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Firearms

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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 15 **MATTHEW JONES, et al.,**
 16 Plaintiffs,
 17 v.
 18 **XAVIER BECERRA, in his official**
 19 **capacity as Attorney General of the**
 20 **State of California, et al.,**
 21 Defendants.

3:19-cv-01226-L-AHG

**DEFENDANTS' ANSWER TO
 SECOND AMENDED
 COMPLAINT FOR
 DECLARATORY AND
 INJUNCTIVE RELIEF**

Judge: Hon. M. James Lorenz and
 Magistrate Judge Barbara
 Lynn Major

Action
 Filed: July 1, 2019

First Amended Complaint
 Filed: July 30, 2019

First Amended Complaint and
 Summons
 Served: August 1, 2019

Second Amended Complaint Filed and
 Served: November 8, 2019

1 Defendant Xavier Becerra, in his official capacity as Attorney General of the
2 State of California, and Defendant Brent E. Orick, in his official capacity as Acting
3 Director of the Department of Justice Bureau of Firearms (collectively,
4 “Defendants”) submit their answer in response to Plaintiffs’ Second Amended
5 Complaint for Declaratory and Injunctive Relief (ECF No. 20). Defendants answer,
6 in paragraphs that correspond to the Second Amended Complaint’s paragraphs, as
7 follows:¹

8 The allegations contained at lines 2-8 of page 2 of the Second Amended
9 Complaint characterize Plaintiffs’ claims and are not averments of fact to which
10 Defendants are required to respond. To the extent a response is required,
11 Defendants admit that, in their official capacities as state officials, they are
12 responsible under California law for administering and enforcing certain state laws
13 and regulations governing the purchase, sale, transfer, possession, use of, and
14 access to firearms. Except as specifically admitted, Defendants deny the allegations
15 in these lines.

16 The allegations contained at lines 9-23 of page 2 of the Second Amended
17 Complaint characterize Plaintiffs’ claims and demands for relief, and constitute
18 conclusions of law; accordingly, they are not averments of fact to which Defendants
19 are required to respond. Defendants deny that Plaintiffs are entitled to such relief.
20 To the extent these lines may be deemed allegations of fact, they are denied.

21 **JURISDICTION AND VENUE²**

22 1. Defendants admit that this Court has jurisdiction. Defendants deny the
23 remaining allegations of Paragraph 1.

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25 ¹ The following responses to each paragraph include responses to any
26 footnotes that may be contained in the relevant paragraph.

27 ² For the convenience of the Court and the parties, Defendants utilize certain
28 headings as set forth in the Second Amended Complaint. In doing so, Defendants
neither admit nor deny any allegations that may be suggested by the Second
Amended Complaint’s headings.

1 **B. Institutional Plaintiffs**

2 10. To the extent that the allegations contained in the seventh sentence of
3 Paragraph 10, beginning on page 8, line 14, are Plaintiffs’ characterization of their
4 case and conclusions of law, no answer is required. To the extent the allegations in
5 these lines may be deemed allegations of fact, and as to the remaining allegations
6 contained in Paragraph 10, Defendants lack information or belief sufficient to
7 answer, and basing their denial on this ground, deny the allegations thereof.

8 11. To the extent that the allegations contained in the seventh sentence of
9 Paragraph 11, beginning on page 9, line 17, are Plaintiffs’ characterization of their
10 case and conclusions of law, no answer is required. To the extent the allegations in
11 these lines may be deemed allegations of fact, and as to the remaining allegations
12 contained in Paragraph 11, Defendants lack information or belief sufficient to
13 answer, and basing their denial on this ground, deny the allegations thereof.

14 12. To the extent that the allegations contained in the seventh sentence of
15 Paragraph 12, beginning on page 10, line 20, are Plaintiffs’ characterization of their
16 case and conclusions of law, no answer is required. To the extent the allegations in
17 these lines may be deemed allegations of fact, and as to the remaining allegations
18 contained in Paragraph 12, Defendants lack information or belief sufficient to
19 answer, and basing their denial on this ground, deny the allegations thereof.

