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9 General Rob Bonta*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN DIEGO
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15 **ASHLEYMARIE BARBA; FIREARMS
POLICY COALITION, INC.; SECOND
16 AMENDMENT FOUNDATION;
CALIFORNIA GUN RIGHTS
17 FOUNDATION; SAN DIEGO COUNTY
GUN OWNERS PAC; ORANGE COUNTY
18 GUN OWNERS PAC; and INLAND
EMPIRE GUN OWNERS PAC,**

19 Plaintiffs,
20

21 **v.**

22 **ROB BONTA, in his official capacity as
Attorney General of California,**

23 Defendant.
24
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Case No. 37-2022-00003676-CU-CR-CTL

**ANSWER TO FIRST AMENDED
VERIFIED COMPLAINT FOR
DECLARATORY, INJUNCTIVE, OR
OTHER RELIEF**

Dept: C-69
Judge: The Honorable Katherine A.
Bacal

*Exempt from Filing Fees,
Gov. Code, § 6103*

1 Defendant Rob Bonta answers the First Amended Verified Complaint for Declaratory,
2 Injunctive, or Other Relief (“Complaint”) filed by Plaintiffs as follows:

3 **INTRODUCTION**

4 1. Answering paragraph 1, Defendant understands paragraph 1 to contain Plaintiffs’
5 legal arguments, to which no response is required. To the extent that a response is required,
6 Defendant denies the allegations of paragraph 1.

7 2. Answering paragraph 2, Defendant admits that all purchasers of firearms in California
8 must provide personal information at the time of the transaction, and that data is stored in DOJ
9 databases including the Automated Firearms System (AFS). Defendant admits that similar
10 personal information is collected for ammunition transactions and is stored in DOJ databases
11 including the Ammunition Purchase Records File. Defendant understands the remainder of
12 paragraph 2 to contain Plaintiffs’ legal arguments, to which no response is required. Except as
13 expressly admitted, Defendant denies the allegations of paragraph 2.

14 3. Answering paragraph 3, Defendant understands paragraph 3 to contain Plaintiffs’
15 legal arguments, to which no response is required. To the extent that a response is required,
16 Defendant denies the allegations of paragraph 3.

17 4. Answering paragraph 4, Defendant understands paragraph 4 to contain Plaintiffs’
18 legal arguments, to which no response is required. To the extent that a response is required,
19 Defendant denies the allegations of paragraph 4.

20 5. Answering paragraph 5, Defendant understands paragraph 5 to contain Plaintiffs’
21 legal arguments, to which no response is required. To the extent that a response is required,
22 Defendant denies the allegations of paragraph 5.

23 6. Answering paragraph 6, Defendant understands paragraph 6 to contain Plaintiffs’
24 legal arguments, to which no response is required. To the extent that a response is required,
25 Defendant denies the allegations of paragraph 6.

26 **JURISDICTION AND VENUE**

27 7. Answering paragraph 7, Defendant admits that the Court has jurisdiction over the
28 claims raised in the Complaint.

8. Answering paragraph 8, Defendant admits that venue in this Court is proper.

THE PARTIES

9. Answering paragraph 9, Defendant admits that some personal identifying information about Plaintiff Barba is contained in AFS and the Ammunition Purchase Records File. Defendant lacks sufficient information and knowledge to admit or deny the remaining allegations of paragraph 9 and, on that basis, Defendant denies all such allegations.

10. Answering paragraph 10, Defendant lacks sufficient information and knowledge to admit or deny the allegations of paragraph 10 and, on that basis, Defendant denies all such allegations.

11. Answering paragraph 11, Defendant lacks sufficient information and knowledge to admit or deny the allegations of paragraph 11 and, on that basis, Defendant denies all such allegations.

12. Answering paragraph 12, Defendant lacks sufficient information and knowledge to admit or deny the allegations of paragraph 12 and, on that basis, Defendant denies all such allegations.

13. Answering paragraph 13, Defendant lacks sufficient information and knowledge to admit or deny the allegations of paragraph 13 and, on that basis, Defendant denies all such allegations.

14. Answering paragraph 14, Defendant lacks sufficient information and knowledge to admit or deny the allegations of paragraph 14 and, on that basis, Defendant denies all such allegations.

15. Answering paragraph 15, Defendant lacks sufficient information and knowledge to admit or deny the allegations of paragraph 15 and, on that basis, Defendant denies all such allegations.

