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

11 MATTHEW JONES, et al.

12 Plaintiffs,

13 v.

14 XAVIER BECERRA, in his official
15 capacity as Attorney General of the
16 State of California, et al.,

17 Defendants.

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

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

**PARTIES' JOINT MOTION AND
STIPULATION FOR PLAINTIFFS
TO FILE SECOND AMENDED
COMPLAINT**

Action Filed: July 1, 2019

First Amended Complaint Filed:
July 30, 2019

First Amended Complaint and Summons
Served: August 1, 2019

1 Plaintiffs Matthew Jones, et al., and Defendants Xavier Becerra (in his official
2 capacity as Attorney General of the State of California) and Brent E. Orick (in his
3 official capacity as Acting Director of the Department of Justice Bureau of Firearms),
4 through their respective counsel of record, hereby stipulate to Plaintiff’s filing of a
5 second amended complaint, pursuant to Federal Rules of Civil Procedure Rule
6 15(a)(2), to address recent changes in state law to California Penal Code section
7
8 27510 – the statute at issue in this case.

10 **I. FACTUAL AND PROCEDURAL BACKGROUND**

11 Plaintiffs filed their initial complaint on July 1, 2019. ECF No. 1. Plaintiffs
12 then filed their First Amended Complaint for Declaratory and Injunctive Relief (FAC)
13 on July 30, 2019, and served the FAC and summons on August 1, 2019. ECF No. 3;
14 ECF No. 5 at 1, n.2. Defendants filed and served their Answer to the FAC on August
15 22, 2019. ECF No. 5. Parties attended a Case Management Conference (CMC) on
16 October 9, 2019, pursuant to Magistrate Judge Goddard’s Order. Dkt. No. 9. At the
17 CMC, Plaintiffs’ counsel discussed the likelihood of California Governor Gavin
18 Newsom signing Senate Bill 61 (SB 61) within one to two weeks after the CMC. If
19 signed, SB 61 would make changes to Penal Code section 27510 relating to the ability
20 of Young Adults ages 18-to-20 years old to lawfully purchase firearms. Plaintiffs seek
21 to file a Second Amended Complaint and refile their motion for preliminary injunction
22 to account for the changes in the law effectuated by SB 61.
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1 On October 11, 2019, Governor Newsom signed SB 61 into law. As
2 discussed at the CMC, Plaintiffs withdrew their motion for preliminary injunction on
3 October 18, 2019, and parties’ counsel met and conferred regarding the changes made
4 in Plaintiffs’ Second Amended Complaint. Thereafter, the parties, through their
5 counsel, agreed to stipulate to allow Plaintiffs to file their Second Amended
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7
8 Complaint.

9 **II. GOOD CAUSE EXISTS TO GRANT LEAVE TO FILE PLAINTIFFS’ SECOND**
10 **AMENDED COMPLAINT**

11 Good cause exists for Plaintiffs to file their Second Amended Complaint, as
12 Penal Code section 27510 has undergone changes since Plaintiffs filed their First
13 Amended Complaint. Plaintiffs’ Second Amended Complaint addresses the changes
14 in the law and its effect on Young Adults ages 18-to-20 years old. Once Plaintiffs’
15 Second Amended Complaint is filed and served, Plaintiffs plan to refile their motion
16 for preliminary injunction to account for the changes in the law.
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19 **WHEREFORE:**

20 The parties, through their respective counsel, stipulate to allow Plaintiffs to file
21 their Second Amended Complaint on or before November 8, 2019, or by a date
22 thereafter set by this Court. Defendants will file a pleading responsive to Plaintiffs’
23 Second Amended Complaint within 14 days after the filing of the Second Amended
24 Complaint, or by a date thereafter set by this Court. Plaintiffs will also refile and
25 serve their motion for preliminary injunction on or before November 8, 2019, or
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1 within 2 court days of the filing of their Second Amended Complaint in accordance
2 with the order of this Court on this joint motion and stipulation. The parties will file a
3 joint motion and stipulation to an extended briefing schedule on Plaintiffs' anticipated
4 motion for a preliminary injunction immediately following the filing of the motion for
5 preliminary injunction.
6 preliminary injunction.

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8 A proposed order will be lodged with the Court concurrently with the
9 submission of this stipulation.

10 November 5, 2019

Respectfully submitted,

Gatzke, Dillon & Ballance LLP

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14 By: 

John Dillon
Attorney for Plaintiffs

15
16 November 5, 2019

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

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18
19
20
21 By: 

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*