20 13. To the extent that the allegations contained in the eighth sentence of
21 Paragraph 13, beginning on page 11, line 21, are Plaintiffs’ characterization of their
22 case and conclusions of law, no answer is required. To the extent the allegations in
23 these lines may be deemed allegations of fact, and as to the remaining allegations
24 contained in Paragraph 13, Defendants lack information or belief sufficient to
25 answer, and basing their denial on this ground, deny the allegations thereof.

26 14. Defendants lack information or belief sufficient to answer the allegations
27 contained in Paragraph 14, and basing their denial on this ground, deny each and
28 every allegation thereof.

1 15. Defendants lack information or belief sufficient to answer the allegations
2 contained in Paragraph 15, and basing their denial on this ground, deny each and
3 every allegation thereof.

4 16. Defendants lack information or belief sufficient to answer the allegations
5 contained in Paragraph 16, and basing their denial on this ground, deny each and
6 every allegation thereof.

7 17. To the extent that the allegations contained in the second sentence of
8 Paragraph 17, beginning on page 13, line 26, are Plaintiffs' characterization of their
9 case and conclusions of law, no answer is required. To the extent the allegations in
10 these lines may be deemed allegations of fact, and as to the remaining allegations
11 contained in Paragraph 17, Defendants lack information or belief sufficient to
12 answer, and basing their denial on this ground, deny the allegations thereof.

13 18. To the extent that the allegations contained in the second sentence of
14 Paragraph 18, beginning on page 14, line 7, are Plaintiffs' characterization of their
15 case and conclusions of law, no answer is required. To the extent the allegations in
16 these lines may be deemed allegations of fact, and as to the remaining allegations
17 contained in Paragraph 18, Defendants lack information or belief sufficient to
18 answer, and basing their denial on this ground, deny the allegations thereof.

19 19. To the extent that the allegations contained in the second sentence of
20 Paragraph 19, beginning on page 14, line 17, are Plaintiffs' characterization of their
21 case and conclusions of law, no answer is required. To the extent the allegations in
22 these lines may be deemed allegations of fact, and as to the remaining allegations
23 contained in Paragraph 19, Defendants lack information or belief sufficient to
24 answer, and basing their denial on this ground, deny the allegations thereof.

25 20. To the extent that the allegations contained in Paragraph 20 are
26 Plaintiffs' characterization of their case and conclusions of law, no answer is
27 required. To the extent the allegations contained in Paragraph 20 may be deemed
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1 allegations of fact, Defendants lack information or belief sufficient to answer, and
2 basing their denial on this ground, deny the allegations thereof.

3 21. Defendants admit that Plaintiffs seek declaratory and injunctive relief.
4 Except as specifically admitted, the allegations contained in Paragraph 21
5 characterize Plaintiffs' claims and are not averments of fact to which Defendants
6 are required to respond. To the extent they may be deemed allegations of fact, they
7 are denied.

8 **C. Defendants**

9 22. To the extent that the allegations contained in Paragraph 22 are
10 conclusions of law, no answer is required. Defendants admit that Defendant Xavier
11 Becerra is the Attorney General of California and the chief law officer of the State,
12 and that he is sued in his official capacity. Defendants admit that article V, section
13 13 of the California Constitution speaks for itself. Except as specifically admitted,
14 Defendants deny the allegations of Paragraph 22.

15 23. Defendants deny the allegations in Paragraph 23. Defendants admit that
16 Brent E. Orick is the Acting Director of the Bureau of Firearms and that he is sued
17 in his official capacity.

18 24. Defendants lack information or belief sufficient to answer the allegations
19 contained in Paragraph 24, and basing their denial on this ground, deny each and
20 every allegation thereof.

21 25. The allegations contained in Paragraph 25 constitute conclusions of law
22 to which no answer is required; to the extent they may be deemed allegations of
23 fact, they are denied.

24 **FACTUAL ALLEGATIONS**

25 26. Defendants admit that the Second Amendment to the U.S. Constitution
26 speaks for itself. Except as specifically admitted, Defendants deny the allegations
27 in Paragraph 26.

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1 27. Defendants admit that the Second Amendment to the U.S. Constitution
2 speaks for itself. Defendants admit that the judicial opinion quoted in Paragraph 27
3 speaks for itself. Except as specifically admitted, Defendants deny the allegations
4 in Paragraph 27.

