        | .00      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      | =====    |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| TRAVEL IN-STATE                  | 8.65                   | .00                   | 8.65               | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 7.94                   | .00                   | 137.97             | .00                      | .00        | .00      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      | =====    |
| OPERATING EXP & EQUIP            | 16.59                  | .00                   | 146.62             | .00                      | .00        | .00      |
| =====                            | =====                  | =====                 | =====              | =====                    | =====      | =====    |
| GRAND TOTAL                      | 11,525.46              | .00                   | 173,914.54         | .00                      | 173,914.54 | .00      |



DATE 7/20/2015  
 TIME 16:05:42  
 REPORT OF EXPENDITURES AS OF JUN 30, 2015  
 FOR  
 DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV  
 ELEMENT : HAWKINS DATA CENTER  
 COMPONENT: TECH SUPPORT BUR \*8610

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 14,558.30              | .00                   | 166,671.75         | .00                      | .00        | .00      |
| CIVIL SERVICE-JEMP HELP          | 383.41                 | .00                   | 4,365.71           | .00                      | .00        | .00      |
| OVERTIME                         | 487.10                 | .00                   | 1,864.26           | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 6,954.82               | .00                   | 78,768.51          | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 22,383.63              | .00                   | 251,670.23         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 250.83                 | .00                   | 1,733.54           | .00                      | .00        | .00      |
| PRINTING                         | 5.27                   | .00                   | 299.92             | .00                      | .00        | .00      |
| COMMUNICATIONS                   | 366.18                 | .00                   | 4,285.78           | .00                      | .00        | .00      |
| INSURANCE                        | .00                    | .00                   | 81.16              | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 251.76                 | .00                   | 1,271.25           | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | 6.64                   | .00                   | 6.64               | .00                      | .00        | .00      |
| TRAINING                         | 332.10                 | .00                   | 3,464.27           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | .00                    | .00                   | .01                | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 4,577.47               | .00                   | 4,642.33           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 799.46                 | .00                   | 23,432.74          | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 18,507.80              | .00                   | 121,839.58         | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 37,189.33              | .00                   | 371,034.31         | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 24.30                  | .00                   | 174.99             | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 62,311.14              | .00                   | 532,266.50         | .00                      | .00        | .00      |
| SPECIAL ITEMS OF EXPENSE         | 11.60                  | .00                   | 11.60              | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | 11.60                  | .00                   | 11.60              | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 84,706.37              | 1,308,000.00          | 783,948.33         | .00                      | 524,051.67 | 59.93    |

DEPARTMENT OF JUSTICE

DATE 7/20/2015

TIME 16:05:42 REPORT OF EXPENDITURES AS OF JUN 30, 2015

FOR DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV COMPONENT: DEPT TECH SVS BUR \*8620

ELEMENT : HAWKINS DATA CENTER

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 11,840.06              | .00                   | 142,396.44         | .00                      | .00        | .00      |
| CIVIL SERVICE-TEMP HELP          | 638.35                 | .00                   | 3,855.74           | .00                      | .00        | .00      |
| OVERTIME                         | 226.07                 | .00                   | 952.61             | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 5,640.24               | .00                   | 67,452.35          | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 18,344.72              | .00                   | 214,657.14         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 1.17                   | .00                   | 1.17               | .00                      | .00        | .00      |
| PRINTING                         | .25                    | .00                   | .25                | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 188.29                 | .00                   | 262.18             | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 97.53                  | .00                   | 97.53              | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 287.24                 | .00                   | 361.13             | .00                      | .00        | .00      |
| GRAND TOTAL                      | 18,631.96              | .00                   | 215,018.27         | .00                      | 215,018.27 | .00      |

DATE 7/20/2015    REPORT OF EXPENDITURES AS OF JUN 30, 2015  
 TIME 16:05:42    FOR  
 DEALERS RECORD OF SALE ACT

PROGRAM : CALIF JUSTICE INFO SERV    COMPONENT: SINS SUPPORT    \*8630  
 ELEMENT : EMMELINS DATA CENTER

| DESCRIPTION             | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE   | FCT USED |
|-------------------------|------------------------|-----------------------|--------------------|--------------------------|-----------|----------|
| PERSONAL SERVICES       |                        |                       |                    |                          |           |          |
| CIVIL SERVICE-PERMANENT | 1,856.24               | .00                   | 35,352.96          | .00                      | .00       | .00      |
| CIVIL SERVICE-TEMP HELP | 48.52                  | .00                   | 287.08             | .00                      | .00       | .00      |
| OVERTIME                | .00                    | .00                   | 39.38              | .00                      | .00       | .00      |
| STAFF BENEFITS          | 792.16                 | .00                   | 15,284.41          | .00                      | .00       | .00      |
| PERSONAL SERVICES       | 2,696.92               | .00                   | 50,963.83          | .00                      | .00       | .00      |
| GRAND TOTAL             | 2,696.92               | .00                   | 50,963.83          | .00                      | 50,963.83 | .00      |

**DOJ Programs Funded with Firearms Safety and Enforcement Special Fund**

**FY 2014/15  
BUREAU OF FIREARMS**

| Unit Code                         | Program Title                | Appropriation       | Actual Year-End Expenditures | FSE Funding % |
|-----------------------------------|------------------------------|---------------------|------------------------------|---------------|
| 507                               | Handgun Safety Certification | \$ 3,491,109        | \$ 3,112,816                 | 1/ 100%       |
| 509                               | Firearms Safety Account      | \$ 52,000           | \$ 33,552                    | 13%           |
| <b>FIREARMS TOTAL FSE FUNDING</b> |                              | <b>\$ 3,543,109</b> | <b>\$ 3,146,369</b>          |               |

1/ Actual year-end expenditures include \$165,793 in statewide ProRata charges.

DATE 7/20/2015 TIME 16:05:42  
 REPORT OF EXPENDITURES AS OF JUN 30, 2015  
 FOR  
 FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND

PROGRAM : LAW ENFORCEMENT

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCF USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 87,693.04              | .00                   | 836,384.74         | .00                      | .00        | .00      |
| OVERTIME                         | 2,736.83               | .00                   | 5,418.22           | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 54,643.04              | .00                   | 484,989.15         | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 145,072.91             | .00                   | 1,326,792.11       | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 5,118.65               | .00                   | 40,068.67          | .00                      | .00        | .00      |
| PRINTING                         | 725.00                 | .00                   | 22,943.20          | .00                      | .00        | .00      |
| POSTAGE                          | 81.78                  | .00                   | 1,519.81           | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 1,061.74               | .00                   | 29,113.65          | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 341.73             | .00                      | .00        | .00      |
| TRAINING                         | .00                    | .00                   | 1,673.00           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 671,756.52             | .00                   | 674,121.52         | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 20,036.16              | .00                   | 58,847.55          | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 43,838.56              | .00                   | 582,536.85         | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 15,019.29              | .00                   | 98,874.18          | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 36,379.00              | .00                   | 52,529.93          | .00                      | .00        | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 165,793.00         | .00                      | .00        | .00      |
| EQUIPMENT                        | 3,953.50               | .00                   | 3,953.50           | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 9,722.27               | .00                   | 95,166.92          | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 799,805.47             | .00                   | 1,819,576.51       | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 944,878.38             | 3,543,109.00          | 3,146,368.62       | .00                      | 396,740.38 | 88.80    |

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCI USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-REWARD             | 87,693.04              | .00                   | 836,384.74         | .00                      | .00        | .00      |
| OVERTIME                         | 2,736.83               | .00                   | 5,418.22           | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 54,643.04              | .00                   | 484,989.15         | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 145,072.91             | .00                   | 1,326,792.11       | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 5,118.65               | .00                   | 40,068.67          | .00                      | .00        | .00      |
| PRINTING                         | 725.00                 | .00                   | 22,943.20          | .00                      | .00        | .00      |
| POSTAGE                          | 81.78                  | .00                   | 1,519.81           | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 1,061.74               | .00                   | 29,113.65          | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 341.73             | .00                      | .00        | .00      |
| TRAINING                         | .00                    | .00                   | 1,673.00           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 671,756.52             | .00                   | 674,121.52         | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 20,036.16              | .00                   | 58,847.55          | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 43,858.56              | .00                   | 582,536.85         | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 15,019.29              | .00                   | 98,874.18          | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 36,379.00              | .00                   | 52,529.93          | .00                      | .00        | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 165,793.00         | .00                      | .00        | .00      |
| EQUIPMENT                        | 3,953.50               | .00                   | 3,953.50           | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 9,722.27               | .00                   | 95,166.92          | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 799,805.47             | .00                   | 1,819,576.51       | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 944,878.38             | 3,543,109.00          | 3,146,368.62       | .00                      | 396,740.38 | 88.80    |

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : BUREAU OF FIREARMS  
 FIREARM SAFETY AND ENFORCEMENT SPECIAL FUND  
 COMPONENT: BASIC FIREARMS SFYF5070

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 86,945.89              | .00                   | 825,020.74         | .00                      | .00        | .00      |
| OVERTIME                         | 2,736.83               | .00                   | 5,409.12           | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 54,212.08              | .00                   | 479,122.68         | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 143,894.80             | .00                   | 1,309,552.54       | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 5,061.32               | .00                   | 39,834.55          | .00                      | .00        | .00      |
| PRINTING                         | 725.00                 | .00                   | 22,943.20          | .00                      | .00        | .00      |
| POSTAGE                          | 26.73                  | .00                   | 1,432.00           | .00                      | .00        | .00      |
| TRAVEL IN-STATE                  | 1,061.74               | .00                   | 29,113.65          | .00                      | .00        | .00      |
| TRAINING                         | .00                    | .00                   | 1,673.00           | .00                      | .00        | .00      |
| FACILITIES OPERATION             | 671,756.52             | .00                   | 674,121.52         | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 18,655.50              | .00                   | 53,365.90          | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-E | 43,858.56              | .00                   | 582,536.85         | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 13,537.92              | .00                   | 89,122.08          | .00                      | .00        | .00      |
| INFORMATION TECHNOLOGY           | 36,379.00              | .00                   | 52,529.93          | .00                      | .00        | .00      |
| GENERAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 165,793.00         | .00                      | .00        | .00      |
| EQUIPMENT                        | 3,953.50               | .00                   | 3,953.50           | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | 9,722.27               | .00                   | 94,751.77          | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 796,831.06             | .00                   | 1,803,263.95       | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 940,725.86             | 3,491,109.00          | 3,112,816.49       | .00                      | 378,292.51 | 89.16    |

PROGRAM : LAW ENFORCEMENT COMPONENT: FIREARMS SFY ACCT \*5090  
 ELEMENT : BUREAU OF FIREARMS

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | REMAINANCE | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 747.15                 | .00                   | 11,364.00          | .00                      | .00        | .00      |
| OVERTIME                         | .00                    | .00                   | 9.16               | .00                      | .00        | .00      |
| SLEEF BENEFITS                   | 430.96                 | .00                   | 5,866.47           | .00                      | .00        | .00      |
| =====                            |                        |                       |                    |                          |            |          |
| PERSONAL SERVICES                | 1,178.11               | .00                   | 17,239.57          | .00                      | .00        | .00      |
| =====                            |                        |                       |                    |                          |            |          |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 57.33                  | .00                   | 234.12             | .00                      | .00        | .00      |
| POSTAGE                          | 55.05                  | .00                   | 87.81              | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 341.73             | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 1,380.66               | .00                   | 5,481.65           | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 1,481.37               | .00                   | 9,752.10           | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 415.15             | .00                      | .00        | .00      |
| =====                            |                        |                       |                    |                          |            |          |
| OPERATING EXP & EQUIP            | 2,974.41               | .00                   | 16,312.56          | .00                      | .00        | .00      |
| =====                            |                        |                       |                    |                          |            |          |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| =====                            |                        |                       |                    |                          |            |          |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| =====                            |                        |                       |                    |                          |            |          |
| GRAND TOTAL                      | 4,152.52               | 52,000.00             | 33,552.13          | .00                      | 18,447.87  | 64.52    |



# DOJ Programs Funded with Firearms Safety Account Special Fund

## FY 2014/15 BUREAU OF FIREARMS

| Unit Code                         | Program Title           | Appropriation     | Actual<br>Year-End<br>Expenditures | FSA<br>Funding % |
|-----------------------------------|-------------------------|-------------------|------------------------------------|------------------|
| 509                               | Firearms Safety Account | \$ 339,000        | \$ 234,059 1/                      | 87%              |
| <b>FIREARMS TOTAL FSA FUNDING</b> |                         | <b>\$ 339,000</b> | <b>\$ 234,059</b>                  |                  |

1/ Actual year-end expenditures include \$15,316 in statewide ProRata charges.

