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 8 official capacity as Attorney General of California,
 Brent E. Orick, in his official capacity as Acting
 9 Chief for the Department of Justice Bureau of
 Firearms, and Robert D. Wilson, in his official
 10 capacity as Deputy Attorney General)*

11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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16 **CHAD LINTON, an individual; PAUL
 MCKINLEY STEWART, an individual;
 17 KENDALL JONES, an individual;
 FIREARMS POLICY FOUNDATION;
 18 FIREARMS POLICY COALITION;
 SECOND AMENDMENT FOUNDATION;
 19 THE CALIFORNIA GUN RIGHTS
 FOUNDATION; and MADISON SOCIETY
 20 FOUNDATION,**

21 Plaintiffs,

22 v.

23 **XAVIER BECERRA, in his official capacity
 24 as Attorney General of California; BRENT
 E. ORICK, in his official capacity as Acting
 25 Chief of the Department of Justice Bureau
 of Firearms; and ROBERT D. WILSON, in
 26 his official capacity as Deputy Attorney
 General,**

27 Defendants.
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3:18-cv-7653-JD

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

Judge: The Honorable James Donato
 Action Filed: December 20, 2018

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ANSWER

Defendants Xavier Becerra, in his official capacity as Attorney General of California, Brent E. Orick, in his official capacity as Acting Chief for the Department of Justice Bureau of Firearms, and Robert D. Wilson, in his official capacity as Deputy Attorney General (collectively, Defendants), hereby answer the First Amended Complaint for Declaratory Judgment and Injunctive Relief, filed Chad Linton, Paul McKinley Stewart, Firearms Policy Foundation, Firearms Policy Coalition, Second Amendment Foundation, The California Gun Rights Foundation, and Madison Society Foundation (ECF No. 36), filed December 2, 2019, as follows:

Introduction¹

1. Answering Paragraphs 1, 2, and 3, these paragraphs contain assertions and conclusions of law, and Plaintiffs’ characterization of this lawsuit, to which no response is required. To the extent there are factual allegations for which a response is necessary, or the paragraphs misstate the applicable law, Defendants deny the allegations.

Parties

2. Answering Paragraphs 4 through 6, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, deny the allegations.

3. Answering Paragraphs 7 through 11, Defendants admit that Firearms Policy Foundation, Firearms Policy Coalition, Inc., Second Amendment Foundation, Inc., The California Gun Rights Foundation, and Madison Society Foundation, are non-profit organizations. Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations, and on that basis, deny the allegations.

4. Answering Paragraph 12, this paragraph contains assertions and conclusions of law, and Plaintiffs’ characterization of this lawsuit, to which no response is required. To the extent

¹ For ease of reference, Defendants include the headings used in the Complaint. Defendants deny allegations contained in all unenumerated subheadings of the Complaint.

1 Paragraph 12 contains material factual allegations for which a response is necessary, Defendants
2 admit the allegations.

3 5. Answering Paragraph 13, Defendants admit that Brent E. Orick is the Acting Chief of
4 the Department of Justice's Bureau of Firearms and that he is being sued in his official capacity.
5 Defendants deny the remaining allegations in this paragraph.

6 6. Answering Paragraph 14, Defendants admit that Robert D. Wilson is a Deputy
7 Attorney General for the California Department of Justice and that he is being sued in his official
8 capacity. Defendants deny the remaining allegations in this paragraph.

9 7. Answering Paragraph 15, Defendants deny the allegations.

10 **Jurisdiction and Venue**

11 8. Answering Paragraphs 16 and 17, these paragraphs contain assertions and
12 conclusions of law, and Plaintiffs' characterization of this lawsuit, to which no response is
13 required. To the extent there are factual allegations for which a response is necessary, or the
14 paragraphs misstate the applicable law, Defendants deny the allegations.

15 **Background and Facts Common to All Counts**

16 ***Plaintiff Chad Linton***

17 9. Answering Paragraphs 18 through 23, Defendants lack sufficient knowledge or
18 information to form a belief as to the truth of the allegations, and on that basis, deny the
19 allegations.

20 10. Answering Paragraph 24, Defendants admit that Plaintiff Linton was denied the
21 purchase of a firearm in or around December 2015, and lack sufficient knowledge or information
22 to form a belief about the remaining allegations, and on that basis, deny the allegations.

23 11. Answering Paragraphs 25 and 26, Defendants lack sufficient knowledge or
24 information to form a belief as to the truth of the allegations, and on that basis, deny the
25 allegations.

26 12. Answering Paragraph 27, first sentence, Defendants admit that Plaintiff Linton
27 underwent a personal Firearms Eligibility Check (PFEC) pursuant to California Penal Code
28 § 30105(a), and lack sufficient knowledge or information to form a belief as to the truth of the

1 remaining allegations, and on that basis, deny the allegations. Answering Paragraph 27, second,
2 third, and fourth, these sentences contain Plaintiffs' characterizations of Exhibit C, which speaks
3 for itself, and to which no response is required.

