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10 *Department of Justice Bureau of Firearms*

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
13

14 **JOSE CHAVEZ, et al.,**
15
16 Plaintiffs,
17
18 **v.**
19 **ROB BONTA, in his official capacity**
as Attorney General of the State of
California, et al.,
20 Defendants.

3:19-cv-01226-L-AHG

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

Judge: Hon. M. James Lorenz and
Magistrate Judge Alison H.
Goddard

Action
Filed: July 1, 2019

Third Amended Complaint Filed:
March 22, 2023

Summons re: Third Amended
Complaint Issued:
March 23, 2022

1 Defendant Rob Bonta, in his official capacity as Attorney General of the State
 2 of California, and Defendant Allison Mendoza, in her official capacity as Director
 3 of the Department of Justice Bureau of Firearms¹ (collectively, “Defendants”)
 4 submit their answer in response to Plaintiffs’ Third Amended Complaint for
 5 Declaratory and Injunctive Relief (ECF No. 114). Defendants answer, in
 6 paragraphs that correspond to the Third Amended Complaint’s paragraphs, as
 7 follows:²

8 The allegations contained at lines 2-8 of page 2 of the Third 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 Third 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 VENUE³**

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

24 ¹ Allison Mendoza previously held the position of Acting Director of the
 25 Department of Justice Bureau of Firearms. Her appointment to the position of
 26 Director of the Department of Justice Bureau of Firearms, effective March 2, 2023,
 27 was announced on March 24, 2023.

28 ² The following responses to each paragraph include responses to any
 footnotes that may be contained in the relevant paragraph.

³ For the convenience of the Court and the parties, Defendants utilize certain
 headings as set forth in the Third Amended Complaint. In doing so, Defendants

2. Defendants admit that Plaintiffs seek declaratory and injunctive relief, as well as attorneys' fees. Defendants further admit that each statute referenced in Paragraph 2 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 contained in Paragraph 8, and basing their denial on this ground, deny each and every allegation thereof.

B. Institutional Plaintiffs

9. To the extent that the allegations contained in the eighth sentence of Paragraph 9, beginning on page 7, line 18, are Plaintiffs' characterization of their neither admit nor deny any allegations that may be suggested by the Third Amended Complaint's headings.

1 case and conclusions of law, no answer is required. To the extent the allegations in
2 these lines may be deemed allegations of fact, and as to the remaining allegations
3 contained in Paragraph 9, Defendants lack information or belief sufficient to
4 answer, and basing their denial on this ground, deny the allegations thereof.

5 10. To the extent that the allegations contained in the eighth sentence of
6 Paragraph 10, beginning on page 8, line 21, are Plaintiffs' characterization of their
7 case and conclusions of law, no answer is required. To the extent the allegations in
8 these lines may be deemed allegations of fact, and as to the remaining allegations
9 contained in Paragraph 10, Defendants lack information or belief sufficient to
10 answer, and basing their denial on this ground, deny the allegations thereof.

11 11. To the extent that the allegations contained in the seventh sentence of
12 Paragraph 11, beginning on page 9, line 25, are Plaintiffs' characterization of their
13 case and conclusions of law, no answer is required. To the extent the allegations in
14 these lines may be deemed allegations of fact, and as to the remaining allegations
15 contained in Paragraph 11, Defendants lack information or belief sufficient to
16 answer, and basing their denial on this ground, deny the allegations thereof.

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

23 13. Defendants lack information or belief sufficient to answer the allegations
24 contained in Paragraph 13, and basing their denial on this ground, deny each and
25 every allegation 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. To the extent that the allegations contained in the second sentence of
2 Paragraph 15, beginning on page 12, line 14, are Plaintiffs' characterization of their
3 case and conclusions of law, no answer is required. To the extent the allegations in
4 these lines may be deemed allegations of fact, and as to the remaining allegations
5 contained in Paragraph 15, Defendants lack information or belief sufficient to
6 answer, and basing their denial on this ground, deny the allegations thereof.

7 16. To the extent that the allegations contained in the second sentence of
8 Paragraph 16, beginning on page 12, line 24, 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 16, Defendants lack information or belief sufficient to
12 answer, and basing their denial on this ground, deny the allegations thereof.