5 28. The allegations contained in Paragraph 28 constitute conclusions of law
6 to which no answer is required; to the extent they may be deemed allegations of
7 fact, they are denied.

8 29. The allegations contained in Paragraph 29 constitute conclusions of law
9 to which no answer is required; to the extent they may be deemed allegations of
10 fact, they are denied.

11 30. Defendants admit that the statutes cited in Paragraph 30 speak for
12 themselves. Except as specifically admitted, the allegations contained in Paragraph
13 30 constitute conclusions of law to which no answer is required; to the extent they
14 may be deemed allegations of fact, they are denied.

15 31. Defendants admit that the judicial opinions quoted in Paragraph 31 speak
16 for themselves. Except as specifically admitted, the allegations contained in
17 Paragraph 31 characterize Plaintiffs' claims and are not averments of fact to which
18 Defendants are required to respond; to the extent they may be deemed allegations of
19 fact, they are denied.

20 32. Defendants admit that the statute cited in Paragraph 32 speaks for itself.
21 Except as specifically admitted, the allegations contained in Paragraph 32 constitute
22 conclusions of law to which no answer is required; to the extent they may be
23 deemed allegations of fact, they are denied.

24 33. Defendants admit that the statute cited in Paragraph 33 speaks for itself.
25 Except as specifically admitted, the allegations contained in Paragraph 33 constitute
26 conclusions of law to which no answer is required; to the extent they may be
27 deemed allegations of fact, they are denied.

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1 34. Defendants admit that the judicial opinion quoted in Paragraph 34 and
2 footnote 1 speaks for itself. Except as specifically admitted, the allegations
3 contained in Paragraph 34 characterize Plaintiffs' claims and are not averments of
4 fact to which Defendants are required to respond; to the extent they may be deemed
5 allegations of fact, they are denied.

6 35. Defendants admit that Penal Code section 27510 speaks for itself and
7 that amendments to it took effect January 1, 2019. Except as specifically admitted,
8 Defendants deny the allegations in Paragraph 35.

9 36. The allegations in Paragraph 36 characterize Plaintiffs' claims and are
10 not averments of fact to which Defendants are required to respond. To the extent a
11 response is required, Defendants deny the allegations in Paragraph 36.

12 **The California Age-Based Gun Ban**

13 37. Defendants admit that SB 1100 was signed by former Governor Edmund
14 G. Brown Jr. on September 28, 2018. Defendants admit that SB 1100 and Penal
15 Code section 27510 speak for themselves. Defendants admit that SB 1100 took
16 effect on January 1, 2019. Except as specifically admitted, Defendants deny the
17 allegations in Paragraph 37.

18 38. The allegations contained in Paragraph 38 constitute conclusions of law
19 to which no answer is required; to the extent they may be deemed allegations of
20 fact, they are denied.

21 39. Defendants admit that SB 1100 and Penal Code section 27510 speak for
22 themselves. Except as specifically admitted, Defendants deny the allegations in
23 Paragraph 39.

24 40. Defendants admit that Governor Newsom signed SB 61 on October 11,
25 2019. Defendants admit that SB 61 speaks for itself. Except as specifically
26 admitted, Defendants deny the allegations in Paragraph 40.

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1 41. Defendants admit that SB 61 and Penal Code section 27510 speak for
2 themselves. Except as specifically admitted, Defendants deny the allegations in
3 Paragraph 41.

4 42. Defendants admit that SB 61 speaks for itself. Except as specifically
5 admitted, the allegations contained in Paragraph 42 characterize Plaintiffs' claims
6 and are not averments of fact to which Defendants are required to respond; to the
7 extent they may be deemed allegations of fact, they are denied.

8 43. Defendants admit that SB 61 and Penal Code section 27510 speak for
9 themselves. Except as specifically admitted, the allegations in Paragraph 43 are not
10 averments of fact to which Defendants are required to respond; to the extent they
11 may be deemed allegations of fact, they are denied.

12 44. The allegations contained in Paragraph 44 characterize Plaintiffs' claims
13 and thus are not averments of fact to which Defendants are required to respond; to
14 the extent they may be deemed allegations of fact, they are denied.