16. Answering paragraph 16, Defendant admits the allegations of paragraph 16.

GENERAL ALLEGATIONS

17. Answering paragraph 17, Defendant admits the allegations of paragraph 17.

1 18. Answering paragraph 18, Defendant admits that various provisions of California law
2 require the Department of Justice to collect a wide array of data related to firearms ownership,
3 and to maintain such information. Defendant admits that information about the purchase, sale,
4 transfer, and use of firearms and ammunition is stored in its databases including AFS and the
5 Ammunition Purchase Records File. Except as expressly admitted, Defendant denies the
6 allegations of paragraph 18.

7 19. Answering paragraph 19, Defendant admits that its databases including AFS and the
8 Ammunition Purchase Records File include detailed personal identifying information along with
9 information about firearms and ammunition transactions. Except as expressly admitted,
10 Defendant denies the allegations of paragraph 19.

11 20. Answering paragraph 20, Defendant admits that purchasers of firearms are required to
12 provide certain information, depending on the type of firearm being purchased and laws that
13 apply at the time of the sale of the firearm. Defendant lacks sufficient information to admit or
14 deny the remaining allegations of paragraph 20 and, on that basis, denies them. Except as
15 expressly admitted, Defendant denies the allegations of paragraph 20.

16 21. Answering paragraph 21, Defendant admits that DOJ's databases including AFS
17 include extensive records related to the possession or use of firearms. Defendant lacks sufficient
18 information to admit or deny the remaining allegations of paragraph 21 on the basis that some of
19 the terms used are vague and, on that basis, denies them. Except as expressly admitted,
20 Defendant denies the allegations of paragraph 21.

21 22. Answering paragraph 22, Defendant admits that the cited authorities exist and speak
22 for themselves. Defendant understands the remainder of paragraph 22 to contain Plaintiffs' legal
23 arguments, to which no response is required. To the extent that a response is required, Defendant
24 denies the remaining allegations of paragraph 22.

25 23. Answering paragraph 23, Defendant admits that the cited authorities exist and speak
26 for themselves. Defendant understands the remainder of paragraph 23 to contain Plaintiffs' legal
27 arguments, to which no response is required. To the extent that a response is required, Defendant
28 denies the remaining allegations of paragraph 23.

1 24. Answering paragraph 24, Defendant admits that the cited authorities exist and speak
2 for themselves. Defendant understands the remainder of paragraph 24 to contain Plaintiffs' legal
3 arguments, to which no response is required. To the extent that a response is required, Defendant
4 denies the remaining allegations of paragraph 24.

5 25. Answering paragraph 25, Defendant admits that the cited authorities exist and speak
6 for themselves. Defendant understands the remainder of paragraph 25 to contain Plaintiffs' legal
7 arguments, to which no response is required. To the extent that a response is required, Defendant
8 denies the remaining allegations of paragraph 25.

9 26. Answering paragraph 26, Defendant lacks sufficient information to admit or deny the
10 allegations of paragraph 26 on the basis that some of the terms used are vague and, on that basis,
11 denies them.

12 27. Answering paragraph 27, Defendant admits that the cited authorities exist and speak
13 for themselves. Defendant understands the remainder of paragraph 27 to contain Plaintiffs' legal
14 arguments, to which no response is required. To the extent that a response is required, Defendant
15 denies the remaining allegations of paragraph 27.

16 28. Answering paragraph 28, Defendant admits that the cited authorities exist and speak
17 for themselves. Defendant understands the remainder of paragraph 28 to contain Plaintiffs' legal
18 arguments, to which no response is required. To the extent that a response is required, Defendant
19 denies the remaining allegations of paragraph 28.

20 29. Answering paragraph 29, Defendant understands paragraph 29 to contain Plaintiffs'
21 legal arguments, to which no response is required. To the extent that a response is required,
22 Defendant denies the allegations of paragraph 29.

23 30. Answering paragraph 30, Defendant understands paragraph 30 to contain Plaintiffs'
24 legal arguments, to which no response is required. To the extent that a response is required,
25 Defendant denies the allegations of paragraph 30.

26 31. Answering paragraph 31, Defendant understands paragraph 31 to contain Plaintiffs'
27 legal arguments, to which no response is required. To the extent that a response is required,
28 Defendant denies the allegations of paragraph 31.