PROGRAM : LAW ENFORCEMENT  
 ELEMENT : BUREAU OF FIREARMS  
 COMPONENT: FIREARMS SFY ACCT \*5090

| DESCRIPTION                      | CURRENT PERIOD EXPENSE | WORKING APPROPRIATION | Y-T-D EXPENDITURES | OUTSTANDING ENCUMBRANCES | BALANCE    | PCT USED |
|----------------------------------|------------------------|-----------------------|--------------------|--------------------------|------------|----------|
| PERSONAL SERVICES                |                        |                       |                    |                          |            |          |
| CIVIL SERVICE-PERMANENT          | 4,870.85               | .00                   | 74,084.58          | .00                      | .00        | .00      |
| OVERTIME                         | .00                    | .00                   | 59.36              | .00                      | .00        | .00      |
| STAFF BENEFITS                   | 2,809.57               | .00                   | 38,245.14          | .00                      | .00        | .00      |
| PERSONAL SERVICES                | 7,680.42               | .00                   | 112,389.08         | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            |                        |                       |                    |                          |            |          |
| GENERAL EXPENSE                  | 373.75                 | .00                   | 1,526.21           | .00                      | .00        | .00      |
| POSTAGE                          | 358.87                 | .00                   | 572.39             | .00                      | .00        | .00      |
| TRAVEL OUT-OF-STATE              | .00                    | .00                   | 2,227.87           | .00                      | .00        | .00      |
| CONSULTANT & PROFESSIONAL SVCS-I | 9,000.87               | .00                   | 35,736.15          | .00                      | .00        | .00      |
| DEPARTMENTAL SERVICES            | 9,657.41               | .00                   | 63,576.19          | .00                      | .00        | .00      |
| CENTRAL ADMINISTRATIVE SERVICES  | .00                    | .00                   | 15,316.00          | .00                      | .00        | .00      |
| OTHER ITEMS OF EXPENSE           | .00                    | .00                   | 2,706.50           | .00                      | .00        | .00      |
| OPERATING EXP & EQUIP            | 19,390.90              | .00                   | 121,661.31         | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            |                        |                       |                    |                          |            |          |
| INTERNAL COST RECOVERY           | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| SPEC ITEMS OF EXPENSE            | .00                    | .00                   | .00                | .00                      | .00        | .00      |
| GRAND TOTAL                      | 27,071.32              | 339,000.00            | 234,050.39         | .00                      | 104,949.61 | 69.04    |

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I, Stephen Lindley, declare:

I am the Director of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANTS ATTORNEY GENERAL XAVIER BECERRA AND BUREAU OF FIREARMS DIRECTOR STEPHEN LINDLEY'S RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS (SET FOUR). I know their contents and the same are true to my knowledge, information, and belief.

I declare under penalty of perjury under the laws of under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on October 10 2017, at Riverside, California.



STEPHEN LINDLEY

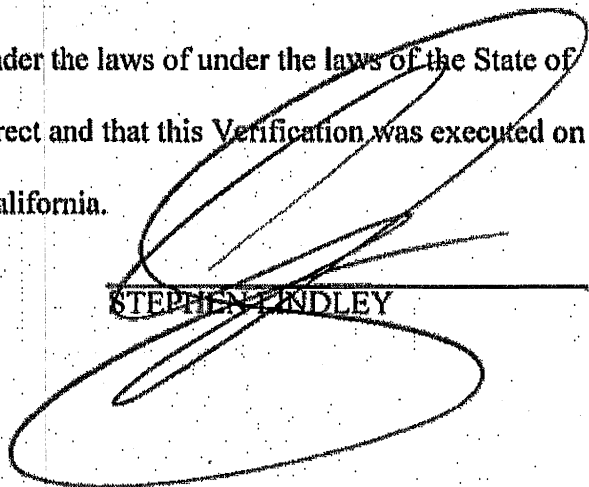
**VERIFICATION**

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I, Stephen Lindley, declare:

I am the Director of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANTS ATTORNEY GENERAL XAVIER BECERRA AND BUREAU OF FIREARMS DIRECTOR STEPHEN LINDLEY'S RESPONSES TO SPECIAL INTERROGATORIES (SET FOUR). I know their contents and the same are true to my knowledge, information, and belief.

I declare under penalty of perjury under the laws of under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on October 6 2017, at RIVERSIDE, California.



STEPHEN LINDLEY

VERIFICATION

I, Stephen Lindley, declare:

I am the Director of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANTS ATTORNEY GENERAL XAVIER BECERRA AND BUREAU OF FIREARMS DIRECTOR STEPHEN LINDLEY'S RESPONSES TO FORM INTERROGATORIES (SET FOUR). I know their contents and the same are true to my knowledge, information, and belief.

I declare under penalty of perjury under the laws of under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on October 6, 2017, at Riverside, California.



STEPHEN LINDLEY

VERIFICATION

I, Stephen Lindley, declare:

I am the Director of the Bureau of Firearms of the California Department of Justice. I have read DEFENDANTS ATTORNEY GENERAL XAVIER BECERRA AND BUREAU OF FIREARMS DIRECTOR STEPHEN LINDLEY'S RESPONSES TO REQUESTS FOR ADMISSIONS (SET THREE). I know their contents and the same are true to my knowledge, information, and belief.

I declare under penalty of perjury under the laws of under the laws of the State of California that the foregoing is true and correct and that this Verification was executed on October 6 2017, at ROCKVILLE, California.

  
STEPHEN LINDLEY

# **EXHIBIT P**

| <b>2012</b>         |                          |                        |                        |                     |
|---------------------|--------------------------|------------------------|------------------------|---------------------|
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Billable (\$15)</u> | <u>Revenue</u>      |
| <b>YEARLY TOTAL</b> | <b>817,738</b>           | <b>735,964</b>         | <b>81,774</b>          | <b>\$15,209,927</b> |
| <b>2013</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Billable (\$15)</u> |                     |
| <b>YEARLY TOTAL</b> | <b>960,179</b>           | <b>864,161</b>         | <b>96,018</b>          | <b>\$17,859,329</b> |
| <b>2014</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Difference</u>      |                     |
| <b>YEARLY TOTAL</b> | <b>931,037</b>           | <b>844,128</b>         | <b>86,909</b>          | <b>\$16,038,432</b> |
| <b>2015</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Difference</u>      |                     |
| <b>YEARLY TOTAL</b> | <b>880,603</b>           | <b>775,587</b>         | <b>105,016</b>         | <b>\$14,736,153</b> |
| <b>2016</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Difference</u>      |                     |
| <b>YEARLY TOTAL</b> | <b>1,331,322</b>         | <b>1,129,959</b>       | <b>201,363</b>         | <b>\$21,469,221</b> |
| <b>2017</b>         |                          |                        |                        |                     |
|                     | <u>DROS Transactions</u> | <u>Billable (\$19)</u> | <u>Difference</u>      |                     |
| <b>YEARLY TOTAL</b> | <b>882,585</b>           | <b>781,889</b>         | <b>100,696</b>         | <b>\$14,855,891</b> |

Billable DROS Estimated at 90% of Actual Transactions



**DECLARATION OF SERVICE BY E-MAIL and U.S. Mail**

Case Name: **Gentry, David, et al. v. Kamala Harris, et al.**  
No.: **34-2013-80001667**

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 collection and processing of correspondence for mailing with the United States Postal Service. 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.

On February 20, 2018, I served the attached **DECLARATION OF ANTHONY R. HAKL IN SUPPORT OF DEFENDANTS' OPPOSITION BRIEF** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Scott Franklin  
Michel & Associates, P.C.  
180 E. Ocean Boulevard, Suite 200  
Long Beach, CA 90802  
**E-mail Address:** SFranklin@michellawyers.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 20, 2018, at Sacramento, California.

\_\_\_\_\_  
Tursun Bier  
Declarant

\_\_\_\_\_  
*Tursun Bier*  
Signature

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C.D. Michel – S.B.N. 144258  
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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SACRAMENTO

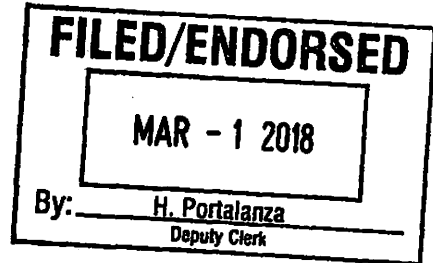
DAVID GENTRY, JAMES PARKER,  
MARK MIDLAM, JAMES BASS, and  
CALGUNS SHOOTING SPORTS  
ASSOCIATION,

Plaintiffs and Petitioners,

v.

XAVIER BECERRA, in His Official  
Capacity as Attorney General for the State  
of California; STEPHEN LINDLEY, in  
His Official Capacity as Acting Chief for  
the California Department of Justice,  
BETTY T. YEE, in Her Official Capacity  
as State Controller, and DOES 1 - 10,

Defendants and Respondents.



Case No. 34-2013-80001667

**REPLY IN SUPPORT OF PLAINTIFFS'  
OPENING TRIAL BRIEF**

Hearing Date: March 16, 2018  
Hearing Time: 9:00 a.m.  
Judge: Honorable Richard K. Sueyoshi  
Dept.: 28

Trial Date: March 16, 2018  
Action Filed: October 16, 2013

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Table of Authorities ..... 4

Memorandum of Points and Authorities ..... 7

    I. Introduction ..... 7

    II. Argument ..... 7

        A. Defendants Cannot Meet Two of the Three Elements of Claim  
           Preclusion ..... 7

            1. The Primary Right Theory Only Potentially Creates a Res Judicata  
               Bar as to Claims Arising from “a Particular Injury[,]” Not, as  
               Defendants Argue, a Particular *Type* of Injury ..... 7

            2. Defendants Cannot Show the Required Privity ..... 10

                i. Use of the Same Attorney Is Not Per Se Relevant as to Privity ..... 11

                ii. Cooperation Does Not Evince Privity ..... 12

                iii. Defendants Show No Privity between the Entity Plaintiffs ..... 13

            3. The Public Policy/Injustice Exception ..... 13

        B. The DROS Fee Operates as an Unconstitutional Tax ..... 14

            1. Defendants Avoid Admitting that the DROS Fee Is a Tax by  
               Wrongly Claiming the *Sinclair Paint* Standard Does Not Apply ..... 14

            2. *Cal. Farm* Is Distinguishable, and Even Assuming It Is Not, It  
               Would Support Plaintiffs’ Position, Not Defendants’ ..... 16

            3. Section 28225 and the Statute at Issue in *Cal. Farm* Are Not  
               Analogous ..... 17

            4. Defendants’ Confused “Reasonable Relationship” Argument Fails;  
               the Framework that Must Be Applied is the *Sinclair Paint* Standard,  
               Under Which the DROS Fee Is a Tax ..... 20

                i. Irrelevant Data Cannot Trump Relevant, Undisputed Data ..... 21

                ii. The Compulsory Versus Voluntary Dichotomy ..... 22

            5. *Bauer* Cannot Be Used to Avoid the Requirements of *Sinclair Paint* ..... 23

|    |                                                              |    |
|----|--------------------------------------------------------------|----|
| 1  | C. Allowing Amendment According to Proof Is Appropriate..... | 25 |
| 2  | III. Conclusion .....                                        | 26 |
| 3  |                                                              |    |
| 4  |                                                              |    |
| 5  |                                                              |    |
| 6  |                                                              |    |
| 7  |                                                              |    |
| 8  |                                                              |    |
| 9  |                                                              |    |
| 10 |                                                              |    |
| 11 |                                                              |    |
| 12 |                                                              |    |
| 13 |                                                              |    |
| 14 |                                                              |    |
| 15 |                                                              |    |
| 16 |                                                              |    |
| 17 |                                                              |    |
| 18 |                                                              |    |
| 19 |                                                              |    |
| 20 |                                                              |    |
| 21 |                                                              |    |
| 22 |                                                              |    |
| 23 |                                                              |    |
| 24 |                                                              |    |
| 25 |                                                              |    |
| 26 |                                                              |    |
| 27 |                                                              |    |
| 28 |                                                              |    |

**TABLE OF AUTHORITIES**

**CASES**

1  
2  
3 *Ainsworth v. Bryant*,  
34 Cal. 2d 465 (1949) ..... 18  
4  
5 *Alvarez v. May Dept. Stores Co.*,  
143 Cal. App. 4th 1223 (2008) ..... 11  
6  
7 *Bauer v. Becerra*,  
858 F.3d 1216 (9th Cir. 2017)..... 7, 8, 10, 12, 13, 14, 23, 24, 25  
8  
9 *Bd. of Educ. v. Jack M.*,  
19 Cal. 3d 691 (1977) ..... 13  
10  
11 *Busch v. CitiMortgage, Inc.*,  
No. 11-CV-03192-EJD, 2011 WL 3627042 (N.D. Cal. Aug. 17, 2011) ..... 24  
12  
13 *Cal Sierra Dev., Inc. v. George Reed, Inc.*,  
14 Cal. App. 5th 663 (2017) ..... 7, 10, 11, 13  
14  
15 *Cal. Bldg. Indus. Ass'n v. San Joaquin Valley Air Pollution Control Dist.*,  
178 Cal. App. 4th 120 (2009) ..... 22  
16  
17 *Cal. Farm Bureau Fed'n v. State Water Resources Control Bd.*,  
51 Cal. 4th 421 (2011) ..... 15, 16, 17, 18, 19, 20, 25  
18  
19 *Citizens for Open Access to Sand & Tide, Inc. v. Seadrift Ass'n*,  
60 Cal. App. 4th 1053 (1998) ..... 9, 10, 12  
20  
21 *Consumer Advocacy Grp., Inc. v. ExxonMobil Corp.*,  
168 Cal. App. 4th 675 (2008) ..... 13  
22  
23 *District of Columbia v. Heller*,  
554 U.S. 570 (2008)..... 22  
24  
25 *DKN Holdings LLC v. Faerber*,  
61 Cal. 4th 813 (2015) ..... 7, 25  
26  
27 *Fed'n of Hillside & Canyon Ass'ns v. City of Los Angeles*,  
126 Cal. App. 4th 1180 (2004) ..... 8  
28  
29 *Frommhagen v. Bd. of Supervisors*,  
197 Cal. App. 3d 1292 (1987)..... 8, 9  
30  
31 *Governor Gray Davis Com. v. Am. Taxpayers All.*,  
102 Cal. App. 4th 449 (2002) ..... 24