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

18 18. Defendants admit that Plaintiffs seek declaratory and injunctive relief.
19 Except as specifically admitted, the allegations contained in Paragraph 18
20 characterize Plaintiffs' claims and are not averments of fact to which Defendants
21 are required to respond. To the extent they may be deemed allegations of fact, they
22 are denied.

23 **C. Defendants**

24 19. To the extent that the allegations contained in Paragraph 19 are
25 conclusions of law, no answer is required. Defendants admit that Defendant Rob
26 Bonta is the Attorney General of California and the chief law officer of the State,
27 and that he is sued in his official capacity. Defendants admit that article V, section
28

1 13 of the California Constitution speaks for itself. Except as specifically admitted,
2 Defendants deny the allegations of Paragraph 19.

3 20. Defendants deny the allegations in Paragraph 20. Defendants admit that
4 Defendant Allison Mendoza is the Director of the Department of Justice Bureau of
5 Firearms and that she is sued in her official capacity.

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

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

12 **FACTUAL ALLEGATIONS**

13 23. Defendants admit that the Second Amendment to the U.S. Constitution
14 speaks for itself. Except as specifically admitted, Defendants deny the allegations
15 in Paragraph 23.

16 24. Defendants admit that the Second Amendment to the U.S. Constitution
17 speaks for itself. Defendants admit that the judicial opinion quoted in Paragraph 24
18 speaks for itself. Except as specifically admitted, Defendants deny the allegations
19 in Paragraph 24.

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

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

26 27. Defendants admit that the statutes cited in Paragraph 27 speak for
27 themselves. Except as specifically admitted, the allegations contained in Paragraph
28

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

3 28. Defendants admit that the judicial opinions quoted in Paragraph 28 speak
4 for themselves. Except as specifically admitted, the allegations contained in
5 Paragraph 28 characterize Plaintiffs' claims and 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 29. Defendants admit that the statute cited in Paragraph 29 speaks for itself.
9 Except as specifically admitted, the allegations contained in Paragraph 29 constitute
10 conclusions of law to which no answer is required; to the extent they may be
11 deemed allegations of fact, they are denied.

12 30. Defendants admit that the statute cited in Paragraph 30 speaks for itself.
13 Except as specifically admitted, the allegations contained in Paragraph 30 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 31. Defendants admit that the judicial opinion quoted in Paragraph 31 and
17 footnote 1 speaks for itself. Except as specifically admitted, the allegations
18 contained in Paragraph 31 characterize Plaintiffs' claims and are not averments of
19 fact to which Defendants are required to respond; to the extent they may be deemed
20 allegations of fact, they are denied.

21 32. Defendants admit that Penal Code section 27510 speaks for itself and
22 that amendments to it took effect January 1, 2019. Except as specifically admitted,
23 Defendants deny the allegations in Paragraph 32.

24 33. The allegations in Paragraph 33 characterize Plaintiffs' claims and are
25 not averments of fact to which Defendants are required to respond. To the extent a
26 response is required, Defendants deny the allegations in Paragraph 33.

27 **The California Age-Based Gun Ban**
28

1 34. Defendants admit that SB 1100 was signed by former Governor Edmund
2 G. Brown Jr. on September 28, 2018. Defendants admit that SB 1100 and Penal
3 Code section 27510 speak for themselves. Defendants admit that SB 1100 took
4 effect on January 1, 2019. Defendants admit that Plaintiffs do not contest the
5 State's ban on the sale/transfer of handguns to adults under the age of 21 in the
6 Third Amended Complaint. Except as specifically admitted, Defendants deny the
7 allegations in Paragraph 34 and footnote 2.

8 35. The allegations contained in Paragraph 35 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 36. Defendants admit that SB 1100 and Penal Code section 27510 speak for
12 themselves. Except as specifically admitted, Defendants deny the allegations in
13 Paragraph 36.

14 37. Defendants admit that Governor Newsom signed SB 61 on October 11,
15 2019. Defendants admit that SB 61 speaks for itself. Except as specifically
16 admitted, Defendants deny the allegations in Paragraph 37.

17 38. Defendants admit that SB 61 and Penal Code section 27510 speak for
18 themselves. Except as specifically admitted, Defendants deny the allegations in
19 Paragraph 38.