4 13. Answering Paragraph 28, first sentence, Defendants lack sufficient knowledge or
5 information sufficient to form a belief as to the truth of the allegations, and on that basis, deny the
6 allegations. Answering Paragraph 28, second and third sentences, these sentences are based on
7 Plaintiffs' characterizations of Exhibit D, which speaks for itself, and to which no response is
8 required. Answering Paragraph 28, fourth sentence, Defendants lack sufficient knowledge or
9 information sufficient to form a belief as to the truth of the allegations, and on that basis, deny the
10 allegations.

11 14. Answering Paragraph 29, Defendants lack sufficient knowledge or information to
12 form a belief as to the truth of the allegations, and on that basis, deny the allegations.

13 15. Answering Paragraph 30, this paragraph is based on Plaintiffs' characterization of
14 Exhibit E, which speaks for itself and to which no response is required. Defendants lack
15 sufficient knowledge or information to form a belief as to the truth of any remaining allegations,
16 and on that basis, deny the allegations.

17 16. Answering Paragraph 31, this paragraph is based on Plaintiffs' characterization of
18 Exhibits F and G, which speak for themselves and to which no response is required. Defendants
19 lack sufficient knowledge or information to form a belief as to the truth of any remaining
20 allegations, and on that basis, deny the allegations.

21 17. Answering Paragraphs 32 through 36, Defendants lack sufficient knowledge or
22 information to form a belief as to the truth of the allegations, and on that basis, deny the
23 allegations.

24 18. Answering Paragraph 37, Defendants lack sufficient knowledge or information to
25 form a belief as to the truth of the allegations, and on that basis, deny the allegations. Defendants
26 further respond that to the extent the allegations are a characterization of Exhibit H, the document
27 speaks for itself and no response is required.
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1 19. Answering Paragraph 38, Defendants lack sufficient knowledge or information to
2 form a belief as to the truth of the allegations, and on that basis, deny the allegations.

3 ***Plaintiff Paul McKinley Stewart***

4 20. Answering Paragraphs 39 through 46, Defendants lack sufficient knowledge or
5 information to form a belief as to the truth of the allegations, and on that basis, deny the
6 allegations.

7 21. Answering Paragraph 47, Defendants lack sufficient knowledge or information to
8 form a belief as to the truth of the allegations, and on that basis, deny the allegations. Defendants
9 further respond that to the extent the allegations are a characterization of Exhibit I, the document
10 speaks for itself and no response is required.

11 22. Answering Paragraphs 48 and 49, Defendants lack sufficient knowledge or
12 information to form a belief as to the truth of the allegations, and on that basis, deny the
13 allegations.

14 23. Answering Paragraph 50, this paragraph is based on Plaintiffs' characterization of
15 Exhibit J, which speaks for itself and to which no response is required. Defendants lack sufficient
16 knowledge or information to form a belief as to the truth of any remaining allegations, and on that
17 basis, deny the allegations.

18 24. Answering Paragraph 51, Defendants lack sufficient knowledge or information to
19 form a belief as to the truth of the allegations, and on that basis, deny the allegations.

20 25. Answering Paragraphs 52 and 53, Defendants deny the allegations.

21 ***Plaintiff Kendall Jones***

22 26. Answering Paragraphs 54 through 55, Defendants lack sufficient knowledge or
23 information to form a belief as to the truth of the allegations, and on that basis, deny the
24 allegations.

25 27. Answering Paragraph 56, first sentence, Defendants lack sufficient knowledge or
26 information to form a belief as to the truth of the allegations, and on that basis, deny the
27 allegations. The remaining allegations in this paragraph contain Plaintiffs' assertions and
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1 conclusions of law, as well as Plaintiffs' characterization of Exhibit K, all of which speak for
2 themselves, and to which no response is required.

3 28. Answering Paragraphs 57 through 59, Defendants lack sufficient knowledge or
4 information to form a belief as to the truth of the allegations, and on that basis, deny the
5 allegations.

6 29. Answering Paragraph 60, this paragraph contains Plaintiffs' characterization of
7 Exhibit L, which speaks for itself, and to which no response is required. Defendants deny the
8 remaining allegations in this paragraph.

9 30. Answering Paragraph 61, Defendants admit that, in 2019, Plaintiff Jones was
10 informed of his ineligibility to own or possess a firearm. Defendants lack sufficient knowledge or
11 information to form a belief as to the truth of the remaining allegations, and on that basis, deny
12 the allegations. Defendants further respond that to the extent this paragraph contains Plaintiffs'
13 characterization of Exhibit M, the document speaks for itself and no response is required.

14 31. Answering Paragraphs 62 through 65, Defendants deny the allegations.

15 32. Answering Paragraph 66, this paragraph contains assertions and conclusions of law,
16 and Plaintiffs' characterization of this lawsuit, to which no response is required. To the extent
17 there are factual allegations for which a response is necessary, Defendants deny the allegations.