|    |                                                                                      |                                    |
|----|--------------------------------------------------------------------------------------|------------------------------------|
| 1  | <i>Howard v. Babcock,</i>                                                            |                                    |
| 2  | 6 Cal. 4th 409 (1993) .....                                                          | 12                                 |
| 3  | <i>In re Yellow Cab Co.,</i>                                                         |                                    |
| 4  | 212 B.R. 154 (Bankr. S.D. Cal. 1997) .....                                           | 10                                 |
| 5  | <i>Kopp v. Fair Pol. Practices Com.,</i>                                             |                                    |
| 6  | 11 Cal. 4th 607 (1995) .....                                                         | 13                                 |
| 7  | <i>Mycogen Corp. v. Monsanto Co.,</i>                                                |                                    |
| 8  | 28 Cal. 4th 888 (2002) .....                                                         | 7                                  |
| 9  | <i>Nw. Energetic Servs., LLC v. California Franchise Tax Bd.,</i>                    |                                    |
| 10 | 159 Cal. App. 4th 841 (2008) .....                                                   | 16, 18                             |
| 11 | <i>People v. Barragan,</i>                                                           |                                    |
| 12 | 32 Cal. 4th 236 (2004) .....                                                         | 13                                 |
| 13 | <i>People v. Byoune,</i>                                                             |                                    |
| 14 | 65 Cal. 2d 345 (1966) .....                                                          | 14                                 |
| 15 | <i>People v. Johnson,</i>                                                            |                                    |
| 16 | 6 Cal. 4th 1 (1993) .....                                                            | 14                                 |
| 17 | <i>Planning &amp; Conservation League v. Castaic Lake Water Agency,</i>              |                                    |
| 18 | 180 Cal. App. 4th 210 (2009) .....                                                   | 8, 9                               |
| 19 | <i>Richards v. Jefferson County, Ala.</i>                                            |                                    |
| 20 | 517 U.S. 793 (1996).....                                                             | 11, 13                             |
| 21 | <i>Roam v. Koop,</i>                                                                 |                                    |
| 22 | 41 Cal. App. 3d 1035 (1974).....                                                     | 8, 9                               |
| 23 | <i>Rodgers v. Sargent Controls &amp; Aerospace,</i>                                  |                                    |
| 24 | 136 Cal. App. 4th 82 (2006) .....                                                    | 11, 12                             |
| 25 | <i>San Diego Gas &amp; Elec. Co. v. San Diego County Air Pollution Control Dist.</i> |                                    |
| 26 | 203 Cal. App. 3d 1132 (1988).....                                                    | 14, 15, 16                         |
| 27 | <i>San Jose Mercury News, Inc. v. United States Dist. Court-N. Dist.,</i>            |                                    |
| 28 | 187 F.3d 1096 (9th Cir.1999).....                                                    | 12                                 |
|    | <i>Sinclair Paint Co. v. State Bd. of Equalization,</i>                              |                                    |
|    | 15 Cal. 4th 866 (1997) .....                                                         | 14, 15, 16, 17, 21, 22, 23, 24, 25 |
|    | <i>Un. Busi. Com. v. City of San Diego,</i>                                          |                                    |
|    | 91 Cal. App. 3d 156 (1979).....                                                      | 15, 16                             |

|    |                                                    |                |
|----|----------------------------------------------------|----------------|
| 1  | <i>Vega v. Jones, Day, Reavis &amp; Pogue,</i>     |                |
| 2  | 121 Cal. App. 4th 282 (2004) .....                 | 11             |
| 3  | <i>Vella v. Hudgins,</i>                           |                |
| 4  | 20 Cal. 3d 251 (1977) .....                        | 7              |
| 5  | <i>Yates v. Kuhl,</i>                              |                |
| 6  | 130 Cal.App.2d 536 (1955).....                     | 8, 9           |
| 7  | <i>Zevnik v. Super. Ct.,</i>                       |                |
| 8  | 159 Cal. App. 4th 76 (2008) .....                  | 25             |
| 9  | <b>STATUTES</b>                                    |                |
| 10 | Penal Code § 28225 .....                           | 17, 18, 19, 20 |
| 11 | Water Code § 1525 .....                            | 18, 19, 20     |
| 12 | <b>OTHER AUTHORITIES</b>                           |                |
| 13 | 7 Witkin, Cal. Proc. 5th Judgm. § 404 (2017) ..... | 9              |

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2  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 Defendants' Opposition consists primarily of two meritless arguments that fill the space  
4 left bare as a result of Defendants' refusal to address the clear evidence of unauthorized  
5 governmental spending presented by Plaintiffs in this case. Accordingly, the Court should grant  
6 the relief Plaintiffs seek for the reasons stated in their Opening Brief and this Reply.

7 **II. ARGUMENT**

8 **A. Defendants Cannot Meet Two of the Three Elements of Claim Preclusion**

9 **1. The Primary Right Theory Only Potentially Creates a Res Judicata Bar as to**  
10 **Claims Arising from “a Particular Injury[.]” Not, as Defendants Argue, a**  
11 **Particular Type of Injury**

12 Defendants correctly state the claim preclusion standard (Opp. at 19:20-25),<sup>1</sup> but they  
13 cannot meet their burden as to two of its three elements.<sup>2</sup> Regarding the first element—that there  
14 is a second suit involving “the same cause of action” as was brought in a prior action (*DKN*  
15 *Holdings*, 61 Cal. 4th at 824)—“California law approaches the issue by focusing on the ‘primary  
16 right’ at stake.” (Opp. at 19:28-20:6 (citing *Cal Sierra Dev., Inc. v. George Reed, Inc.*, 14 Cal.  
17 App. 5th 663, 675 (2017)). “If two actions involve the *same injury to the plaintiff* and the same  
18 wrong by the defendant then the same primary right is at stake[.]” (*Id.* (italics added).) So when a  
19 primary right raised in an action litigated to final judgment is raised in another action, the  
20 application of the doctrine of res judicata results in the later-raised “cause [being] merged into the  
21 judgment and . . . serves as a bar to further litigation of the same cause of action.” (Opp. at 9:12-  
22 16, citing *Mycogen Corp. v. Monsanto Co.*, 28 Cal. 4th 888, 896-97 (2002).)

23 Though Defendants repeatedly claim *Bauer* and this action “concern the same legal wrong

24 <sup>1</sup> “Claim preclusion arises if a second suit involves: (1) the same cause of action (2) between  
25 the same parties (3) after a final judgment on the merits in the first suit.” *DKN Holdings LLC v.*  
*Faerber*, 61 Cal. 4th 813, 824 (2015).

26 <sup>2</sup> “The burden of proving that the requirements for application of res judicata have been met is  
27 upon the party seeking to assert it as a bar or estoppel.” *Vella v. Hudgins*, 20 Cal. 3d 251, 257  
28 (1977). Relatedly, Plaintiffs do not dispute that, as to the third claim preclusion element, the  
judgment in *Bauer* was a final judgment on the merits (Opp. at 25:5-22, citing *Bauer v. Becerra*,  
858 F.3d 1216, 1226 (9th Cir. 2017), cert. denied, (U.S. Feb. 20, 2018)). Nonetheless, Plaintiffs  
do not concede Defendants' characterization of the substance of that judgment is accurate. (*Id.*).



1 and injury” (Opp. at 21:19-22 & 9:10-13, 19:26, 20:18, 21:26-28), Defendants never actually  
2 identify and compare the injuries at issue in *Bauer* and this action. Doing so would have shown  
3 that *Bauer* and this case do not concern “the same . . . injury” at all—they instead only concern  
4 the same *type* of injury, which is not enough to meet the first claim preclusion element. *Planning*  
5 *& Conservation League v. Castaic Lake Water Agency*, 180 Cal. App. 4th 210, 227–28 (2009), *as*  
6 *modified on denial of reh'g* (Jan. 14, 2010); *Frommhagen v. Bd. of Supervisors*, 197 Cal. App. 3d  
7 1292, 1299–300 (1987); *Roam v. Koop*, 41 Cal. App. 3d 1035, 1041, (1974); *Yates v. Kuhl*, 130  
8 Cal.App.2d 536, 540 (1955).

9 “The scope of the primary right . . . depends on how the injury is defined. A cause of  
10 action comprises the plaintiff’s primary right, the defendant’s corresponding primary duty, and the  
11 defendant’s wrongful act in breach of that duty.” *Fed’n of Hillside & Canyon Ass’ns v. City of Los*  
12 *Angeles*, 126 Cal. App. 4th 1180, 1203 (2004). “An injury is defined in part by reference to the  
13 set of facts, or transaction, from which the injury arose.” *Id.* The “set of facts, or transaction, from  
14 which the injury [in *Bauer*] arose” is completely separate from the “set of facts, or transaction,  
15 from which the injury [in this case] arose[.]” *Id.* As stated in the relevant complaints, the  
16 individual Plaintiffs in *Bauer* and in this action alleged injury occurring when they *each*  
17 purchased a firearm and were forced to pay the challenged levy. (Decl. of Anthony Hakl in Supp.  
18 of Opp. [“Hakl Decl.”] at Ex. A, ¶¶ 14, 17, 19, 20; Am. Compl., ¶¶ 21-24.) The fact that *each*  
19 plaintiff has a unique injury in and of itself proves there was not a single invasion of a primary  
20 right upon which the “same action” requirement could be met.

21 Further, the timing of the injuries pleaded in this action is dispositive as to the whether  
22 this case concerns the same invasion of a primary right that was addressed in *Bauer*. That is, each  
23 individual Plaintiff herein alleged that, between October 31, 2012, and October 31, 2013, they  
24 had purchased a firearm, and in the course thereof were injured because they had to pay the  
25 inflated Dealers Record of Sale (“DROS”) fee (“DROS Fee”). (Am. Compl., ¶¶ 21-24, 111.).  
26 *Bauer* was filed on August 25, 2011 (Hakl Decl. at Ex. A), well before any of the occurrence of  
27 any of the injuries at issue herein. (Am. Compl., ¶¶ 21-24.) Because “a cause of action is framed  
28 by the facts in existence when the underlying complaint is filed, res judicata ‘is not a bar to claims

1 that arise after the initial complaint is filed.” *Planning & Conservation League*, 180 Cal. App.  
2 4th at 227. Indeed, where post-filing injuries violate a plaintiff’s rights, “[t]hese rights may be  
3 asserted in a supplemental pleading, but if such a pleading is not filed a plaintiff is not foreclosed  
4 from asserting the rights in a subsequent action.” *Id.* at 228. There is simply no merger where “the  
5 second action is on a different cause of action, where there are successive breaches of an  
6 obligation, or . . . new rights accrued since the rendition of the former judgment.” 7 Witkin, Cal.  
7 Proc. 5th Judgm. § 404 (2017) (identifying more than a dozen relevant cases).

8 *Frommhagen* is particularly instructive. There, the plaintiff brought and litigated a lawsuit  
9 regarding a “county service area charge” (the “Charge”) levied on him for fiscal year 1984-1985  
10 that was dismissed by the trial court, a decision upheld on appeal. *Frommhagen*, 197 Cal. App. 3d  
11 1292, 1297-98. Soon after his first case was over, Frommhagen filed a new action regarding the  
12 assessment of the Charge for fiscal year 1985-1986, and the defendant county raised a res judicata  
13 argument based on the first action. *Id.* at 1298-99.

14 The *Frommhagen* court had little trouble in finding that the “suit attacking the 1985–1986  
15 charges is not based on the same cause of action as the suit attacking the 1984–1985 charges.” *Id.*  
16 at 1300. It held that “each year is the origin of a new charge fixing procedure, new charge  
17 liability, and, we believe, a new cause of action. In the parlance of the ‘primary right theory,’  
18 those paying charges have a primary right to have the charges properly calculated and imposed  
19 each year.” *Id.* The rejected res judicata allegations in *Frommhagen* and those made in this action  
20 are patently parallel. Just like each yearly levy of the Charge created a new cause of action (*id.*),<sup>3</sup>  
21 each firearm purchase burdened with the payment of the illegally inflated DROS Fee created a  
22

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23 <sup>3</sup> See also *Yates*, 130 Cal.App.2d at 540 (noting that “it is . . . well established that the doctrine  
24 [of res judicata] is limited by the rule that it does not apply to new rights” and holding the  
25 doctrine was inapplicable in a case concerning “successive causes of action arising out of the  
26 same general subject matter”); *Roam*, 41 Cal. App. 3d at 1041 (holding that, pursuant to “ten  
27 separate contracts entered into over a period of approximately two years . . . each may be viewed  
28 as involving a separate primary right and thus giving rise to a separate and independent cause of  
action [even “though they all concerned the same general subject matter”]; *Citizens for Open  
Access to Sand & Tide, Inc. v. Seadrift Ass’n*, 60 Cal. App. 4th 1053, 1069 (1998) (“the  
application of the doctrine of res judicata ‘depends on whether the issue in both actions is the  
same, not whether the issue arises in the same context.’”).

1 new cause of action. Accordingly, because none of the Plaintiffs herein base their claims on the  
2 fee payments at issue in *Bauer*, Defendants cannot meet the first element and their res judicata  
3 claim fails for that reason alone.

## 4                   **2. Defendants Cannot Show the Required Privity.**

5           Defendants claim that Plaintiffs have a sufficient relationship with the *Bauer* plaintiffs to  
6 meet the res judicata privity requirement. (Opp. at 25:3-4.) This assertion is based on three factual  
7 allegations: (1) the same law firm (and to some extent, the same specific lawyers) that represents  
8 Plaintiffs also represented the plaintiffs in *Bauer*; (2) Plaintiffs “worked in cooperation with the  
9 plaintiffs in *Bauer*[:]” and (3) that the entity plaintiffs in this case and *Bauer* “maintain a  
10 relationship of privity as a practical matter[.]” (*Id.* at 23:3-25:2). Even if all of those factual  
11 assertions are true, Defendants have nonetheless failed to show the existence of privity upon  
12 which a claim preclusion bar could be applied to Plaintiffs.