15 45. Defendants admit that Penal Code section 27510 speaks for itself.
16 Except as specifically admitted, the allegations contained in Paragraph 45
17 characterize Plaintiffs' claims and are not averments of fact to which Defendants
18 are required to respond; to the extent they may be deemed allegations of fact, they
19 are denied.

20 46. Defendants admit that the judicial opinions quoted in Paragraph 46 and
21 footnote 2 speak for themselves. Defendants admit that SB 61 and Penal Code
22 section 27510 speak for themselves. Except as specifically admitted, the
23 allegations contained in Paragraph 46 and footnote 2 characterize Plaintiffs' claims
24 and are not averments of fact to which Defendants are required to respond; to the
25 extent they may be deemed allegations of fact, they are denied.

26 47. Defendants admit that Penal Code section 27590 and the so-called
27 California Age-Based Gun Ban speak for themselves. Except as specifically
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1 admitted, the allegations contained in Paragraph 47 are not averments of fact to
2 which Defendants are required to respond; to the extent they may be deemed
3 allegations of fact, they are denied.

4 **Infringement of Plaintiffs’ and similarly situated adults’**

5 **Second Amendment rights**

6 48. Defendants admit that 18 U.S.C. § 922(b)(1) speaks for itself. Except as
7 specifically admitted, the allegations contained in Paragraph 48 are conclusions of
8 law or characterize Plaintiffs’ claims, and thus are not averments of fact to which
9 Defendants are required to respond; to the extent they may be deemed allegations of
10 fact, they are denied.

11 49. Defendants admit that Penal Code sections 29800 and 29805 speak for
12 themselves. Except as specifically admitted, the allegations contained in
13 Paragraph 49 constitute conclusions of law to which no answer is required; to the
14 extent they may be deemed allegations of fact, they are denied.

15 50. Defendants admit that Penal Code sections 26500, 27510, and
16 26800-26850 speak for themselves. Defendants admit that 27 C.F.R. 478.124(a)
17 speaks for itself. Except as specifically admitted, the allegations contained in
18 Paragraph 50 are conclusions of law or characterize Plaintiffs’ claims, and thus are
19 not averments of fact to which Defendants are required to respond; to the extent
20 they may be deemed allegations of fact, they are denied.

21 **IMPACT ON PLAINTIFFS**

22 51. The allegations contained in Paragraph 51 are conclusions of law or
23 characterize Plaintiffs’ claims, and thus are not averments of fact to which
24 Defendants are required to respond. To the extent they may be deemed allegations
25 of fact, Defendants lack information or belief sufficient to answer the allegations
26 contained in Paragraph 51, and basing their denial on this ground, deny each and
27 every allegation thereof.

1 52. The allegations contained in Paragraph 52 are conclusions of law or
2 characterize Plaintiffs' claims, and thus are not averments of fact to which
3 Defendants are required to respond. To the extent they may be deemed allegations
4 of fact, Defendants lack information or belief sufficient to answer the allegations
5 contained in Paragraph 52, and basing their denial on this ground, deny each and
6 every allegation thereof.

7 53. The allegations contained in Paragraph 53 are conclusions of law or
8 characterize Plaintiffs' claims, and thus are not averments of fact to which
9 Defendants are required to respond. To the extent they may be deemed allegations
10 of fact, Defendants lack information or belief sufficient to answer the allegations
11 contained in Paragraph 53, and basing their denial on this ground, deny each and
12 every allegation thereof.

13 54. The allegations contained in Paragraph 54 are conclusions of law or
14 characterize Plaintiffs' claims, and thus are not averments of fact to which
15 Defendants are required to respond. To the extent they may be deemed allegations
16 of fact, Defendants lack information or belief sufficient to answer the allegations
17 contained in Paragraph 54, and basing their denial on this ground, deny each and
18 every allegation thereof.

19 55. The allegations contained in Paragraph 55 are conclusions of law or
20 characterize Plaintiffs' claims, and thus are not averments of fact to which
21 Defendants are required to respond. To the extent they may be deemed allegations
22 of fact, Defendants lack information or belief sufficient to answer the allegations
23 contained in Paragraph 55, and basing their denial on this ground, deny each and
24 every allegation thereof.