1 32. Answering paragraph 32, Defendant understands paragraph 32 to contain Plaintiffs'
2 legal arguments, to which no response is required. To the extent that a response is required,
3 Defendant denies the allegations of paragraph 32.

4 33. Answering paragraph 33, Defendant understands paragraph 33 to contain Plaintiffs'
5 legal arguments, to which no response is required. To the extent that a response is required,
6 Defendant denies the allegations of paragraph 33.

7 34. Answering paragraph 34, Defendant understands paragraph 34 to contain Plaintiffs'
8 legal arguments, to which no response is required. To the extent that a response is required,
9 Defendant denies the allegations of paragraph 34.

10 35. Answering paragraph 35, Defendant understands paragraph 35 to contain Plaintiffs'
11 legal arguments, to which no response is required. To the extent that a response is required,
12 Defendant denies the allegations of paragraph 35.

13 36. Answering paragraph 36, Defendant understands paragraph 36 to contain Plaintiffs'
14 legal arguments, to which no response is required. To the extent that a response is required,
15 Defendant denies the allegations of paragraph 36.

16 37. Answering paragraph 37, Defendant understands paragraph 37 to contain Plaintiffs'
17 legal arguments, to which no response is required. To the extent that a response is required,
18 Defendant denies the allegations of paragraph 37.

19 38. Answering paragraph 38, Defendant understands paragraph 38 to contain Plaintiffs'
20 legal arguments, to which no response is required. To the extent that a response is required,
21 Defendant denies the allegations of paragraph 38.

22 39. Answering paragraph 39, Defendant understands paragraph 39 to contain Plaintiffs'
23 legal arguments, to which no response is required. To the extent that a response is required,
24 Defendant denies the allegations of paragraph 39.

25 40. Answering paragraph 40, Defendant understands paragraph 40 to contain Plaintiffs'
26 legal arguments, to which no response is required. To the extent that a response is required,
27 Defendant denies the allegations of paragraph 40.
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1 41. Answering paragraph 41, Defendant understands paragraph 41 to contain Plaintiffs'
2 legal arguments, to which no response is required. To the extent that a response is required,
3 Defendant denies the allegations of paragraph 41.

4 42. Answering paragraph 42, Defendant understands paragraph 42 to contain Plaintiffs'
5 legal arguments, to which no response is required. To the extent that a response is required,
6 Defendant denies the allegations of paragraph 42.

7 43. Answering paragraph 43, Defendant understands paragraph 43 to contain Plaintiffs'
8 legal arguments, to which no response is required. To the extent that a response is required,
9 Defendant denies the allegations of paragraph 43.

10 44. Answering paragraph 44, Defendant understands paragraph 44 to contain Plaintiffs'
11 legal arguments, to which no response is required. To the extent that a response is required,
12 Defendant denies the allegations of paragraph 44.

13 45. Answering paragraph 45, Defendant understands paragraph 45 to contain Plaintiffs'
14 legal arguments, to which no response is required. To the extent that a response is required,
15 Defendant denies the allegations of paragraph 45.

16 46. Answering paragraph 46, Defendant understands paragraph 46 to contain Plaintiffs'
17 legal arguments, to which no response is required. To the extent that a response is required,
18 Defendant denies the allegations of paragraph 46.

19 47. Answering paragraph 47, Defendant understands paragraph 47 to contain Plaintiffs'
20 legal arguments, to which no response is required. To the extent that a response is required,
21 Defendant denies the allegations of paragraph 47.

22 48. Answering paragraph 48, Defendant understands paragraph 48 to contain Plaintiffs'
23 legal arguments, to which no response is required. To the extent that a response is required,
24 Defendant denies the allegations of paragraph 48.

25 49. Answering paragraph 49, Defendant understands paragraph 49 to contain Plaintiffs'
26 legal arguments, to which no response is required. To the extent that a response is required,
27 Defendant denies the allegations of paragraph 49.

50. Answering paragraph 50, Defendant understands paragraph 50 to contain Plaintiffs’ legal arguments, to which no response is required. To the extent that a response is required, Defendant denies the allegations of paragraph 50.

51. Answering paragraph 51, Defendant understands paragraph 51 to contain Plaintiffs’ legal arguments, to which no response is required. To the extent that a response is required, Defendant denies the allegations of paragraph 51.