13           Defendants’ own case law dooms their attempt to show privity. In the res judicata context,  
14 “[a] privity is one who, after rendition of the judgment, has acquired an interest in the subject  
15 matter affected by the judgment through or under one of the parties, as by inheritance, succession,  
16 or purchase.” (Opp. at 22:14-16.; citing *Cal Sierra*, 14 Cal. App. 5th at 672.) Under this  
17 definition, Plaintiffs are only privies of the *Bauer* plaintiffs if Plaintiffs “acquired an interest in  
18 the subject matter affected by the judgment through or under one of the [*Bauer* plaintiffs] as by  
19 inheritance, succession, or purchase.” (*Id.*) Defendants, however, fail to allege (1) an interest in  
20 the “subject matter” obtained by a Plaintiff from a *Bauer* Plaintiff, let alone one that was obtained  
21 (2) “as by inheritance, succession, or purchase.” (*Id.*).

22           “A party is adequately represented for purposes of the privity rule ‘if his or her interests  
23 are so similar to a party’s interest that the latter was the former’s virtual representative in the  
24 earlier action.’” *Citizens for Open Access*, 60 Cal. App. 4th at 1070. “This requires more than a  
25 showing of parallel interests—it is not enough that the non-party may be interested in the same  
26 questions or proving the same facts.” *In re Yellow Cab Co.*, 212 B.R. 154, 158 (Bankr. S.D. Cal.  
27 1997). “The cases uniformly state that, in addition to an identity or community of interest  
28 between the party to be estopped and the losing party in the first action, and adequate

1 representation by the latter, ‘the circumstances must have been such that the party to be estopped  
2 should reasonably have expected to be bound by the prior adjudication.’” *Rodgers v. Sargent*  
3 *Controls & Aerospace*, 136 Cal. App. 4th 82, 93 (2006), as modified (Feb. 7, 2006). As the  
4 *Rodgers* court noted, in *Vega v. Jones, Day, Reavis & Pogue*, 121 Cal. App. 4th 282, 298–299  
5 (2004), the court there “discern[ed] no basis for concluding Vega ‘should reasonably have  
6 expected to be bound by’ the adjudication of lawsuits *in which he did not participate in any way,*  
7 *in which he had no proprietary or financial interest, and over which he had no control of any*  
8 *sort.*” *Id.* (italics added).

9 “‘This requirement of identity of parties or privity is a requirement of due process of law.’  
10 [Citation.] ‘Due process requires that the nonparty have had an identity or community of interest  
11 with, and adequate representation by, the losing party in the first action.’” *Cal Sierra*, 14 Cal. App.  
12 5th at 673. *Richards v. Jefferson County, Ala.* 517 U.S. 793, 801-02 (1996), decisively directs that  
13 Defendants have not made a sufficient privity showing. In that ruling, the Supreme Court held  
14 that the final ruling in a prior taxpayer lawsuit brought by three taxpayers, who acted for their  
15 own benefit and not for a class or the public at large, was not res judicata as to a later,  
16 substantially similar lawsuit brought by different parties. *Id.* at 798, 801-02. As the Supreme  
17 Court stated, “to contend that the plaintiffs in [the first action] somehow represented [plaintiffs in  
18 the second action], let alone represented them in a constitutionally adequate manner, would be ‘to  
19 attribute to them a power that it cannot be said that they had assumed to exercise.’” *Id.* at 1768.  
20 “Accordingly, [*Richards* holds that] due process prevents the [plaintiffs in the second action]  
21 from being bound by the [plaintiffs in the first actions’] judgment” (*id.*), just as this Court should.

22 **i. Use of the Same Attorney Is Not Per Se Relevant as to Privity**

23 Defendants claim that “the same counsel’s representation of different plaintiffs in  
24 successive actions is a factor this Court should consider in determining privity[.]” citing *Alvarez*  
25 *v. May Dept. Stores Co.*, 143 Cal. App. 4th 1223, 1238 (2008). (Opp. at 23:13-16.) Defendants do  
26 not, however explain why this “factor” weighs in favor of a privity finding in *this* action. As  
27 Defendants admit: “[w]hether someone is in privity with the actual parties requires a close  
28 examination of the circumstances of each case.” (Opp. at 22:26-23:2, citing *Citizens for Open*

1 *Access*, 60 Cal. App. 4th at 1070.) And yet, Defendants provide no argument supporting their  
2 position. Indeed, the idea that an attorney’s representation of two similarly situated clients in two  
3 similar cases should be the basis for penalizing the second such client is contrary to public policy.

4 That appellant is represented by the same counsel as were the plaintiffs in the prior  
5 actions does not, we conclude, suffice to extend the doctrine of privity to his case. .  
6 . . [T]he representation of different plaintiffs in different cases by the same  
7 attorneys is not a factor that justifies imposition of collateral estoppel to preclude  
8 litigation of an issue by appellant as a non-party to the prior actions, *at least*  
9 *without evidence that through his attorney he participated in or controlled the*  
10 *adjudication of the issue sought to be relitigated.* [citation] To find that an identity  
11 of attorneys presenting the same issue on behalf of different parties results in issue  
12 preclusion would promote attorney shopping, and tend to prevent parties from  
13 obtaining representation by chosen counsel familiar with an issue or matter in  
14 litigation.

15 *Rodgers*, 136 Cal. App. 4th at 93–94 (discussing privity vis-à-vis issue preclusion) (italics added).

16 Thus, if this “factor” is relevant at all, it is only relevant to the extent that one of the  
17 Plaintiffs used their counsel to “participate[] in or control[] the adjudication” in *Bauer*. *Id.*  
18 Defendants have not produced even a scintilla of argument of that having occurred. That  
19 Plaintiffs chose a law firm with firearms law experience to bring a case concerning firearms  
20 law—just as the *Bauer* plaintiffs did—is of no import to the privity analysis. Indeed, to hold  
21 otherwise would cut against the well-established “interest of clients in having the attorney of  
22 [their] choice[.]” *Howard v. Babcock*, 6 Cal. 4th 409, 425 (1993).

## 23 **ii. Cooperation Does Not Evince Privity**

24 Defendants’ attempt to show privity based on the supposition that Plaintiffs “worked in  
25 cooperation with the plaintiffs in *Bauer*” also fails for the same reason. That is, two sets of  
26 plaintiffs “working in cooperation” is not a salient consideration vis-à-vis proving privity *unless* it  
27 shows a plaintiff in one lawsuit participated in, had a proprietary interest in, or had control over  
28 another lawsuit. *Rodgers*, 136 Cal. App. 4th at 93. Defendants claim that Plaintiffs “had access to  
all of the discovery [responses] in the possession of the *Bauer* plaintiffs[.]” but such access would  
not further the assertion of privity—obtaining “presumptively public”<sup>4</sup> discovery responses from  
*Bauer* does nothing to show a Plaintiff “had a right to make a defense [in], control . . . , [or]

<sup>4</sup> “It is well-established that . . . the fruits of pretrial discovery are, in the absence of a court order to the contrary, presumptively public.” *San Jose Mercury News, Inc. v. United States Dist. Court-N. Dist.*, 187 F.3d 1096, 1103 (9th Cir.1999).

1 appeal” that case. (Opp. at 22:12-14, citing *Cal Sierra*, 14 Cal. App. 5th at 672.)

2 **iii. Defendants Show No Privity between the Entity Plaintiffs**

3 Defendants claim their privity assertion is assisted because the “lead organizational  
4 plaintiff in *Bauer*” and the “lead organizational plaintiff in” this case “maintain a relationship of  
5 privity as a practical matter, when it comes to lobbying, litigating, and generally advocating to  
6 promote firearm rights.” (Opp. at 24:8-25:2). First, the claim about “a relationship of privity . . .  
7 when it comes to . . . litigating” is speculation: Defendants do not identify a single evidentiary  
8 basis for this contention. Second, even assuming Defendants’ citation to internet sources did  
9 suggest these two entities had a relationship that generally included some aspect concerning  
10 litigation, that fact would do nothing to show the Plaintiffs had “adequate representation” of their  
11 interests in a particular prior lawsuit, i.e., *Bauer. Consumer Advocacy Grp., Inc. v. ExxonMobil*  
12 *Corp.*, 168 Cal. App. 4th 675, 690 (2008) (citing *Richards*, 517 U.S. 793, *passim*).

13 In sum, Defendants offer three arguments to support a finding of privity and each fails.  
14 Accordingly, Defendants have not met their burden to show privity, in addition to having failed to  
15 show that this action and *Bauer* concern the same primary right. Therefore, there are two  
16 independent, elemental reasons why claim preclusion is inapplicable here.

17 **3. The Public Policy/Injustice Exception**

18 When the *Bauer* court determined that the Armed Prohibited Person System (“APPS”)  
19 “can fairly be considered an ‘expense[ ] of policing the activities in question,’” relying upon  
20 certain First Amendment fee jurisprudence (*Bauer*, 858 F.3d at 1225), it was ruling on a question  
21 of law. *Bd. of Educ. v. Jack M.*, 19 Cal. 3d 691, 698 (1977) (“a determination is one of law if it  
22 can be reached only by the application of legal principles”). If the Court finds a prima facie issue  
23 preclusion claim exists, “public policy considerations . . . warrant an exception to the claim  
24 preclusion aspect of res judicata.” *People v. Barragan*, 32 Cal. 4th 236, 256, 83 P.3d 480, 495  
25 (2004); *see also Kopp v. Fair Pol. Practices Com.*, 11 Cal. 4th 607, 622 (1995) (“when the issue  
26 is a question of law . . . , the prior determination is not conclusive either if injustice would result  
27 or if the public interest requires that relitigation not be foreclosed.”) The conclusion reached in  
28 *Bauer* is completely at odds with the import of *Sinclair Paint Co. v. State Bd. of Equalization* 15

1 Cal. 4th 866, 874 (1997) (see *infra* Section II.B.1.), and it would be unjust to allow a legal  
2 determination in a federal action, concerning a claim brought under the United States  
3 Constitution, to run roughshod over the clear instruction of the California Supreme Court. Thus,  
4 the public policy/injustice exception should prevent claim preclusion based on *Bauer*.

5 **B. The DROS Fee Operates as an Unconstitutional Tax**

6 Before dismantling Defendants’ arguments attempting to characterize the DROS Fee as a  
7 regulatory fee, it is worth noting that Defendants make no real argument that if the DROS Fee is  
8 held to be a tax, it would necessarily be an unconstitutional tax. Defendants’ only comment on  
9 this point is an unsupported claim, raised in a footnote, that “even if article XIII were somehow  
10 implicated, plaintiffs have not cited a single case holding that section 1 (b), 2, or 3(m) applies to  
11 firearms.” (Opp. at 29:27-28). The non-existence of such a case is patently irrelevant. Just  
12 because a court has not had the opportunity to apply the relevant law to a certain factual scenario  
13 imparts no indication as to applicability of such law to that scenario. Factual distinctions, e.g.,  
14 whether a case concerns firearms or some other form of property, mean nothing unless the  
15 distinction is legally relevant. *See People v. Johnson*, 6 Cal. 4th 1, 40-41 (1993); *People v.*  
16 *Byoune*, 65 Cal. 2d 345, 348 (1966). Because Defendants fail to identify a legally relevant  
17 distinction between the facts here and the facts in the case law cited by Plaintiffs (Open. Br. at  
18 24:8-9, 25:14-18.) the sole disputed issue is whether the DROS Fee is a completely valid  
19 regulatory fee—which is Defendants’ position (Opp. at 29:7-32:13)—or if it is operating, at least  
20 in part, as an unconstitutional tax. The Opposition fails to overcome the reality that the  
21 Department is using the DROS Fee to collect an unconstitutional tax.

22 **1. Defendants Avoid Admitting that the DROS Fee Is a Tax by Wrongly**  
23 **Claiming the *Sinclair Paint* Standard Does Not Apply**

24 Even though the proper framework for “distinguishing taxes from regulatory fees” is of  
25 central importance in this case, Defendants use a footnote to argue that the two-prong approach  
26 identified by Plaintiffs “misses the mark.” (Opp. 27:23-28.) Defendants claim that: *San Diego*  
27 *Gas & Electric Co. v. San Diego County Air Pollution Control Dist.* 203 Cal. App. 3d 1132, 1146  
28 (1988) is “the case outlining that approach that plaintiffs urge this court to follow[,]” that *San*

1 *Diego Gas* “expressly indicates that it [the two-prong analysis] applies to determining whether a  
2 fee is a ‘special tax under Proposition 13 (i.e., article XIII A [of the California Constitution]), and  
3 that “the issue in this case is not whether the DROS Fee is a special tax under Proposition 13.”<sup>5</sup>  
4 (Opp. at 27:23-28.) What Defendants cobble together here is a textbook strawman argument.

5 *San Diego Gas* is not “the,” i.e., the *only*, case identified by Plaintiffs that outlines the  
6 approach that plaintiffs urge this Court to follow.” (*Id.*; see Mot. at § IV.A (discussing a series of  
7 cases going back to 1906, including the pre-Proposition 13 case *Un. Busi. Com. v. City of San*  
8 *Diego*, 91 Cal. App. 3d 156 (1979) and the seminal case *Sinclair Paint*). In contrast, the  
9 Opposition repeatedly cites a single case (*Cal. Farm Bureau Federation v. State Water Resources*  
10 *Control Bd.*, 51 Cal. 4th 421 (2011), *as modified* (Apr. 20, 2011), and never identifies an  
11 analytical framework in *Cal. Farm* that could be utilized in this case. (Opp. at 26:8-27:18.)