20 39. Defendants admit that SB 61 speaks for itself. Except as specifically
21 admitted, the allegations contained in Paragraph 39 characterize Plaintiffs' claims
22 and are not averments of fact to which Defendants are required to respond; to the
23 extent they may be deemed allegations of fact, they are denied.

24 40. Defendants admit that SB 61 and Penal Code section 27510 speak for
25 themselves. Except as specifically admitted, the allegations in Paragraph 40 are not
26 averments of fact to which Defendants are required to respond; to the extent they
27 may be deemed allegations of fact, they are denied.

1 41. The allegations contained in Paragraph 41 characterize Plaintiffs' claims
2 and thus are not averments of fact to which Defendants are required to respond; to
3 the extent they may be deemed allegations of fact, they are denied.

4 42. Defendants admit that Penal Code section 27510 speaks for itself.
5 Except as specifically admitted, the allegations contained in Paragraph 42
6 characterize Plaintiffs' claims and are not averments of fact to which Defendants
7 are required to respond; to the extent they may be deemed allegations of fact, they
8 are denied.

9 43. Defendants admit that the judicial opinions quoted in Paragraph 43 and
10 footnote 3 speak for themselves. Defendants admit that SB 61 and Penal Code
11 section 27510 speak for themselves. Except as specifically admitted, the
12 allegations contained in Paragraph 43 and footnote 3 characterize Plaintiffs' claims
13 and are not averments of fact to which Defendants are required to respond; to the
14 extent they may be deemed allegations of fact, they are denied.

15 44. Defendants admit that Penal Code sections 27590 and 27510 (which
16 Plaintiffs call the "California Age-Based Gun Ban") speak for themselves. Except
17 as specifically admitted, the allegations contained in Paragraph 44 are not
18 averments of fact to which Defendants are required to respond; to the extent they
19 may be deemed allegations of fact, they are denied.

20 **Infringement of Plaintiffs' and similarly situated adults'**
21 **Second Amendment rights**

22 45. Defendants admit that 18 U.S.C. § 922(b)(1) speaks for itself. Except as
23 specifically admitted, the allegations contained in Paragraph 45 are conclusions of
24 law or characterize Plaintiffs' claims, and thus are not averments of fact to which
25 Defendants are required to respond; to the extent they may be deemed allegations of
26 fact, they are denied.

27 46. Defendants admit that Penal Code sections 29800 and 29805 speak for
28 themselves. Except as specifically admitted, the allegations contained in

1 Paragraph 46 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 47. Defendants admit that Penal Code sections 26500, 27510, and
4 26800-26850 speak for themselves. Defendants admit that 27 C.F.R. 478.124(a)
5 speaks for itself. Except as specifically admitted, the allegations contained in
6 Paragraph 47 are conclusions of law or characterize Plaintiffs' claims, and thus are
7 not averments of fact to which Defendants are required to respond; to the extent
8 they may be deemed allegations of fact, they are denied.

9 **IMPACT ON PLAINTIFFS**

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

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

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

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

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

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

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

25 55. The allegations contained in Paragraph 55 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
28 of fact, Defendants lack information or belief sufficient to answer the allegations

1 contained in Paragraph 55, and basing their denial on this ground, deny each and
2 every allegation thereof.

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

9 57. The allegations contained in Paragraph 57 are conclusions of law or
10 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
12 of fact, Defendants lack information or belief sufficient to answer the allegations
13 contained in Paragraph 57, and basing their denial on this ground, deny each and
14 every allegation thereof.

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

21 59. The allegations contained in Paragraph 59 are conclusions of law or
22 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
24 of fact, Defendants lack information or belief sufficient to answer the allegations
25 contained in Paragraph 59, and basing their denial on this ground, deny each and
26 every allegation thereof.

27 60. The allegations contained in Paragraph 60 are conclusions of law or
28 characterize Plaintiffs' claims, and thus are not averments of fact to which

1 Defendants are required to respond. To the extent they may be deemed allegations
2 of fact, Defendants lack information or belief sufficient to answer the allegations
3 contained in Paragraph 60, and basing their denial on this ground, deny each and
4 every allegation thereof.

5 61. The allegations contained in Paragraph 61 are conclusions of law or
6 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
8 of fact, Defendants lack information or belief sufficient to answer the allegations
9 contained in Paragraph 61, and basing their denial on this ground, deny each and
10 every allegation thereof.

