

1 XAVIER BECERRA  
 Attorney General of California  
 2 STEPAN A. HAYTAYAN  
 Supervising Deputy Attorney General  
 3 JENNIFER E. ROSENBERG  
 Deputy Attorney General  
 4 State Bar No. 275496  
 300 South Spring Street, Suite 1702  
 5 Los Angeles, CA 90013  
 Telephone: (213) 269-6617  
 6 Fax: (916) 731-2124  
 E-mail: Jennifer.Rosenberg@doj.ca.gov  
 7 *Attorneys for Defendants Xavier Becerra, in*  
*his official capacity as Attorney General of*  
 8 *the State of California, and Brent E. Orick,*  
*in his official capacity as Acting Director of*  
 9 *the Department of Justice Bureau of*  
*Firearms*

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

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-BLM

**DEFENDANTS' ANSWER TO  
 FIRST 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

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<sup>1</sup> (collectively,  
4 “Defendants”) submit their answer in response to Plaintiffs’ First Amended  
5 Complaint for Declaratory and Injunctive Relief (ECF No. 3).<sup>2</sup> Defendants answer,  
6 in paragraphs that correspond to the First Amended Complaint’s paragraphs, as  
7 follows:<sup>3</sup>

8 The allegations contained at lines 1-6 of page 2 of the First 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 7-21 of page 2 of the First 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.

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23 <sup>1</sup> Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Acting  
24 Director Brent E. Orick is automatically substituted as a defendant in this matter in  
place of his predecessor, Martin Horan.

25 <sup>2</sup> Although Plaintiffs’ original complaint was filed on July 1, 2019 (*see* ECF  
26 No. 1), Plaintiffs never served that complaint or any summons on Defendants.  
Instead, Plaintiffs filed a First Amended Complaint on July 30, 2019, and served  
27 Defendants with the summons in this action for the first time, along with the First  
Amended Complaint, on August 1, 2019.

28 <sup>3</sup> The following responses to each paragraph include responses to any  
footnotes that may be contained in the relevant paragraph.

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**JURISDICTION AND VENUE<sup>4</sup>**

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

2. Defendants admit that Plaintiffs seek declaratory and injunctive relief, as well as attorneys’ fees. Defendants further admit that each statute referenced in Paragraph 8 speaks for itself. Except as specifically admitted, Defendants deny the allegations of Paragraph 2.

3. Defendants admit that venue is proper in this Court. Except as specifically admitted, Defendants deny the allegations of Paragraph 3.

**PARTIES**

**A. Plaintiffs – Individuals and Entities**

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

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

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

7. Defendants lack information or belief sufficient to answer the allegations contained in Paragraph 7, and basing their denial on this ground, deny each and every allegation thereof.

8. Defendants lack information or belief sufficient to answer the allegations

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<sup>4</sup> For the convenience of the Court and the parties, Defendants utilize certain headings as set forth in the First Amended Complaint. In doing so, Defendants neither admit nor deny any allegations that may be suggested by the First Amended Complaint’s headings.

1 contained in Paragraph 8, and basing their denial on this ground, deny each and  
2 every allegation thereof.

3 9. Defendants lack information or belief sufficient to answer the allegations  
4 contained in Paragraph 9, and basing their denial on this ground, deny each and  
5 every allegation thereof.

6 **B. Institutional Plaintiffs**

7 10. To the extent that the allegations contained in the seventh sentence of  
8 Paragraph 10, beginning on page 8, line 14, 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 10, Defendants lack information or belief sufficient to  
12 answer, and basing their denial on this ground, deny the allegations thereof.

13 11. To the extent that the allegations contained in the seventh sentence of  
14 Paragraph 11, beginning on page 9, line 17, 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 11, Defendants lack information or belief sufficient to  
18 answer, and basing their denial on this ground, deny the allegations thereof.

19 12. To the extent that the allegations contained in the seventh sentence of  
20 Paragraph 12, beginning on page 10, line 18, 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 12, Defendants lack information or belief sufficient to  
24 answer, and basing their denial on this ground, deny the allegations thereof.

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

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

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

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

13 17. To the extent that the allegations contained in the second sentence of  
14 Paragraph 17, beginning on page 13, line 26, 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 17, Defendants lack information or belief sufficient to  
18 answer, and basing their denial on this ground, deny the allegations thereof.

19 18. To the extent that the allegations contained in the second sentence of  
20 Paragraph 18, beginning on page 14, line 7, 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 18, Defendants lack information or belief sufficient to  
24 answer, and basing their denial on this ground, deny the allegations thereof.

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

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

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

14 **C. Defendants**

15 22. To the extent that the allegations contained in Paragraph 22 are  
16 conclusions of law, no answer is required. Defendants admit that Defendant Xavier  
17 Becerra is the Attorney General of California and the chief law officer of the State,  
18 and that he is sued in his official capacity. Defendants admit that article V, section  
19 13 of the California Constitution speaks for itself. Except as specifically admitted,  
20 Defendants deny the allegations of Paragraph 22.