12 The reason for this omission is clear: *Cal. Farm* adopts the standard Defendants now urge  
13 this Court not to follow, hereinafter referred to as the *Sinclair Paint* standard. *Cal. Farm*, 51 Cal.  
14 4th at 441 (noting that, “in *Sinclair Paint*, to determine the tax or fee issue, we directed courts to  
15 examine [(1)] the costs of the regulatory activity and [(2)] determine if there was a reasonable  
16 relationship between the fees assessed and the costs of the regulatory activity”), 436-37. The *Cal.*  
17 *Farm* court expressly recognized the two-prong *Sinclair Paint* standard was valid, concluding that  
18 “the question [at issue in *Cal. Farm*] revolve[d] around [(1)] the scope and the cost of the  
19 Division's regulatory activity and [(2)] the relationship between those costs and the fees  
20 imposed.” *Id.* Accordingly, *Cal. Farm*, just like *Sinclair Paint*, is a Proposition 13 case that  
21 nonetheless relies on a “tax v. fee” analytical framework predating Proposition 13 (i.e., the  
22 *Sinclair Paint* Standard)—meaning that framework is necessarily not limited to Proposition 13  
23

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24 <sup>5</sup> As enacted, Proposition 13 created two new constitutional provisions that are worth  
25 identifying to understand why Defendants’ argument on this point does not hold water. Those two  
26 provisions can be summarized as follows: (1) “any changes in State taxes enacted for the purpose  
27 of increasing revenues collected pursuant thereto . . . must be imposed by an Act passed by not  
28 less than two-thirds of all members elected to each of the two houses of the Legislature” and (2)  
“Cities, Counties and special districts, by a two-thirds vote of the qualified electors of such  
district, may impose special taxes on such district[.]” Ballot Pamp., Prim. Elec., text of Prop. 13,  
p. 57 (June 6, 1978), [https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1849&context=ca\\_ballot\\_props](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1849&context=ca_ballot_props)).



1 cases.<sup>6</sup> For example, in *Northwest Energetic*, which does not concern Proposition 13, the court  
2 stated that “the distinction between a tax and a fee has been well-discussed in Proposition 13  
3 cases” and then went on to cite and rely on, e.g., *Sinclair Paint. Nw. Energetic Servs., LLC v.*  
4 *California Franchise Tax Bd.*, 159 Cal. App. 4th 841, 857 (2008), *as modified on denial of reh’g*  
5 (Mar. 3, 2008). Therefore, Defendants are wrong as a matter of law in trying to distinguish the  
6 *San Diego Gas/Sinclair Paint* line of cases and the analytical framework it provides.

7         Considering the foregoing, Defendants’ well-camouflaged strawman comes into view.  
8 Defendants set up this distraction by erroneously implying that *Plaintiffs* contend “the DROS Fee  
9 is a special tax under Proposition 13.” (Opp. at 27:27-28.) Because the relevant aspect of  
10 Proposition 13 (article XIII A, section 4) only applies to “Cities, Counties and special districts”  
11 (*id.*), and the California Department of Justice (“Department”) is clearly none of those, Plaintiffs  
12 are obviously not making such a claim. What Plaintiffs do assert is that, under generally  
13 applicable law, the DROS Fee is a tax. That such generally applicable law has been relied upon in  
14 Proposition 13 cases in no way operates to limit the use of such law in non-proposition 13 cases.  
15 Because the *Sinclair Paint* standard is applicable here, Defendants’ claim that the DROS Fee is a  
16 reasonable regulatory fee must be analyzed under that standard. As shown below, that analysis  
17 clearly identifies the DROS Fee as a tax.

18                                 **2. Cal. Farm Is Distinguishable, and Even Assuming It Is Not, It Would**  
19                                 **Support Plaintiffs’ Position, Not Defendants’**

20         Defendants’ attempt to compare this action to *Cal. Farm* is confounding. First, they assert  
21 that in *Cal. Farm* “the California Supreme Court upheld the state’s water right statutes . . .  
22 imposing annual fees on those who hold permits and licenses to appropriate water.” (Opp. at  
23 27:20-23; citing *Cal. Farm*, 51 Cal. 4th at 446.) That is not an accurate representation of the *Cal.*

24  
25 \_\_\_\_\_  
26 <sup>6</sup>*Cal. Farm*, 51 Cal. 4th at 436-37 (citing *Sinclair Paint*, 15 Cal. 4th at 874, 876, 878);  
27 *Sinclair Paint*, 15 Cal. 4th at 878 (citing *United Business*, 91 Cal. App. 3d at 165, 166-68 );  
28 *United Business*, 91 Cal. App. 3d at 165 (noting a municipality could impose a regulatory fee  
under the police power if “the fee constitutes [(1)] an amount necessary to ‘legitimately assist in  
regulation and [(2)]. . . not exceed the necessary or probable expense of issuing the license and of  
inspecting and regulating the . . . subject that it covers.”)

1 *Farm* holding. The *Cal. Farm* court did “affirm the Court of Appeal’s judgment holding that the  
2 fee statutes at issue [we]re facially constitutional.” *Cal. Farm*, 51 Cal. 4th at 446. But *literally* the  
3 next sentence of that opinion—unmentioned by Defendants—states: “the Court of Appeal’s  
4 judgment is reversed as to its determination that the statutes and their implementing regulations  
5 are unconstitutional as applied.” (*Id.* at 446-47.) That omission is strange; the Opposition later  
6 quotes the *Cal. Farm* court’s explanation of why it reversed and remanded. (Opp. at 29:12-17).

7         Second, and stranger still, is that Defendants approvingly quote the portion of *Cal. Farm*  
8 that reiterates the *Sinclair Paint* standard applies in cases like *Cal. Farm*: “the [tax or fee]  
9 question revolves around [(1)] the scope and the cost of the Division’s regulatory activity and  
10 [(2)] the relationship between those costs and the fees imposed.” (Opp. at 29:12-17, citing *Cal.*  
11 *Farm*, 51 Cal. 4th at 441.)<sup>7</sup>

12         Third, *Cal. Farm* shines little light on this case because there “the record before [the Court  
13 wa]s insufficient to resolve the ‘tax or fee’ question.” *Cal. Farm*, 51 Cal. 4th at 441. Without an  
14 application of law to facts, *Cal. Farm* is little more than a recapitulation of the judicial landscape  
15 vis-à-vis the ‘tax or fee’ question, a landscape that *Cal. Farm* recognized was (and still is)  
16 dominated by *Sinclair Paint*. *Cal. Farm*, 51 Cal. 4th at 441. Because *Cal. Farm* does not include  
17 a determination based on a factual analysis intended to resolve the ‘tax or fee’ question, it has no  
18 materiality to this case, and the Court should ignore Defendants’ conclusions based on *Cal. Farm*.

### 19                 **3. Section 28225 and the Statute at Issue in *Cal. Farm* Are Not Analogous**

20         For reasons not totally clear, Defendants cite *Cal. Farm*’s statement that the statute at  
21 issue there “‘revealed a specific intention to’ impose a regulatory fee[,]’ [and that] Penal Code  
22 section 28225 (“Section 28225”), also reveals a specific legislative intention to impose a  
23 regulatory fee.” (Opp. at 27:21-28:4). If Defendants are attempting to claim the legislature can  
24 make a tax into a regulatory fee by naming it as such, that asserion is plainly wrong. “Whatever it  
25 is and by whatever name it may be called, the character of the tax ‘must be ascertained by its

26 \_\_\_\_\_  
27 <sup>7</sup> The material quoted by Defendants is directly preceded in the *Cal. Farm* opinion by this  
28 sentence: “Thus, in *Sinclair Paint*, to determine the tax or fee issue, we directed courts to examine  
the costs of the regulatory activity and determine if there was a reasonable relationship between  
the fees assessed and the costs of the regulatory activity.” *Cal. Farm*, 51 Cal. 4th 441 (citation  
and footnote omitted).

1 incidents and from the natural and legal effect of the language employed in the (legislative  
2 enactment).” *Ainsworth v. Bryant*, 34 Cal. 2d 465, 473 (1949). Further, Senate Bill 819 (Leno,  
3 2011) (“SB 819”) plainly shows an intent to create a (special) tax. It states that: “[r]ather than  
4 placing an additional burden on the taxpayers of California to fund enhanced enforcement of  
5 [APPS], it is the intent of the Legislature in enacting this measure to allow the [Department] to  
6 utilize the [DROS] Account for the additional, limited purpose of funding enforcement of  
7 [APPS].” *Compare* 2011 Cal. Stat., ch. 743 § 1(g); *with Nw. Energetic*, 159 Cal. App. 4th at 857  
8 (2008), (“the Legislature’s plain intent to impose the Levy in order to make up for lost income tax  
9 revenues . . . indicat[e]s that the Levy constitutes a tax rather than a fee.”)<sup>8</sup>

10 More likely, Defendants’ strategy is to gloss over critical distinctions between Section  
11 28225 and Water Code 1525 (the primary statute at issue in *Cal. Farm*) so they can (wrongly)  
12 conclude that Section 28225 is a facially valid fee like Water Code section 1525 was determined  
13 to be. *Cal. Farm*, 51 Cal. 4th at 438-39.

14 Defendants claim “Section 28225 ‘carefully sets out that the fee[] imposed shall relate to  
15 costs linked to’ the eleven categories set forth in subdivision (b )(1) through (11), and it ‘lists the  
16 recoverable costs in some detail[,]’” relying on *Cal. Farm*’s discussion of Water Code section  
17 1525. (Opp. at 28:8-10.) That claim may be correct as to *some* of the categories stated in section  
18 28225(b) (which are minimally relevant here),<sup>9</sup> but *not* as to the subsection at the heart of this  
19 case, Section 28225(b)(11). Subsection (b)(11) refers to “costs associated with funding  
20 Department of Justice firearms-related regulatory and enforcement activities related to the sale,  
21 purchase, possession, loan, or transfer of firearms pursuant to any provision listed in Section  
22 16580.” Defendants admit they view this provision as being broadly applicable to firearm-related  
23 activities. (Opp. Pls.’ Mot Adj. re: 5th & 9th Causes of Action, 9:9-12, 10:2-7; *accord* Memo  
24 Supp. Defs.’ Mot. Summ. Adj. at 21:26-22:15 (“section 28225 . . . broadly speaks in terms of  
25 ‘costs associated with . . . the sale, purchase, possession, loan, or transfer of firearms.’”))

26 \_\_\_\_\_  
27 <sup>8</sup> Like the levy at issue in *Nw. Energetic*, SB 819 was intended to make up for a reduction in  
available general fund money. (Open. Br., § II.C.).

28 <sup>9</sup> E.g, Section 28225(b)(8) is a category described “in some detail[:.]” “actual costs associated  
with the electronic or telephonic transfer of information pursuant to Section 28215.”

1 Water Code section 1525 provides a helpful contrast, as it, unlike Section 28225(b)(11), is  
2 actually drafted “in some detail[.]”(Opp. at 28:8-10.)

3 The board shall set the fee schedule authorized by this section so that the total  
4 amount of fees collected pursuant to this section equals that amount necessary to  
5 recover costs incurred in connection with the issuance, administration, review,  
6 monitoring, and enforcement of permits, licenses, certificates, and registrations to  
appropriate water, water leases, statements of water diversion and use for cannabis  
cultivation, and orders approving changes in point of discharge, place of use, or  
purpose of use of treated wastewater. . . .

7 Water Code § 1525(c). Thus, Water Code section 1525 is limited to recovery of a narrowly  
8 defined class of costs related to processing and enforcing documentary proof of rights related to  
9 water (e.g., permits, wastewater-related orders). *Id.* Further, Water Code section 1525 has a  
10 provision—with no analog in Section 28225—requiring “that [the state water board] ‘set the  
11 amount of total revenue collected each year through the fees authorized by this section at an  
12 amount equal to the revenue levels set forth in the annual Budget Act *for this activity.*” *Cal.*  
13 *Farm*, 51 Cal. 4th at 439-40. Also, “There is a safeguard in subdivision (d)(3) authorizing the  
14 [state water board] to “further adjust the annual fees” if it “determines that the revenue collected  
15 during the preceding year was greater than, or less than, the revenue levels set forth in the annual  
16 Budget Act....” *Id.* at 440. Section 28225 does not include these kinds of limitations.

17 Defendants assert that, [l]ike the situation in” *Cal. Farm*, the “language [in Section 28225]  
18 also allows the [Department] to adjust the amount of the DROS fee as needed.” (Opp. at 29:1-2.)  
19 This is a false comparison, as Section 28225 does not have the type of “safeguard” language  
20 found in Water Code section 1525 that *requires* a yearly review. If it did, the Department might  
21 not have failed to review the amount being charged for the DROS Fee for more than thirteen  
22 years. (Ruling of Aug. 9, 2017, at 11:2-5.) And in any event, Defendants do not explain how a  
23 regulatory agency’s statutory ability to adjust a levy “reveals a specific legislative intention to  
24 impose a regulatory fee[.]” (Opp. at 27:22-28:4.) That ability could just as easily support  
25 Plaintiffs’ observation that Section 28225 violates the Separation of Powers doctrine specifically  
26 because the Department can adjust the DROS Fee, which is a tax. (Open. Br. § IV.D.1.).