25 56. The allegations contained in Paragraph 56 are conclusions of law or
26 characterize Plaintiffs' claims, and thus are not averments of fact to which
27 Defendants are required to respond. To the extent they may be deemed allegations
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1 of fact, Defendants lack information or belief sufficient to answer the allegations
2 contained in Paragraph 56, and basing their denial on this ground, deny each and
3 every allegation thereof.

4 57. The allegations contained in Paragraph 57 are conclusions of law or
5 characterize Plaintiffs' claims, and thus are not averments of fact to which
6 Defendants are required to respond. To the extent they may be deemed allegations
7 of fact, Defendants lack information or belief sufficient to answer the allegations
8 contained in Paragraph 57, and basing their denial on this ground, deny each and
9 every allegation thereof.

10 58. The allegations contained in Paragraph 58 are conclusions of law or
11 characterize Plaintiffs' claims, and thus are not averments of fact to which
12 Defendants are required to respond. To the extent they may be deemed allegations
13 of fact, Defendants lack information or belief sufficient to answer the allegations
14 contained in Paragraph 58, and basing their denial on this ground, deny each and
15 every allegation thereof.

16 59. The allegations contained in Paragraph 59 are conclusions of law or
17 characterize Plaintiffs' claims, and thus are not averments of fact to which
18 Defendants are required to respond. To the extent they may be deemed allegations
19 of fact, Defendants lack information or belief sufficient to answer the allegations
20 contained in Paragraph 59, and basing their denial on this ground, deny each and
21 every allegation thereof.

22 60. The allegations contained in Paragraph 60 are conclusions of law or
23 characterize Plaintiffs' claims, and thus are not averments of fact to which
24 Defendants are required to respond. To the extent they may be deemed allegations
25 of fact, Defendants lack information or belief sufficient to answer the allegations
26 contained in Paragraph 60, and basing their denial on this ground, deny each and
27 every allegation thereof.

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1 61. The allegations contained in Paragraph 61 are conclusions of law or
2 characterize Plaintiffs' claims, and thus are not averments of fact to which
3 Defendants are required to respond. To the extent they may be deemed allegations
4 of fact, Defendants lack information or belief sufficient to answer the allegations
5 contained in Paragraph 61, and basing their denial on this ground, deny each and
6 every allegation thereof.

7 62. The allegations contained in Paragraph 62 are conclusions of law or
8 characterize Plaintiffs' claims, and thus are not averments of fact to which
9 Defendants are required to respond. To the extent they may be deemed allegations
10 of fact, Defendants lack information or belief sufficient to answer the allegations
11 contained in Paragraph 62, and basing their denial on this ground, deny each and
12 every allegation thereof.

13 63. The allegations contained in Paragraph 63 are conclusions of law or
14 characterize Plaintiffs' claims, and thus are not averments of fact to which
15 Defendants are required to respond. To the extent they may be deemed allegations
16 of fact, Defendants lack information or belief sufficient to answer the allegations
17 contained in Paragraph 63, and basing their denial on this ground, deny each and
18 every allegation thereof.

19 64. The allegations contained in Paragraph 64 are conclusions of law or
20 characterize Plaintiffs' claims, and thus are not averments of fact to which
21 Defendants are required to respond. To the extent they may be deemed allegations
22 of fact, Defendants lack information or belief sufficient to answer the allegations
23 contained in Paragraph 64, and basing their denial on this ground, deny each and
24 every allegation thereof.

25 65. The allegations contained in Paragraph 65 are conclusions of law or
26 characterize Plaintiffs' claims, and thus are not averments of fact to which
27 Defendants are required to respond. To the extent they may be deemed allegations
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1 of fact, Defendants lack information or belief sufficient to answer the allegations
2 contained in Paragraph 65, and basing their denial on this ground, deny each and
3 every allegation thereof.

4 66. The allegations contained in Paragraph 66 are conclusions of law or
5 characterize Plaintiffs' claims, and thus are not averments of fact to which
6 Defendants are required to respond. To the extent they may be deemed allegations
7 of fact, Defendants lack information or belief sufficient to answer the allegations
8 contained in Paragraph 66, and basing their denial on this ground, deny each and
9 every allegation thereof.