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

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

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

3 **FACTUAL ALLEGATIONS**

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

7 27. Defendants admit that the Second Amendment to the U.S. Constitution  
8 speaks for itself. Defendants admit that the judicial opinion quoted in Paragraph 27  
9 speaks for itself. Except as specifically admitted, Defendants deny the allegations  
10 in Paragraph 27.

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

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

17 30. Defendants admit that the statutes cited in Paragraph 30 speak for  
18 themselves. Except as specifically admitted, the allegations contained in Paragraph  
19 30 constitute conclusions of law to which no answer is required; to the extent they  
20 may be deemed allegations of fact, they are denied.

21 31. Defendants admit that the judicial opinions quoted in Paragraph 31 speak  
22 for themselves. Except as specifically admitted, the allegations contained in  
23 Paragraph 31 characterize Plaintiffs' claims and 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 32. Defendants admit that the statute cited in Paragraph 32 speaks for itself.  
27 Except as specifically admitted, the allegations contained in Paragraph 32 constitute  
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1 conclusions of law to which no answer is required; to the extent they may be  
2 deemed allegations of fact, they are denied.

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

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

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

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

### 18 **The California Age-Based Gun Ban**

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

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

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

3 40. Defendants admit that the judicial opinion quoted in Paragraph 40 speaks  
4 for itself. Except as specifically admitted, the allegations contained in Paragraph 40  
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 41. Defendants admit that Penal Code section 27590 and the so-called  
9 California Age-Based Gun Ban speak for themselves. Except as specifically  
10 admitted, the allegations contained in Paragraph 41 are not averments of fact to  
11 which Defendants are required to respond; to the extent they may be deemed  
12 allegations of fact, they are denied.

13 **Infringement of Plaintiffs' and similarly situated adults'**

14 **Second Amendment rights**

15 42. Defendants admit that 18 U.S.C. § 922(b)(1) speaks for itself. Except as  
16 specifically admitted, the allegations contained in Paragraph 42 are conclusions of  
17 law 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 43. Defendants admit that Penal Code sections 29800 and 29805 speak for  
21 themselves. Except as specifically admitted, the allegations contained in Paragraph  
22 43 constitute conclusions of law to which no answer is required; to the extent they  
23 may be deemed allegations of fact, they are denied.

24 44. Defendants admit that Penal Code sections 26500, 27510, and  
25 26800-26850 speak for themselves. Defendants admit that 27 C.F.R. 478.124(a)  
26 speaks for itself. Except as specifically admitted, the allegations contained in  
27 Paragraph 44 are conclusions of law or characterize Plaintiffs' claims, and thus are  
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1 not averments of fact to which Defendants are required to respond; to the extent  
2 they may be deemed allegations of fact, they are denied.

3 **IMPACT ON PLAINTIFFS**

4 45. The allegations contained in Paragraph 45 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 45, and basing their denial on this ground, deny each and  
9 every allegation thereof.

10 46. The allegations contained in Paragraph 46 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 46, and basing their denial on this ground, deny each and  
15 every allegation thereof.

16 47. The allegations contained in Paragraph 47 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 47, and basing their denial on this ground, deny each and  
21 every allegation thereof.

22 48. The allegations contained in Paragraph 48 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 48, and basing their denial on this ground, deny each and  
27 every allegation thereof.

1           49. The allegations contained in Paragraph 49 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 49, and basing their denial on this ground, deny each and  
6 every allegation thereof.

7           50. The allegations contained in Paragraph 50 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 50, and basing their denial on this ground, deny each and  
12 every allegation thereof.

13           51. The allegations contained in Paragraph 51 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 51, and basing their denial on this ground, deny each and  
18 every allegation thereof.

19           52. The allegations contained in Paragraph 52 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 52, and basing their denial on this ground, deny each and  
24 every allegation thereof.

25           53. The allegations contained in Paragraph 53 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 53, and basing their denial on this ground, deny each and  
3 every allegation thereof.

4 54. The allegations contained in Paragraph 54 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 54, and basing their denial on this ground, deny each and  
9 every allegation thereof.

10 55. The allegations contained in Paragraph 55 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 55, and basing their denial on this ground, deny each and  
15 every allegation thereof.

16 56. The allegations contained in Paragraph 56 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 56, and basing their denial on this ground, deny each and  
21 every allegation thereof.

22 57. The allegations contained in Paragraph 57 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 57, and basing their denial on this ground, deny each and  
27 every allegation thereof.

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1           58. The allegations contained in Paragraph 58 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 58, and basing their denial on this ground, deny each and  
6 every allegation thereof.