27 To conclude Defendants’ *Cal. Farm*-centric analysis in Section II.A. of their Opposition,  
28 they claim the DROS Fee “is hardly a tax” because “like the fees upheld in *California Farm*

1 Bureau, the DROS Fee authorized by section 28225 is “linked to the activities that [the  
2 Department] and other specified agencies perform.” (Opp. at 29:4-7; citing *Cal. Farm*, 51 Cal. 4th  
3 at 440.) But Defendants’ claim fails to recognize the context in which the quoted material arose.  
4 That is, the final paragraph in *Cal. Farm*’s facial challenge analysis concludes that: “the fees  
5 charged under section 1525 are linked to the activities the [state water board] performs.” *Cal.*  
6 *Farm*, 51 Cal. 4th at 440. Defendants use this summary statement to argue that, under *Cal. Farm*,  
7 a challenge to a purported tax can be defeated upon nothing more than a showing that the charge  
8 “is linked to” activities performed by the relevant agency. (Opp. at 29:4-7; citing *Cal. Farm*, 51  
9 Cal. 4th at 440.) But as the paragraph at issue makes clear, *Cal. Farm* specifically rejected the  
10 idea that “the ‘activity’ subject to fees under [water code section 1525] could represent all of the  
11 [state water board]’s activities[.]” *Cal. Farm*, 51 Cal. 4th at 439-440. Rather, *Cal. Farm*’s  
12 reference to “the activities the [state water board] performs” was limited to the plainly regulatory  
13 activities actually identified in Water Code section 1525(a)-(c). *Id.* Thus, even if *Cal. Farm*’s  
14 facial challenge analysis is relevant, Defendants cannot cherry-pick it and ignore the critically  
15 important limitation identified above. A fair reading of *Cal. Farm* shows that it does not support  
16 Defendants’ interest in using DROS Fee money for activities not listed in Section 28225.<sup>10</sup>

17 Because of the material distinctions—ignored by Defendants—that negate Defendants’  
18 attempt to construct an argument based on Water Code section 1525, the Court should ignore it.

19 **4. Defendants’ Confused “Reasonable Relationship” Argument Fails; the**  
20 **Framework that Must Be Applied is the *Sinclair Paint* Standard,**  
21 **Under Which the DROS Fee Is a Tax**

22 Section II.B. of the Opposition is the core of Defendants’ argument on the “tax or fee”  
23 issue. But that section is muddled as to what analytical framework is being applied—assuming  
24 one is. The section does quote the *Cal. Farm* court’s restatement of the *Sinclair Paint* standard  
25 (Opp. at 29:12-14), but the remainder of the section does not refer to the *Sinclair Paint* standard.  
26 The latter is consistent with footnote 19 of the Opposition, which (incorrectly) argues the *Sinclair*

27 <sup>10</sup> Defendants still seem to advocate for a broad interpretation of Section 28225(b)(11), but  
28 Plaintiffs contend that issue was largely, if not completely, resolved when Judge Kenney ordered  
that the reference to “possession”-related enforcement activities in Section 28225 were limited to  
“APPS-Based Law Enforcement Activities.” (Ruling of Aug. 9, 2017, at 11:2-5.)

1 *Paint* standard is inapplicable because it is a Proposition 13 case.

2         Rather, it seems Defendants have manufactured a standard that is based on their faulty  
3 “linked to” argument described in the prior subsection. Though Defendants do not cite any  
4 authority, they are apparently arguing that the Court should utilize the following standard: a levy  
5 [e.g., “the \$19 DROS fee”] is not a tax if it “is reasonably related to all of the costs related to the  
6 regulation of the fee *payors*.” (Opp. at 32:12-13; *accord* Opp. at 29:7-8 & 29:22-23 (italics  
7 added.) That “standard” is much broader than the *Sinclair Paint* standard in at least two ways.  
8 First, it changes the scope of costs under consideration from “the reasonable cost of providing  
9 services *necessary to the activity for which the fee is charged* (*Sinclair Paint*, 15 Cal. 4th at 876  
10 (italics added)) “to *all* of the costs related to the regulation of the fee payors” (Opp. at 32:12-13  
11 (italics added)), i.e., costs beyond those for a specific program. Second, the phrase “fee payors”  
12 (*id.*) includes *all* fee payers, even those that get no benefit from, nor create a burden on, a relevant  
13 program. On the other hand, the phrase “fee payor’s” (*Sinclair Paint*, 15 Cal. 4th at 876) is much  
14 narrower and looks at what costs are actually attributable to a particular person.

15         Presumably, Defendants ask the Court to adopt a “novel” standard because they recognize  
16 the DROS Fee is a tax under *Sinclair Paint*. Indeed, it is noteworthy that Defendants never even  
17 attempt to mount a defense of the DROS Fee in the context of the *Sinclair Paint* standard.  
18 Nonetheless, Plaintiffs now explain why Defendants’ factual and legal assertions cannot prevent  
19 the DROS Fee from being recognized as a tax.

20                   **i. Irrelevant Data Cannot Trump Relevant, Undisputed Data**

21         Defendants claim financial data going back five years shows that “all of the costs  
22 associated with funding the relevant firearms-related regulatory and enforcement activities  
23 actually exceeded the amount of DROS fee revenue[; t]his demonstrates that the \$19.00 DROS  
24 fee is proportional to the costs of the regulated activities.” (Opp. at 29:25-30:21.) That assertion is  
25 pure obfuscation: Defendants provide an answer to a question that no one has asked.

26         The expenditure data Defendants cite (*Id.* at 30:11-14) is not limited to only expenditures  
27 authorized by section 28225, but includes other expenses that, as Plaintiff have already explained  
28 (Open. Brief § IV.D.2.; *see also* Mot. Adj. Pls.’ 5th & 9th Causes of Action, § II.F.), are not

1 authorized to be funded via the DROS Fee. (*Id.*) So when Defendants claim “that the \$19.00  
2 DROS fee is proportional to the costs of the *regulated activities*[,]” Defendants are obfuscating a  
3 key issue: both prongs of the *Sinclair Paint* standard only consider the costs of the regulatory  
4 program giving rise to the relevant levy, not some undefined list of regulatory activities  
5 performed by the levy-imposing agency. *See Sinclair Paint*, 15 Cal. 4th at 8767; *see also Cal.*  
6 *Bldg. Indus. Ass’n v. San Joaquin Valley Air Pollution Control Dist.*, 178 Cal. App. 4th 120, 131,  
7 (2009) (“a regulatory fee is charged to cover the reasonable cost of *a service or program*  
8 connected to a particular activity.”) In contrast to Defendants’ disinformation, Plaintiffs provided  
9 the Court undisputed evidence that the Department is spending numerous millions of dollars on  
10 activities that are not “regulatory activities” identified in Section 28225. (Open. Brief § IV.D.2.;  
11 *see also* Mot. Adj. Pls.’ 5th & 9th Causes of Action, § II.F.)

12 ii. **The Compulsory Versus Voluntary Dichotomy**

13 To further the claim that the DROS Fee is nothing but a legitimate regulatory fee,  
14 Defendants state that “[t]he DROS fee is not compulsory, whereas, one of the hallmarks of a tax  
15 is that it is compulsory.” (Opp. at 31:12-21.) Plaintiffs do no dispute that “one of the hallmarks of  
16 a tax is that it is compulsory,” but that is not an absolute requirement. (*See* Opp. at 26:14-15,  
17 quoting *Sinclair Paint*, 15 Cal. App. At 874 (“[T]he word ‘tax’ has no fixed meaning . . . . *Most*  
18 taxes are compulsory . . . .”) (italics added).) more to the point, the issue of “compulsory”  
19 payment needs to be understood in context. It is used in contrast to a situation where a levy is  
20 charged “in response to a voluntary decision to develop or to seek other government benefits or  
21 privileges” and paid “in return for a specific benefit conferred or privilege granted.” (*Id.* at 26:13-  
22 14, citing language originally found in *Sinclair Paint*.)

23 Firearm ownership is an individual right, not a “government benefit or privilege[.]”  
24 *District of Columbia v. Heller*, 554 U.S. 570, 595 (2008). Thus, *if* there is a “government  
25 privilege” here, it is only the “privilege” of having the Department conduct a background check.  
26 Accordingly, if the costs to be considered in setting a regulatory fee are the costs of performing  
27 background checks, Plaintiffs have produced undisputed evidence that a \$19.00 DROS Fee is so  
28

1 grossly disproportionate to the relevant costs<sup>11</sup> and that it therefore violates the first prong of the  
2 *Sinclair Paint* standard. *Sinclair Paint*, 15 Cal. 4th at 878.

3 If the Court recognizes that there is no “government benefit or privilege” at issue here—a  
4 point Defendants implicitly concede<sup>12</sup>—and identifies the levy at issue is burden-based like in  
5 *Sinclair Paint (id.)*, only two options will remain as to the compulsory versus voluntary  
6 dichotomy issue. The Court could disregard the dichotomy as irrelevant to determining if a  
7 *burden-based* levy is a tax. Or, the Court could recognize that the dichotomy presents two  
8 mutually exclusive scenarios—which would necessarily lead to the conclusion the non-existence  
9 of a voluntarily obtained “benefit or privilege” determines the fee is compulsory, and thus a tax.  
10 Either way, the compulsory versus voluntary dichotomy, like all of Defendants’ arguments, fail to  
11 meet Defendants’ “Reasonable Relationship” “standard,” let alone the *Sinclair Paint* standard. In  
12 light thereof, the Court should find the DROS Fee is a tax, and that it is unconstitutional.

13 **5. *Bauer* Cannot Be Used to Avoid the Requirements of *Sinclair Paint***

14 Once again, context matters. The Court should not be persuaded to disregard California  
15 law due to a passage in *Bauer* that was intended to address a Second Amendment claim,  
16 inasmuch as this case presents no substantive analog to that claim. Defendants ask the Court to  
17 deny Plaintiffs’ claims based on *Bauer*’s conclusion that “[t]he APPS program is, in essence, a  
18 temporal extension of the background check program.” (Opp. at 32:1-8.) But the *Bauer* court was  
19 not making a broad pronouncement that, for all purposes, there is a relevant connection between  
20 the background check process (wherein the DROS Fee is charged) and APPS. Rather, it made a  
21 judgment only that “the enforcement activities carried out through the APPS program are  
22 sufficiently related to the DROS fee *under this line of jurisprudence*, [i.e.] First Amendment fee  
23 jurisprudence[.]” *Bauer v. Becerra*, 858 F.3d at 1226.<sup>13</sup> Whether “targeting illegal possession

24 \_\_\_\_\_  
25 <sup>11</sup> (Decl. Scott Franklin Supp. Open. Br. [“Franklin Decl”], Exs. 11 & 12; Open. Br., 10:11-  
26 28.)

27 <sup>12</sup> “[D]efendants submit . . . evidence that the fee imposed on firearms purchasers bears a  
28 reasonable relationship to the burdens of firearms regulation.” (Opp. at 31:26-28.)

<sup>13</sup> Plaintiffs contend *Bauer* was wrongly decided, but unless this Court determines it is  
relevant to analyze the propriety of that ruling, Plaintiffs will not delve into that issue any further.



1 under APPS is closely related to the DROS fee” under First Amendment fee jurisprudence (*id.* at  
2 1225) does not illuminate the issue here—i.e., whether Defendants can prove the DROS Fee is a  
3 regulatory fee under *Sinclair Paint*. Because this Court is not bound to accept the Ninth Circuit’s  
4 analysis or conclusions (*Governor Gray Davis Com. v. Am. Taxpayers All.*, 102 Cal. App. 4th  
5 449, 468 (2002)) and there is no persuasive reason to do so, *Bauer* should be disregarded. *See*  
6 *Busch v. CitiMortgage, Inc.*, No. 11-CV-03192-EJD, 2011 WL 3627042, at \*2 (N.D. Cal. Aug.  
7 17, 2011) (“every case arises on different facts; the persuasive value of precedent exists when the  
8 legal principles that apply to the facts of one case can be analogized to the facts of another”).

9 A comparison of the legal standards at issue here and *Bauer* illuminates Plaintiffs’ point.  
10 In *Bauer*, the court’s salient inquiry, under intermediate scrutiny, was whether there was a  
11 “‘reasonable fit’ between the government’s stated objective and its means of achieving that goal[;  
12 this standard] does not require the least restrictive means of furthering a given end.” *Id.* at 1223.  
13 *Bauer*’s “reasonable fit” analysis is expressly based on evaluating DROS Fee payers’ “burdens”  
14 as a whole. *Id.* at 1224 (“the unlawful firearm possession targeted by APPS is the direct result of  
15 *certain* individuals’ prior acquisition of a firearm through a DROS-governed transaction”) (italics  
16 added). Conversely, in this case, the relevant analysis is much more prescribed than it is under the  
17 intermediate scrutiny standard. *Sinclair Paint* requires the reviewing court must look at an  
18 *individual* fee payer’s burden vis-à-vis “the activity for which the fee is charged” (*Sinclair Paint*,  
19 15 Cal. 4th at 876, 881)—here, participation in the background check process. Because the  
20 conclusion stated in *Bauer* is based on a materially distinguishable analysis, this Court should not  
21 give any weight to the Ninth Circuit’s conclusion, as doing so would run afoul of binding  
22 California Supreme Court precedent.