10 67. The allegations contained in Paragraph 67 are conclusions of law or
11 characterize Plaintiffs' claims, and thus are not averments of fact to which
12 Defendants are required to respond. To the extent they may be deemed allegations
13 of fact, Defendants lack information or belief sufficient to answer the allegations
14 contained in Paragraph 67, and basing their denial on this ground, deny each and
15 every allegation thereof.

16 68. The allegations contained in Paragraph 68 are conclusions of law or
17 characterize Plaintiffs' claims, and thus are not averments of fact to which
18 Defendants are required to respond. To the extent they may be deemed allegations
19 of fact, Defendants lack information or belief sufficient to answer the allegations
20 contained in Paragraph 68, and basing their denial on this ground, deny each and
21 every allegation thereof.

22 69. The allegations contained in Paragraph 69 are conclusions of law or
23 characterize Plaintiffs' claims, and thus are not averments of fact to which
24 Defendants are required to respond. To the extent they may be deemed allegations
25 of fact, Defendants lack information or belief sufficient to answer the allegations
26 contained in Paragraph 69, and basing their denial on this ground, deny each and
27 every allegation thereof.

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1 70. The allegations contained in Paragraph 70 are conclusions of law or
2 characterize Plaintiffs' claims, and thus are not averments of fact to which
3 Defendants are required to respond. To the extent they may be deemed allegations
4 of fact, Defendants lack information or belief sufficient to answer the allegations
5 contained in Paragraph 70, and basing their denial on this ground, deny each and
6 every allegation thereof.

7 71. The allegations contained in Paragraph 71 are conclusions of law or
8 characterize Plaintiffs' claims, and thus are not averments of fact to which
9 Defendants are required to respond. To the extent they may be deemed allegations
10 of fact, Defendants lack information or belief sufficient to answer the allegations
11 contained in Paragraph 71, and basing their denial on this ground, deny each and
12 every allegation thereof.

13 72. The allegations contained in Paragraph 72 are conclusions of law or
14 characterize Plaintiffs' claims, and thus are not averments of fact to which
15 Defendants are required to respond. To the extent they may be deemed allegations
16 of fact, Defendants lack information or belief sufficient to answer the allegations
17 contained in Paragraph 72, and basing their denial on this ground, deny each and
18 every allegation thereof.

19 73. Defendants lack information or belief sufficient to answer the allegations
20 contained in Paragraph 73, and basing their denial on this ground, deny each and
21 every allegation thereof.

22 74. The allegations contained in Paragraph 74 constitute conclusions of law
23 or characterize Plaintiffs' claims, and thus are not averments of fact to which
24 Defendants are required to respond; to the extent they may be deemed allegations of
25 fact, they are denied.

26 **DECLARATORY JUDGMENT ALLEGATIONS**

27 75. The allegations contained in Paragraph 75 constitute conclusions of law
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1 or characterize Plaintiffs' claims, and thus are not averments of fact to which
2 Defendants are required to respond; to the extent they may be deemed allegations of
3 fact, they are denied.

4 **INJUNCTIVE RELIEF ALLEGATIONS**

5 76. The allegations contained in Paragraph 76 constitute conclusions of law
6 or characterize Plaintiffs' claims, and thus are not averments of fact to which
7 Defendants are required to respond; to the extent they may be deemed allegations of
8 fact, they are denied.

9 77. The allegations contained in Paragraph 77 constitute conclusions of law
10 or characterize Plaintiffs' claims, and thus are not averments of fact to which
11 Defendants are required to respond; to the extent they may be deemed allegations of
12 fact, they are denied.

13 **FIRST CAUSE OF ACTION**

14 **(Violation of U.S. Const. amends. II and XIV)**

15 78. Defendants incorporate their answers to Paragraphs 1 through 77 in
16 answer to Paragraph 78.

17 79. Defendants admit that the Second Amendment to the U.S. Constitution
18 speaks for itself. Except as specifically admitted, the allegations contained in
19 Paragraph 79 constitute conclusions of law to which no answer is required; to the
20 extent they may be deemed allegations of fact, they are denied.