7           59. The allegations contained in Paragraph 59 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 59, and basing their denial on this ground, deny each and  
12 every allegation thereof.

13           60. The allegations contained in Paragraph 60 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 60, and basing their denial on this ground, deny each and  
18 every allegation thereof.

19           61. The allegations contained in Paragraph 61 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 61, and basing their denial on this ground, deny each and  
24 every allegation thereof.

25           62. The allegations contained in Paragraph 62 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 62, and basing their denial on this ground, deny each and  
3 every allegation thereof.

4 63. The allegations contained in Paragraph 63 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 63, and basing their denial on this ground, deny each and  
9 every allegation thereof.

10 64. The allegations contained in Paragraph 64 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 64, and basing their denial on this ground, deny each and  
15 every allegation thereof.

16 65. The allegations contained in Paragraph 65 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 65, and basing their denial on this ground, deny each and  
21 every allegation thereof.

22 66. The allegations contained in Paragraph 66 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 66, and basing their denial on this ground, deny each and  
27 every allegation thereof.

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1           67. Defendants lack information or belief sufficient to answer the allegations  
2 contained in Paragraph 67, and basing their denial on this ground, deny each and  
3 every allegation thereof.

4           68. The allegations contained in Paragraph 68 constitute conclusions of law  
5 or 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 of  
7 fact, they are denied.

8                           **DECLARATORY JUDGMENT ALLEGATIONS**

9           69. The allegations contained in Paragraph 69 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                           **INJUNCTIVE RELIEF ALLEGATIONS**

14           70. The allegations contained in Paragraph 70 constitute conclusions of law  
15 or characterize Plaintiffs' claims, and thus are not averments of fact to which  
16 Defendants are required to respond; to the extent they may be deemed allegations of  
17 fact, they are denied.

18           71. The allegations contained in Paragraph 71 constitute conclusions of law  
19 or characterize Plaintiffs' claims, and thus are not averments of fact to which  
20 Defendants are required to respond; to the extent they may be deemed allegations of  
21 fact, they are denied.

22                           **FIRST CAUSE OF ACTION**

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

24           72. Defendants incorporate their answers to Paragraphs 1 through 71 in  
25 answer to Paragraph 72.

26           73. Defendants admit that the Second Amendment to the U.S. Constitution  
27 speaks for itself. Except as specifically admitted, the allegations contained in  
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1 Paragraph 73 constitute conclusions of law to which no answer is required; to the  
2 extent they may be deemed allegations of fact, they are denied.

3 74. Defendants admit that the Second Amendment to the U.S. Constitution  
4 speaks for itself. Defendants admit that the Fourteenth Amendment to the U.S.  
5 Constitution speaks for itself. Except as specifically admitted, the allegations  
6 contained in Paragraph 74 constitute conclusions of law to which no answer is  
7 required; to the extent they may be deemed allegations of fact, they are denied.

8 75. Defendants admit that Penal Code section 27510 speaks for itself.  
9 Except as specifically admitted, the allegations contained in Paragraph 75 constitute  
10 conclusions of law or characterize Plaintiffs' claims, and thus are not averments of  
11 fact to which Defendants are required to respond; to the extent they may be deemed  
12 allegations of fact, they are denied.

13 76. Defendants admit that Penal Code section 27510 speaks for itself.  
14 Except as specifically admitted, Defendants lack information or belief sufficient to  
15 answer the allegations contained in Paragraph 76, and basing their denial on this  
16 ground, deny each and every allegation thereof.

17 77. Defendants admit that Penal Code section 27510 speaks for itself.  
18 Except as specifically admitted, the allegations contained in Paragraph 77 constitute  
19 conclusions of law to which no answer is required; to the extent they may be  
20 deemed allegations of fact, they are denied.

21 78. The allegations contained in Paragraph 78 constitute conclusions of law  
22 or characterize Plaintiffs' claims, and thus are not averments of fact to which  
23 Defendants are required to respond; to the extent they may be deemed allegations of  
24 fact, they are denied.

25 Defendants deny each and every allegation not previously admitted or  
26 otherwise qualified.

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**PRAYER FOR RELIEF**

Defendants deny that Plaintiffs are entitled to the relief set forth in each of the four paragraphs of the prayer for relief immediately following Paragraph 78, or to any relief whatsoever. To the extent that the Prayer for Relief states any allegations, Defendants deny them.

**AFFIRMATIVE DEFENSES**

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

**FIRST AFFIRMATIVE DEFENSE**

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

**FOURTH AFFIRMATIVE DEFENSE**

The First 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 First Amended Complaint, such conduct was, at all times material thereto, undertaken in good faith and in reasonable reliance on existing law.

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

WHEREFORE, Defendants pray that:

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

and proper.

Dated: August 22, 2019

Respectfully Submitted,

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

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