23 Coincidentally, the reason the Court should not follow *Bauer* is disclosed in Defendants’  
24 attempt to support the supposed relevance of *Bauer* with a citation to *Sinclair Paint*. Defendants  
25 quote *Sinclair Paint*’s statement that: “case law ‘clearly indicates that the police power is broad  
26 enough to include mandatory remedial measures to mitigate the past, present, or future adverse  
27 impact of the fee payer’s operations[.]’” (Opp. at 32:8-11, citing *Sinclair Paint*, 15 Cal. 4th at 877-  
28 878 [emphasis added].) As discussed above, the second prong of the analysis must be performed

1 based on the specific “payor’s” conduct, *not* the conduct of all fee payors. (*Id.*); *see Sinclair*  
2 *Paint*, 15 Cal. 4th at 881 (“Sinclair will have the opportunity to try to show [at trial] that no clear  
3 nexus exists between *its* products and childhood lead poisoning, or that the amount of the fees  
4 bore no reasonable relationship to the social or economic “burdens” *its* operations generated.”)  
5 (emphasis added).

6 Defendants’ claim that “[t]his Court should reject [Plaintiffs’] argument just like the Ninth  
7 Circuit did” in *Bauer v. Beccera*, 858 F.3d 1216 (Opp. at 31:1-11) is basically an issue preclusion  
8 argument that—if it had been fully briefed—would have shown an elementary deficit. “[The]  
9 issue preclusion . . . bar is asserted against a party who had a full and fair opportunity to litigate  
10 the issue in the first case but lost.” *DKN Holdings*, 61 Cal. 4th at 826. “[I]ssue preclusion applies:  
11 (1) after final adjudication (2) of an identical issue (3) actually litigated and necessarily decided in  
12 the first suit and (4) asserted against one who was a party in the first suit or one in privity with  
13 that party.” *Id.* at 825. Elements 1, 2, and 4 are also found in the claim preclusion standard.  
14 *Zevnik v. Super. Ct.*, 159 Cal. App. 4th 76, 82–83 (2008). As shown above in Section II.A.,  
15 Defendants cannot meet two of the “common elements” shared by claim and issue preclusion: (1)  
16 that both actions concerned “identical” claims, and (2) that “the party against whom the doctrine  
17 is being asserted was a party or in privity with a party to the prior proceeding.” *Zevnik*, 159 Cal.  
18 App. 4th at 82–83.

19 Defendants’ *Bauer* and *Cal. Farm*-based arguments work only as distractions, pulling  
20 attention away from all the evidence cited and arguments raised in the Opening Brief. Because  
21 *Sinclair Paint* is controlling and the DROS Fee is an unconstitutional tax thrice over, the Court  
22 should grant Plaintiffs’ Sixth, Seventh, and Eighth Causes of Action.

### 23 **C. Allowing Amendment According to Proof Is Appropriate**

24 Notwithstanding Defendants’ protests (Opp. § III.), the simple fact is that Plaintiffs did  
25 not recognize the proposed new claims until after the 2017 depositions of Department employees,  
26 wherein new evidence was obtained, viz., that: (1) the Department believes it can adjust the  
27 amount of the DROS Fee based on the costs of a general fund program, i.e., APPS, and (2) the  
28 Department has spent millions of DROS Fee dollars to pay for defense attorneys. (Franklin Decl.;

1 Ex. 3, 1:21, 66:6-67:3; Ex. 4, 1:21, 33:1-11, 71:14-72:1). Further, Plaintiffs have no objection to  
2 the Court granting the opportunity for supplemental briefing on the issue, which should be  
3 relatively straightforward. That is, the proposed claims are largely, if not completely, are  
4 questions of law or depend on facts already at issue. Defendants' opposition on this point is faulty  
5 because the cases cited by Defendants, each denying leave to amend, all concern attempts to raise  
6 new *fact*-based issues that would have unreasonably burdened an opponent (Opp. at 33:4-15).  
7 Granting leave here would not create any such burden, and Defendants produce no real argument  
8 to the contrary. Finally, the proposed new claims concern ongoing wrongs that are not subject to  
9 any temporal bar, so it makes sense to hear them in this case rather than a separate action. As  
10 such, leave to amend according to proof should be granted.

11 **III. CONCLUSION**

12 Plaintiffs should be granted relief for the reasons stated herein and in the Opening Brief.

13  
14 Dated: March 1, 2018

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

15  
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18 Scott M. Franklin

19 Attorney for Plaintiffs and Petitioners  
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA

3 COUNTY OF SACRAMENTO

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County,  
5 California. I am over the age of eighteen (18) years and am not a party to the within action. My  
6 business address is 180 East Ocean Blvd., Suite 200, Long Beach, CA 90802.

7 On March 1, 2018, the foregoing document described as

8 **REPLY IN SUPPORT OF PLAINTIFFS' OPENING TRIAL BRIEF**

9 on the interested parties in this action by placing

10  the original

11  a true and correct copy

12 thereof enclosed in sealed envelope(s) addressed as follows:

13 Anthony R. Hakl  
14 anthony.hakl@doj.ca.gov  
15 Deputy Attorney General  
16 1300 I Street, Suite 125  
17 P.O. Box 944255  
18 Sacramento, CA 94244-2550

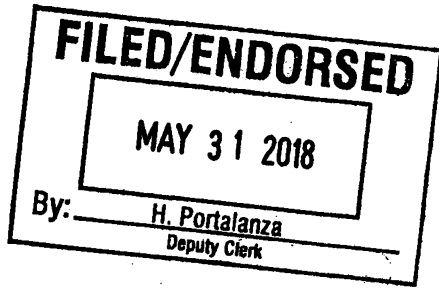
19 *Attorney for Defendants*

20  (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic  
21 transmission. Said transmission was reported and completed without error.  
22 Executed on March 1, 2018, at Long Beach, California.

23  (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and  
24 processing correspondence for mailing. Under the practice it would be deposited with the  
25 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,  
26 California, in the ordinary course of business. I am aware that on motion of the party served,  
27 service is presumed invalid if postal cancellation date is more than one day after date of  
28 deposit for mailing an affidavit.  
Executed on March 1, 2018, at Long Beach, California.

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

  
LAURA PALMERIN



1 C. D. Michel - S.B.N. 144258  
2 Scott M. Franklin - S.B.N. 240254  
3 Sean A. Brady - S.B.N. 262007  
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7 Telephone: 562-216-4444  
8 Facsimile: 562-216-4445  
9 Email: cmichel@michellawyers.com

10 Attorneys for Plaintiffs/Petitioners

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF SACRAMENTO

13 DAVID GENTRY; JAMES PARKER;  
14 MARK MIDLAM; JAMES BASS; and  
15 CALGUNS SHOOTING SPORTS  
16 ASSOCIATION,  
17 Plaintiffs and Petitioners,  
18 vs.  
19 XAVIER BECERRA, in His Official  
20 Capacity as Attorney General For the State  
of California; STEPHEN LINDLEY, in His  
Official Capacity as Acting Chief for the  
California Department of Justice, BETTY T.  
YEE, in Her Official Capacity as State  
Controller, and DOES 1 - 10,  
Defendants and Respondents.

CASE NO. 34-2013-80001667  
**PLAINTIFFS' NOTICE OF MOTION AND  
MOTION FOR LEAVE TO FILE SECOND  
AMENDED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF AND SECOND AMENDED  
PETITION FOR WRIT OF MANDAMUS  
[CONCURRENTLY FILED WITH  
DECLARATION OF SCOTT M.  
FRANKLIN IN SUPPORT THEREOF;  
{PROPOSED} ORDER]**  
Date: June 22, 2018  
Time: 10:00 a.m.  
Dept.: 28  
Judge: Hon. Richard K. Sueyoshi  
Action filed: 10/16/13

21 PLEASE TAKE NOTICE that on June 22, 2018, at 10:00 a.m. or as soon thereafter as the  
22 matter may be heard, in Department 28 of the Sacramento County Superior Court, located at 720  
23 9th Street, Sacramento, CA 95814, Plaintiffs/Petitioners David Gentry, James Parker, Mark  
24 Midlam, James Bass, and Calguns Shooting Sports Association (collectively "Plaintiffs") will and  
25 hereby do move this Court for an order granting Plaintiffs leave to file their Second Amended  
26 Complaint for Declaratory and Injunctive Relief and Second Amended Petition for Writ of  
27 Mandamus (collectively the "Second Amended Complaint") and that the proposed Second  
28 Amended Complaint submitted with this Motion be deemed filed.

1 The Motion is made pursuant to California Code of Civil Procedure section 473(a)(1) and  
2 is based on this Notice of Motion, the Memorandum of Points and Authorities, the proposed  
3 Second Amended Complaint and proposed order filed herewith, all of the files and records of this  
4 action, and on any additional material that may be elicited at the hearing of the Motion.

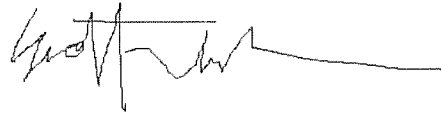
5 Please take further notice that

6 [p]ursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the  
7 merits of this matter by 2:00 p.m., the court day before the hearing. The complete  
8 text of the tentative rulings for the department may be downloaded off the  
9 court's website. If the party does not have online access, they may call the  
10 dedicated phone number for the department as referenced in the local telephone  
11 directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the  
12 hearing and receive the tentative ruling. If you do not call the court and the  
13 opposing party by 4:00 p.m. the court day before the hearing, no hearing will be  
14 held.

15 Sac. Super. Ct. L.R. 106(A).

16 Dated: May 31, 2018

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



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Scott M. Franklin, attorney for Plaintiffs

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

TABLE OF AUTHORITIES ..... 4

MEMORANDUM OF POINTS AND AUTHORITIES ..... 5

    I.    INTRODUCTION ..... 5

    II.   STATEMENT OF FACTS/PROCEDURAL HISTORY ..... 5

    III.  ARGUMENT ..... 7

        A.   Background Law Regarding Motions for Leave to Amend a Complaint . 7

        B.   Adding the Proposed Claims to this Action Will Not Prejudice  
            Defendants ..... 8

            1.   Adding a Separation of Powers Claim Will Not Prejudice  
                Defendants ..... 8

            2.   Adding a New Illegal Tax Claim Will Not Prejudice Defendants 9

    IV.  CONCLUSION ..... 9

**TABLE OF AUTHORITIES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
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22  
23  
24  
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26  
27  
28

**CASES**

*Abbott Labs. v. Franchise Tax Bd.*,  
175 Cal. App. 4th 1346 (2009) ..... 9

*Cal. Chamber v. State Air Resources Bd.*,  
10 Cal. App. 5th 604 (2017) ..... 9

*City of Stanton v. Cox*,  
207 Cal. App. 3d 1557 (1989) ..... 7, 8

*Gerawan Farming, Inc. v. Agric. Labor Relations Bd.*,  
3 Cal. 5th 1118 (2017) ..... 8

*Mesler v. Bragg Mgmt. Co.*,  
39 Cal. 3d 290 (1985) ..... 7

*N. 7th St. Assocs. v. Constante*,  
92 Cal. App. 4th Supp. 7 (2001) ..... 7

*Rainer v. Buena Cmty. Mem'l Hosp.*,  
18 Cal. App. 3d 240 (1971) ..... 7, 9, 10

*Sav. & Loan Soc. v. Austin*,  
46 Cal. 415 (1873) ..... 8

*Woodward v. Fruitvale Sanitary Dist.*,  
99 Cal. 554 (1893) ..... 8

**STATUTES**

Cal. Civ. Proc. Code § 473 ..... 5, 6, 7

Cal. Civ. Proc. Code § 576 ..... 7

Cal. Penal Code § 28225 ..... 8, 9



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiffs seek leave to file the Second Amended Complaint pursuant to California Code  
4 of Civil Procedure section 473(a)(1). The proposed Second Amended Complaint filed herewith  
5 (Declaration of Scott M. Franklin [“Franklin Decl.”] ¶ 2, Ex. 1), is the same as Plaintiffs’ prior  
6 pleading, except that two new causes of action have been added, and the prayer is amended to  
7 reflect the relief sought via the new causes of action. No unfair prejudice will result from the  
8 proposed amendment, which is intended to add new legal theories that do not require any  
9 additional factual development. Because granting the requested leave will not cause prejudice to  
10 any party, and denial of the Motion will unfairly prejudice Plaintiffs, the Motion should be  
11 granted.

12 **II. STATEMENT OF FACTS/PROCEDURAL HISTORY**

13 Plaintiffs’ Opening Brief on the Merits, filed January 30, 2018, provides a detailed factual  
14 and procedural history for this matter. Nonetheless, a summary of that history, in addition to relevant  
15 recent events, is provided below.

16 Plaintiffs filed their Complaint for Declaratory and Injunctive Relief and Petition for Writ of  
17 Mandamus (the “Complaint”) on October 16, 2013. On June 5, 2015, the Court heard argument  
18 regarding Defendants’ Motion for Judgment on the Pleadings (the “MJOP”). During the hearing, the  
19 Court requested the parties draft a proposed order regarding the MJOP ruling and other issues that  
20 were before the Court. (*See* Franklin Decl. ¶ 3.) Defendants submitted a proposed order to the Court,  
21 along with an explanation of Plaintiffs’ objections thereto, on July 2, 2015. The Court issued an order  
22 on July 20, 2015 (the “Order After Hearing”), dismissing Plaintiffs’ First Cause of Action and a  
23 portion of Plaintiffs’ Second Cause of Action, based on a finding that the First Cause of Action  
24 (alleging that Senate Bill 819 [2011, Leno] violated article XIII A, section 3, of the California  
25 Constitution) failed to state facts sufficient to state a cause of action. (Order After Hearing at 2:11-  
26 21.)