18 **CLAIMS FOR RELIEF**

19 **COUNT I: VIOLATION OF U.S. CONST., AMEND. II**

20 33. Answering Paragraph 67, Defendants incorporate by reference their responses to the
21 preceding paragraphs.

22 34. Answering Paragraphs 68 and 69, these paragraphs contain assertions and
23 conclusions of law to which no response is required. To the extent there are factual allegations
24 for which a response is necessary, or the paragraphs misstate the applicable law, Defendants deny
25 the allegations.

26 35. Answering Paragraphs 70 through 72, Defendants lack sufficient knowledge or
27 information to form a belief as to the truth of the allegations, and on that basis, deny the
28 allegations.

1 36. Answering Paragraph 73, Defendants deny depriving Plaintiffs of their Second
2 Amendment right. Defendants lack sufficient knowledge or information to form a belief as to the
3 remaining allegations, and on that basis, deny the allegations.

4 37. Answering Paragraphs 74 and 75, these paragraphs contain assertions and
5 conclusions of law to which no response is required. To the extent there are factual allegations
6 for which a response is necessary, or the paragraphs misstate the applicable law, Defendants deny
7 the allegations.

8 **COUNT II: VIOLATION OF U.S. CONST., Art. IV § 1**
9 **Full Faith and Credit Clause**

10 38. Answering Paragraph 76, Defendants incorporate by reference their responses to the
11 preceding paragraphs.

12 39. Answering Paragraphs 77 through 79, these paragraphs contain assertions and
13 conclusions of law and to which no response is required. To the extent there are factual
14 allegations for which a response is necessary, or the paragraphs misstate the applicable law,
15 Defendants deny the allegations.

16 40. Answering Paragraph 80, Defendants deny the allegations.

17 **COUNT III: VIOLATION OF U.S. CONST., Art. IV § 2; Amend. XIV, § 1**
18 **Privileges and Immunities Clause**
19 **(Against All Defendants)**

20 41. Answering Paragraph 81, Defendants incorporate by reference their responses to the
21 preceding paragraphs.

22 42. Answering Paragraphs 82 through 85, Defendants deny the allegations.

23 43. Answering Paragraphs 86 through 88, these paragraphs contain assertions and
24 conclusions of law and to which no response is required. To the extent there are factual
25 allegations for which a response is necessary, or the paragraphs misstate the applicable law,
26 Defendants deny the allegations.

27 44. Defendants deny all allegations in the First Amended Complaint not expressly
28 admitted.

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PRAYER FOR RELIEF

45. Defendants deny that Plaintiffs are entitled to any relief.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Defendants are entitled to qualified immunity from this action because their actions were objectively reasonable and did not violate any clearly established right.

Second Affirmative Defense

Plaintiffs fail to state a claim upon which relief can be granted, or any justiciable claim.

Third Affirmative Defense

Plaintiffs lack standing to challenge the constitutionality of the alleged policies, practices, and practices in this case.

Fourth Affirmative Defense

Plaintiffs have not suffered an actual injury or damages.

Fifth Affirmative Defense

Plaintiffs cannot pursue the First Amended Complaint because of the doctrines of estoppel, laches, unclean hands, and waiver.

Sixth Affirmative Defense

Plaintiffs contributed to their own damages, if any, by committing felony offenses.

Seventh Affirmative Defense

The acts or omissions of third persons or parties are the legal cause of Plaintiffs' damages in whole or in part.

Eighth Affirmative Defense

Because the allegations in the First Amended Complaint are couched in conclusory terms, Defendants cannot fully anticipate all affirmative defenses that may be applicable to this action. Thus, Defendants reserve the right to assert additional affirmative defenses, if and to the extent such affirmative defenses apply.

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Ninth Affirmative Defense

The First Amended Complaint, and each cause of action alleged therein, fails to state a claim for attorneys’ fees.

Tenth Affirmative Defense

Defendants are entitled to sovereign immunity from this action.

DEFENDANTS’ PRAYER FOR RELIEF

Defendants pray that the Court provide the following relief:

- 1. That Plaintiffs take nothing by this action;
- 2. Entry of judgment for Defendants;
- 3. An award of costs of suit and attorneys’ fees to Defendants; and

Such other relief as the Court deems proper.

Dated: December 16, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ANTHONY R. HAKL
Supervising Deputy Attorney General

/s/ Maureen C. Onyeagbako
MAUREEN C. ONYEAGBAKO
Deputy Attorney General
Attorneys for Defendants Xavier Becerra, in his official capacity as Attorney General of California, Brent E. Orick, in his official capacity as Acting Chief for the Department of Justice Bureau of Firearms, and Robert D. Wilson, in his official capacity as Deputy Attorney General

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CERTIFICATE OF SERVICE

Case Name: **Linton, Chad, et al v. Xavier
Becerra**

No. **3:18-cv-7653-JD**

I hereby certify that on December 16, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

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

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 16, 2019, at Sacramento, California.

Eileen A. Ennis

Declarant

/s/ Eileen A. Ennis

Signature