

1 John W. Dillon (Bar No. 296788)
2 Gatzke Dillon & Ballance LLP
3 2762 Gateway Road
4 Carlsbad, California 92009
5 Telephone: (760) 431-9501
6 Facsimile: (760) 431-9512
7 E-mail: jdillon@gdandb.com

8 Attorney for Plaintiffs

9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 MATTHEW JONES; THOMAS FURRH;
12 KYLE YAMAMOTO; PWGG, L.P. (d.b.a.
13 POWAY WEAPONS AND GEAR and
14 PWG RANGE); NORTH COUNTY
15 SHOOTING CENTER, INC.; BEEBE
16 FAMILY ARMS AND MUNITIONS LLC
17 (d.b.a. BFAM and BEEBE FAMILY
18 ARMS AND MUNITIONS); FIREARMS
19 POLICY COALITION, INC.; FIREARMS
20 POLICY FOUNDATION; THE CAL GUN
21 RIGHTS FOUNDATION (formerly, THE
22 CALGUNS FOUNDATION); and
23 SECOND AMENDMENT
24 FOUNDATION,

25 Plaintiffs,

26 v.

27 XAVIER BECERRA, in his official
28 capacity as Attorney General of the
State of California, et al.,

Defendants

Case No.: 3:19-cv-01226-L-AHG

Hon. M. James Lorenz and Magistrate
Judge Allison H. Goddard

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

Complaint Filed: July 1, 2019
Amended Complaint Filed: July 30, 2019

Date: November 18, 2019
Time: 9:00 a.m.
Department: 5B (5th Flr.)

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
2 RECORD: Notice is hereby given that on November 18, 2019, at 9:00 a.m. in
3 Courtroom 5B (5th Flr.) of the above-captioned Court, located at 221 W.
4 Broadway, San Diego, California 92101, Plaintiffs will move for preliminary
5 injunction under Rule 65(a) of the Federal Rules of Civil Procedure. Specifically,
6 Plaintiffs will seek an order enjoining Defendant Attorney General Xavier Becerra
7 and his agents, servant, employees, and those working in active concert with him,
8 from enforcing or giving effect to California Penal Code, § 25710 during the
9 pendency of this action.
10
11
12

13 Plaintiffs bring this motion on the grounds that California Penal Code §
14 27510 constitutes an absolute under-21 firearm ban applicable to all ordinary law-
15 abiding Young Adults (18-20-years-old) in violation of the Second Amendment of
16 the U.S. Constitution. The criminalization of Young Adult’s acquisition and
17 possession of any firearm infringes on the Second Amendment’s core right of self-
18 defense; and the so-called “exemptions” are inapplicable and illusory to ordinary
19 law-abiding Young Adults.
20
21

22 The motion is based on this notice of motion and motion, the memorandum
23 of points and authorities filed concurrently with this motion, and the supporting
24 and concurrently filed Declarations of Matthew Jones, Thomas Furrh, Kyle
25 Yamamoto, Matthew Beebe, John Phillips, Darin Prince, Anthony Williams, Alan
26 Gottlieb, Brandon Combs, John Lott, Thomas Marvell, David Bogan, David
27
28

1 Hardy, and John Dillon, as well as any exhibits attached hereto. This motion is
2 also based on the First Amended Complaint, pleadings, and records already on file,
3 and on any further matters the Court deems appropriate at or before the time of the
4 hearing.
5

6 October 4, 2019

Respectfully submitted,

8 Gatzke, Dillon & Ballance LLP

9 By: 

10 John Dillon

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28