27 Soon after the issuance of the Order After Hearing, Plaintiffs moved for, and obtained, leave  
28 to file the First Amended Complaint. (Order of December 23, 2015.) Later, and upon Judge Michael

1 P. Kenny's suggestion, the parties agreed to bifurcate the action such that the Fifth and Ninth Causes  
2 of Action would be tried first, with the remaining causes of action to be tried in a separate trial. (*See*  
3 Bifurcation Order of November 4, 2016, at 2:3-5 in the attached stipulation.) In a ruling issued  
4 August 9, 2017, Judge Kenny granted Plaintiffs' Motion for Adjudication as to the Fifth and Ninth  
5 Causes of Action, and denied Defendants' motion seeking to have those causes of action dismissed.

6 The docket herein reflects the fact that the parties have had multiple discovery disputes. It is  
7 Plaintiffs position that Defendants, especially in written discovery responses, have been intentionally  
8 vague or evasive (or both) over the course of this action, in an attempt to prevent Plaintiffs from  
9 having a clear view of how the Department spends DROS Fee funds, and relatedly, how the  
10 Department interprets Penal Code section 28225. For example, it took years for Defendants to even  
11 take a partial position as to a keystone issue in this case: how, if at all, law abiding DROS Fee payers  
12 (e.g., Plaintiffs) created a burden on, or received a special benefit from, APPS-based law enforcement  
13 activities funded via the DROS Fee. (Franklin Dec. ¶ 4, Ex. 2.)

14 But when depositions of Department employees were taken in 2017, Plaintiffs learned of key  
15 evidence relevant to the proposed claims. Namely, that: (1) the Department believes it can adjust the  
16 amount of the DROS Fee based on the costs of a general fund program, i.e., APPS, and (2) the  
17 Department has spent millions of DROS Fee dollars to pay for defense attorneys. (Franklin Decl. ¶  
18 5; Ex. 3.) In light there of, Plaintiffs' Opening Brief, filed January 30, 2018, sought leave to amend  
19 the First Amended Complaint to include the new claims in this Action. By order of March 15, 2018,  
20 this Court ruled that if Plaintiffs wanted the Court to grant leave to amend to include the new claims  
21 in this action, such leave could only be sought by a noticed motion pursuant to Code of Civil  
22 Procedure section 473, subdivision (a)(1). Plaintiffs now brings that motion.

23 Plaintiffs' counsel proposed to Defendants' counsel that this hearing for this Motion be set  
24 on June 22, 2018, and that trial in this matter be rescheduled for August 24, 2018, which was the first  
25 hearing date the Court had available after June 22, 2018. (Franklin Decl. ¶ 6.) Counsel for Defendants  
26 agreed to the two hearing dates proposed by Plaintiffs' counsel. (*Id.*) That agreement specifically  
27 included an agreement as to a briefing schedule for supplemental briefing if this motion is granted.  
28 (*Id.*)

1 **III. ARGUMENT**

2 **A. Background Law Regarding Motions for Leave to Amend a Complaint**

3 “The court may, in furtherance of justice, and on any terms as may be proper, allow a  
4 party to amend any pleading[.]” Cal. Civ. Proc. Code § 473(a)(1); *see also* Cal. Civ. Proc. Code §  
5 576 (“Any judge, at any time before or after commencement of trial, in the furtherance of justice,  
6 and upon such terms as may be proper, may allow the amendment of any pleading.”). “There is a  
7 strong policy in favor of liberal allowance of amendments.” *Mesler v. Bragg Mgmt. Co.*, 39 Cal.  
8 3d 290, 296 (1985). “It requires no citation of authority that our decisional law holds that the  
9 [statutory law regarding the amendment of pleadings is] to be construed liberally so that cases  
10 might be tried upon their merits in one trial where no prejudice to the opposing party or parties is  
11 demonstrated.” *Rainer v. Buena Cmty. Mem’l Hosp.*, 18 Cal. App. 3d 240, 254 (1971). “It has  
12 even been held that no abuse of discretion transpired even though an amendment was permitted at  
13 the outset of the trial even though the neglect was not excusable but no prejudice resulted to the  
14 opposing party[; s]imilar rulings have been made where the parties objecting to the amendment  
15 were not taken by surprise.” *Id.* “Where additional investigation and discovery is not required to  
16 meet the new issue, it would appear that it would constitute an abuse of discretion not to permit  
17 the amendment of a complaint even at the outset of a trial,” if “the amendment merely adds a  
18 new theory of recovery on the same set of facts constituting the cause of action.” *Id.*

19 And even though Plaintiffs are not seeking leave to amend *during* trial, the cases  
20 addressing that scenario are persuasive in showing that the timing of a request for leave to amend  
21 is not itself the critical inquiry when considering if leave to amend should be granted. “The cases  
22 on amending pleadings during trial suggest trial courts should be guided by two general  
23 principles: (1) whether facts or legal theories are being changed and (2) whether the opposing  
24 party will be prejudiced by the proposed amendment.” *N. 7th St. Assocs. v. Constante*, 92 Cal.  
25 App. 4th Supp. 7, 10 (2001) (quoting *City of Stanton v. Cox*, 207 Cal. App. 3d 1557, 1563  
26 (1989)). “Frequently, each principle represents a different side of the same coin: If new facts are  
27 being alleged, prejudice may easily result because of the inability of the other party to investigate  
28

1 the validity of the factual allegations while engaged in trial or to call rebuttal witnesses.” *Id.* “If  
2 the same set of facts supports merely a different theory ... no prejudice can result.” *Id.*

3 **B. Adding the Proposed Claims to this Action Will Not Prejudice Defendants**

4 That the amendment sought will not prejudice Defendants is readily apparent from the  
5 fact that Defendants agreed to the trial of this action to be scheduled for August 24, 2018,  
6 *regardless* of whether Plaintiffs are granted leave to amend. (Franklin Decl. ¶ 6.) When Plaintiffs’  
7 counsel spoke with this Court’s clerk to confirm the June 22, 2018, hearing date for this Motion,  
8 she indicated that August 24, 2018, was the first available hearing date available after the hearing  
9 date reserved for this Motion. (*Id.*) Accordingly, Defendants’ agreement to have this matter tried  
10 on the earliest available date—irrespective of whether it has to prepare supplemental briefing or  
11 not— shows the proposed amendment will not delay this action at all, which impliedly proves, as  
12 otherwise explained below, that there is no potential for prejudice that could justify the denial of  
13 this Motion.

14 **1. Adding a Separation of Powers Claim Will Not Prejudice Defendants**

15 Plaintiffs seek leave to amend to add a cause of action alleging that Penal Code section  
16 28225, and specifically the Department’s interpretation thereof, violates the separation of powers  
17 doctrine. To prove their proposed separation of powers claim, Plaintiffs will have to show the  
18 Department’s Penal Code section 28225-based conduct violates the nondelegation doctrine. The  
19 nondelegation doctrine is violated “when a legislative body (1) leaves the resolution of  
20 fundamental policy issues to others or (2) fails to provide adequate direction for the  
21 implementation of that policy.” *Gerawan Farming, Inc. v. Agric. Labor Relations Bd.*, 3 Cal. 5th  
22 1118, 1146 (2017).

23 Both aged and recent cases show taxation is a matter of fundamental policy that cannot be  
24 delegated to another branch of the government. *See, e.g., Woodward v. Fruitvale Sanitary Dist.*,  
25 99 Cal. 554, 561 (1893) (“[t]he legislature cannot delegate to other than the municipal  
26 corporations power to assess [and] collect taxes”); *Sav. & Loan Soc. v. Austin*, 46 Cal. 415, 515  
27 (1873) (Wallace, C.J., concurring but dissenting in part) (noting that “the power to lay taxes  
28 under our system is one of the powers of Government which does not belong to either the

1 executive or the judicial department, [a]nd . . . the right to exercise this power cannot be  
2 delegated is self-evident”); *see also Cal. Chamber v. State Air Resources Bd.*, 10 Cal. App. 5th  
3 604, 625 (2017) (stating “taxes must be levied by the legislative, not executive, branch”); *cf.*  
4 *Abbott Labs. v. Franchise Tax Bd.*, 175 Cal. App. 4th 1346, 1360 (2009), *as modified* (Aug. 6,  
5 2009) (stating “the power to tax . . . is vested in the Legislature and cannot be delegated to the  
6 courts”).

7 Here, the question of whether the DROS Fee is, at least in part, a tax, is already squarely  
8 before the Court because of Plaintiffs’ Sixth, Seventh, and Eighth Causes of action, which are  
9 allege the DROS Fee is an unconstitutional tax in one way or another. Thus, whether the DROS  
10 Fee is operates as a tax, also central to Plaintiffs’ proposed nondelegation argument, will be  
11 resolved without the need to introduce additional evidence to support that particular argument. In  
12 light of that reality, analysis under the standard stated in *Gerawan Farming* would not require the  
13 introduction of any factual allegations not already before the Court, meaning there will be no  
14 undue prejudice on Defendants if the Court allows leave to amend so Plaintiffs can plead a  
15 separation of powers argument. *Rainer*, 18 Cal. App. 3d at 254.

## 16 **2. Adding a New Illegal Tax Claim Will Not Prejudice Defendants**

17 Plaintiffs also seek leave to add a cause of action alleging that even prior to its  
18 amendment Senate Bill (“SB”) 819 (Leno, 2011), Penal Code 28225 operated as a illegal tax in  
19 the guise of a regulatory fee, and would continue to operate as a tax regardless of whether the SB  
20 819-based revisions to Penal Code section 28225 are held to violate one of the constitutional  
21 provisions identified in Plaintiffs’ Sixth, Seventh, and Eighth causes of Action. Put simply, this  
22 argument is in part parallel to Plaintiffs’ previously adjudicated Ninth Cause of Action, which  
23 alleged the Department was improperly interpreting the word “possession” (added to Penal Code  
24 section 28225(b)(11) via SB 819) much more broadly than the legislature intended, leading to the  
25 Department using DROS Fee money for activities outside what the legislature intended SB 819 to  
26 cover.

27 Specifically, Plaintiffs now seek to add a cause of action challenging the Department’s  
28 overbroad interpretation of other language in Penal Code section 28225(b)(11)—“the costs

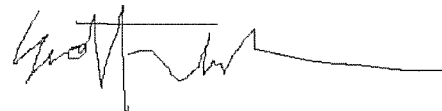
1 activities related to the sale, purchase, [ ] loan, or transfer of firearms”—which results in the  
2 Department spending DROS Fee money on activities beyond the what the Legislature intended  
3 the quoted language to address. This argument is primarily legal, as it concerns the scope of what  
4 the Legislature intended the relevant statutory language to address. Regardless, to the extent it is  
5 relevant, Plaintiffs have already developed the factual record about how, separate from the  
6 spending at issue in Plaintiffs’ SB 819-based claims, the Department was and is using DROS Fee  
7 money on statutorily unauthorized costs, e.g., defense attorneys. (Franklin Decl. at ¶ 5, Ex. 3.)  
8 Because the addition of the relevant cause of action will not prejudice Defendants, leave to amend  
9 should be granted. *Rainer*, 18 Cal. App. 3d at 254.

10 **IV. CONCLUSION**

11 In light of Plaintiffs’ good faith, and the fact that the amendment sought will not prejudice  
12 Defendants nor delay this Action, Plaintiffs respectfully request the Court grant this Motion and  
13 allow Plaintiffs to file the proposed Second Amended Complaint.

14  
15 Dated: March 31, 2018

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

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17 

18  
19 \_\_\_\_\_  
Scott M. Franklin, attorney for Plaintiffs

**PROOF OF SERVICE**

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

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 Blvd., Suite 200, Long Beach, CA 90802.

On May 31, 2018, I served a true and correct copy of the foregoing document(s) described as:

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND SECOND AMENDED PETITION FOR WRIT OF MANDAMUS [CONCURRENTLY FILED WITH DECLARATION OF SCOTT M. FRANKLIN IN SUPPORT THEREOF; {PROPOSED} ORDER]**

on the interested parties in this action as follows:

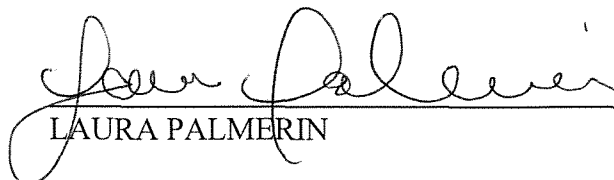
Anthony R. Hakl  
anthony.hakl@doj.ca.gov  
Deputy Attorney General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550

X (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.  
Executed on May 31, 2018, at Long Beach, California.

X (VIA ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission. Said transmission was reported and completed without error.  
Executed on May 31, 2018, at Long Beach, California.

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

       (FEDERAL) I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

  
LAURA PALMERIN

## PROOF OF ELECTRONIC SERVICE

Case Name: *Gentry, et al. v. Becerra, et al.*  
Court of Appeal Case No.: C089655  
Superior Court Case No.: 34-2013-80001667

I, Sean A. Brady, 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 7, 2020, I served a copy of the foregoing document(s) described as: **APPELLANTS' APPENDIX, VOLUME XII OF XVI, (Pages 2998 to 3289 of 4059)**, by electronic transmission as follows:

Robert E. Asperger  
[bob.asperger@doj.ca.gov](mailto:bob.asperger@doj.ca.gov)  
1300 I Street  
Sacramento, CA 95814  
Attorneys for Defendants and Respondents Xavier Becerra, et al.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 7, 2020, at Long Beach, California.

*s/ Sean A. Brady* \_\_\_\_\_  
Sean A. Brady  
Declarant