21 80. Defendants admit that the Second Amendment to the U.S. Constitution
22 speaks for itself. Defendants admit that the Fourteenth Amendment to the U.S.
23 Constitution speaks for itself. Except as specifically admitted, the allegations
24 contained in Paragraph 80 constitute conclusions of law to which no answer is
25 required; to the extent they may be deemed allegations of fact, they are denied.

26 81. Defendants admit that Penal Code section 27510 speaks for itself.
27 Except as specifically admitted, the allegations contained in Paragraph 81 constitute
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1 conclusions of law or characterize Plaintiffs' claims, and thus are not averments of
2 fact to which Defendants are required to respond; to the extent they may be deemed
3 allegations of fact, they are denied.

4 82. Defendants admit that Penal Code section 27510 speaks for itself.
5 Except as specifically admitted, and but for the last sentence of Paragraph 82, the
6 allegations contained in Paragraph 82 are conclusions of law or characterize
7 Plaintiffs' claims, and thus are not averments of fact to which Defendants are
8 required to respond. To the extent they may be deemed allegations of fact, and as
9 to the remaining allegations contained in Paragraph 82, Defendants lack
10 information or belief sufficient to answer the allegations contained in Paragraph 82,
11 and basing their denial on this ground, deny each and every allegation thereof.

12 83. Defendants admit that Penal Code section 27510 speaks for itself.
13 Except as specifically admitted, the allegations contained in Paragraph 83 constitute
14 conclusions of law to which no answer is required; to the extent they may be
15 deemed allegations of fact, they are denied.

16 84. The allegations contained in Paragraph 84 constitute conclusions of law
17 or characterize Plaintiffs' claims, and thus are not averments of fact to which
18 Defendants are required to respond; to the extent they may be deemed allegations of
19 fact, they are denied.

20 Defendants deny each and every allegation not previously admitted or
21 otherwise qualified.

22 **PRAYER FOR RELIEF**

23 Defendants deny that Plaintiffs are entitled to the relief set forth in each of the
24 four paragraphs of the prayer for relief immediately following Paragraph 84, or to
25 any relief whatsoever. To the extent that the Prayer for Relief states any
26 allegations, Defendants deny them.

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AFFIRMATIVE DEFENSES

In addition, without admitting any allegations contained in the Second Amended Complaint, Defendants assert the following defenses based on information and belief:

FIRST AFFIRMATIVE DEFENSE

The Second Amended Complaint, and the claims for relief alleged therein, fails to state facts sufficient to constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs’ claims in this action are barred in that they do not have standing to bring them.

THIRD AFFIRMATIVE DEFENSE

The Second Amended Complaint, and each cause of action therein, is improper because Plaintiffs have an adequate remedy at law.

FOURTH AFFIRMATIVE DEFENSE

The Second Amended Complaint, and each cause of action therein, is barred by the equitable doctrines of estoppel, laches, unclean hands, and/or waiver.

FIFTH AFFIRMATIVE DEFENSE

To the extent Defendants have undertaken any conduct with respect to the subjects and events underlying the Second Amended Complaint, such conduct was, at all times material thereto, undertaken in good faith and in reasonable reliance on existing law.

SIXTH AFFIRMATIVE DEFENSE

Defendants have not knowingly or intentionally waived any applicable affirmative defense. Defendants reserve the right to assert and rely upon additional affirmative defenses as may become available or apparent during discovery proceedings or as may be raised or asserted by others in this case, and to amend the Answer and/or affirmative defenses accordingly. Defendants further reserve the

1 right to amend the Answer to delete affirmative defenses that they determine are not
2 applicable after subsequent discovery.

3
4 WHEREFORE, Defendants pray that:

- 5 1. Plaintiffs take nothing by reason of the Second Amended Complaint;
6 2. Judgment be entered in favor of Defendants;
7 3. Defendants be awarded costs incurred in defending this action; and
8 4. Defendants be awarded such further relief that the Court may deem just
9 and proper.

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Dated: November 21, 2019

Respectfully Submitted,

XAVIER BECERRA
Attorney General of California
STEPAN A. HAYTAYAN
Supervising Deputy Attorney General

/s/ Jennifer E. Rosenberg
JENNIFER E. ROSENBERG
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*Attorneys for Defendants Xavier
Becerra, in his official capacity as
Attorney General of the State of
California, and Brent E. Orick, in his
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Firearms*