52. Answering paragraph 52, Defendant understands paragraph 52 to contain Plaintiffs’ legal arguments, to which no response is required. To the extent that a response is required, Defendant denies the allegations of paragraph 52.

53. Answering paragraph 53, Defendant understands paragraph 53 to contain Plaintiffs’ legal arguments, to which no response is required. To the extent that a response is required, Defendant denies the allegations of paragraph 53.

54. Answering paragraph 54, Defendant understands paragraph 54 to contain Plaintiffs' legal arguments, to which no response is required. To the extent that a response is required, Defendant denies the allegations of paragraph 54.

CLAIMS FOR RELIEF

55. Answering paragraph 55, Defendant incorporates herein his responses to paragraphs 1 through 54 above.

56. Answering paragraph 56, Defendant understands paragraph 56 to contain Plaintiffs' legal arguments, to which no response is required. To the extent that a response is required, Defendant denies the allegations of paragraph 56.

57. Answering paragraph 57, Defendant incorporates herein his responses to paragraphs 1 through 56 above.

58. Answering paragraph 58, Defendant understands paragraph 58 to contain Plaintiffs' legal arguments, to which no response is required. To the extent that a response is required, Defendant denies the allegations of paragraph 58.

59. Answering paragraph 59, Defendant incorporates herein his responses to paragraphs 1 through 58 above.

60. Answering paragraph 60, Defendant understands paragraph 60 to contain Plaintiffs' legal arguments, to which no response is required. To the extent that a response is required, Defendant denies the allegations of paragraph 60.

61. Answering paragraph 61, Defendant understands paragraph 61 to contain Plaintiffs' legal arguments, to which no response is required. To the extent that a response is required, Defendant denies the allegations of paragraph 61.

PRAYER FOR RELIEF

Answering pages 19 through 20, these pages contain Plaintiffs' prayer for relief, to which no response is required. To the extent that a response is required, Defendant denies each and every allegation contained therein and specifically deny that Plaintiffs are entitled to any relief whatsoever.

DEFENSES

In addition to the foregoing admissions and denials, and without admitting any allegations contained in the Complaint, Defendant asserts the following defenses:

FIRST DEFENSE

The Complaint, and each cause of action therein, fails to state facts sufficient to constitute a cause of action against Defendant.

SECOND DEFENSE

All alleged acts done by Defendant, his agents, employees, or representatives were performed fairly, in good faith and for a lawful purpose, and were reasonable and justified under the circumstances.

THIRD DEFENSE

The Complaint, and each cause of action therein, is barred by the doctrines of laches, unclean hands, and/or waiver.

FOURTH DEFENSE

Plaintiffs lack standing to assert their claims.

FIFTH DEFENSE

Plaintiffs' claims are not ripe.

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SIXTH DEFENSE

Plaintiffs' claims have become moot.

SEVENTH DEFENSE

Plaintiffs' claims are barred by their failure to exhaust administrative remedies.

EIGHTH DEFENSE

Plaintiffs' claims are barred by an applicable statute of limitations.

Wherefore, Defendant prays that:

1. The Complaint, and all claims and prayers for relief therein, be denied in its entirety and dismissed;
2. Plaintiffs take nothing from Defendant by this action;
3. Defendant be awarded his costs incurred in defending this action; and
4. Defendant be awarded such further relief that the Court may deem just and proper.

Dated: November 14, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
R. MATTHEW WISE
Supervising Deputy Attorney General

/s/ John W. Killeen
RYAN R. DAVIS
Deputy Attorney General
JOHN W. KILLEEN
Deputy Attorney General
Attorneys for Defendant California
Attorney General Rob Bonta

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DECLARATION OF SERVICE BY E-MAIL

Case Name: **Brandeis, Doe, et al. v. Rob Bonta**

Case No.: **37-2022-00003676**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On November 14, 2022, I served the attached **ANSWER TO FIRST AMENDED VERIFIED COMPLAINT FOR DECLARATORY, INJUNCTIVE, OR OTHER RELIEF**; by transmitting a true copy via electronic mail at the Office of the Attorney General, addressed as follows:

Bradley A. Benbrook
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Attorneys for Plaintiffs

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 14, 2022, at Sacramento, California.

C. McCartney

Declarant

/s/ C. McCartney

Signature