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

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

23 64. The allegations contained in Paragraph 64 and footnote 4 are conclusions
24 of law or characterize Plaintiffs' claims, and thus are not averments of fact to which
25 Defendants are required to respond. To the extent they may be deemed allegations
26 of fact, Defendants lack information or belief sufficient to answer the allegations
27 contained in Paragraph 64, and basing their denial on this ground, deny each and
28 every allegation thereof.

65. Defendants lack information or belief sufficient to answer the allegations contained in Paragraph 65, and basing their denial on this ground, deny each and every allegation thereof.

66. The allegations contained in Paragraph 66 constitute conclusions of law or characterize Plaintiffs' claims, and thus are not averments of fact to which Defendants are required to respond; to the extent they may be deemed allegations of fact, they are denied.

DECLARATORY JUDGMENT ALLEGATIONS

67. The allegations contained in Paragraph 67 constitute conclusions of law or characterize Plaintiffs' claims, and thus are not averments of fact to which Defendants are required to respond; to the extent they may be deemed allegations of fact, they are denied.

INJUNCTIVE RELIEF ALLEGATIONS

68. The allegations contained in Paragraph 68 constitute conclusions of law or characterize Plaintiffs' claims, and thus are not averments of fact to which Defendants are required to respond; to the extent they may be deemed allegations of fact, they are denied.

69. The allegations contained in Paragraph 69 constitute conclusions of law or characterize Plaintiffs' claims, and thus are not averments of fact to which Defendants are required to respond; to the extent they may be deemed allegations of fact, they are denied.

FIRST CAUSE OF ACTION

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

70. Defendants incorporate their answers to Paragraphs 1 through 69 in answer to Paragraph 70.

71. Defendants admit that the Second Amendment to the U.S. Constitution speaks for itself. Except as specifically admitted, the allegations contained in

1 Paragraph 71 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 72. 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 72 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 73. Defendants admit that Penal Code section 27510 speaks for itself.
9 Except as specifically admitted, the allegations contained in Paragraph 73 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 74. Defendants admit that Penal Code section 27510 speaks for itself.
14 Except as specifically admitted, and but for the last sentence of Paragraph 74, the
15 allegations contained in Paragraph 74 are conclusions of law or characterize
16 Plaintiffs' claims, and thus are not averments of fact to which Defendants are
17 required to respond. To the extent they may be deemed allegations of fact, and as
18 to the remaining allegations contained in Paragraph 74, Defendants lack
19 information or belief sufficient to answer the allegations contained in Paragraph 74,
20 and basing their denial on this ground, deny each and every allegation thereof.

21 75. Defendants admit that Penal Code section 27510 speaks for itself.
22 Except as specifically admitted, the allegations contained in Paragraph 75 constitute
23 conclusions of law to which no answer is required; to the extent they may be
24 deemed allegations of fact, they are denied.

25 76. The allegations contained in Paragraph 76 constitute conclusions of law
26 or 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 of
28 fact, they are denied.

1 Defendants deny each and every allegation not previously admitted or
2 otherwise qualified.

3 **PRAYER FOR RELIEF**

4 Defendants deny that Plaintiffs are entitled to the relief set forth in each of the
5 three paragraphs of the prayer for relief immediately following Paragraph 76, or to
6 any relief whatsoever. To the extent that the Prayer for Relief states any
7 allegations, Defendants deny them.

8 **AFFIRMATIVE DEFENSES**

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

12 **FIRST AFFIRMATIVE DEFENSE**

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

15 **SECOND AFFIRMATIVE DEFENSE**

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

18 **THIRD AFFIRMATIVE DEFENSE**

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

23 **FOURTH AFFIRMATIVE DEFENSE**

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

10
11 Dated: April 13, 2023

Respectfully submitted,

12
13 ROB BONTA
Attorney General of California
14 MARK R. BECKINGTON
Supervising Deputy Attorney General
15 STEPHANIE ALBRECHT
Deputy Attorney General

16 /s/ Jennifer E. Rosenberg
17 JENNIFER E. ROSENBERG
Deputy Attorney General
18 *Attorneys for Defendants Rob Bonta,*
19 *in his official capacity as Attorney*
20 *General of the State of California,*
21 *and Allison Mendoza, in her official*
22 *capacity as Director of the*
23 *Department of Justice Bureau of*
24 *Firearms*