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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; CALIFORNIA
21 GUN RIGHTS FOUNDATION; and
22 SECOND AMENDMENT
23 FOUNDATION,

24 Plaintiffs,

25 v.

26 XAVIER BECERRA, in his official
27 capacity as Attorney General of the
28 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

Second Amended Complaint Filed:
November 8, 2019

Date: Monday, December 16, 2019

Time: 10:30 a.m.

Department: 5B (5th Floor)

No oral argument should be heard unless
ordered by the Court

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
2 RECORD: Notice is hereby given that on December 16, 2019, at 10:30 a.m. in
3 Courtroom 5B (5th Floor) 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.
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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.
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23 The motion is based on this notice of motion and motion, the memorandum
24 of points and authorities filed concurrently with this motion, and the supporting
25 and concurrently filed Declarations of Matthew Jones, Thomas Furrh, Kyle
26 Yamamoto, Matthew Beebe, John Phillips, Alan Gottlieb, Anthony Williams,
27 Darin Prince, Brandon Combs, John Dillon, John Lott, Thomas B. Marvell, David
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1 Bogan, and David T. Hardy as well as any exhibits attached hereto. This motion is
2 also based on the Second Amended Complaint, pleadings, and records already on
3 file, and on any further matters the Court deems appropriate at or before the time
4 of the hearing.
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6 November 12, 2019

Respectfully submitted,

8 Gatzke, Dillon & Ballance LLP

9 By: 

10 John Dillon

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