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*Motion to Appear Pro Hac Vice Forthcoming

Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**
13

14 FIREARMS POLICY COALITION,
15 INC.; CALIFORNIA GUN RIGHTS
16 FOUNDATION; SAN DIEGO
17 COUNTY GUN OWNERS PAC,

Plaintiffs,

v.

18 CITY OF SAN DIEGO; COUNTY OF
19 IMPERIAL; COUNTY OF ALAMEDA;
20 COUNTY OF VENTURA; COUNTY
21 OF LOS ANGELES; CITY OF SAN
22 JOSE; and COUNTY OF SANTA
23 CLARA,

Defendants.

Case No.: 3:23-cv-00400-LL-AGS

NOTICE OF RELATED CASE

1 TO THE COURT, CLERK OF THE COURT, AND TO ALL PARTIES IN
2 THE RELATED CASES REFERENCED BELOW:

3 PLEASE TAKE NOTICE that, pursuant to S.D. CivLR 40.1.f, Plaintiffs
4 Firearms Policy Coalition, Inc.; California Gun Rights Foundation; Second
5 Amendment Foundation; and San Diego County Gun Owners PAC hereby serve this
6 Notice of Related Case to show that this action is related to another action within this
7 District, namely *Miller v. Bonta*, Case No. 3:22-cv-1446-BEN-MDD, filed September
8 26, 2022 (“*Miller I*”).

9 *Miller II* is related to this action under CivLR 40.1.g.1 and 3: Each of the
10 Plaintiffs in this case is a plaintiff in *Miller II*, and the Plaintiffs raise an identical legal
11 question to the one decided in *Miller II* (the constitutionality of California Code of
12 Civil Procedure section 1021.11). In *Miller II*, this Court enjoined State officials from
13 enforcing Section 1021.11. No. 3:22-cv-1446-BEN-MDD, --- F.Supp.3d ----, 2022
14 WL 17811114 (S.D. Cal. Dec. 19, 2022). The Defendants in this case are local
15 jurisdictions that were not defendants in *Miller II*, and are therefore not directly bound
16 by that injunction.

17 Just as in *Miller II*, the Plaintiffs in this case wish to challenge firearm
18 regulations in the Defendants’ jurisdictions, but they face the threat of a ruinous fee
19 award under Section 1021.11 if they do not prevail on every claim in such challenges.
20 Plaintiffs requested that Defendants stipulate to non-enforcement of the provisions of
21 Section 1021.11 in light of the ruling *Miller II*, but they have refused to do so.
22 Plaintiffs have now sought declaratory and injunctive relief a second time, to enjoin
23 the statute’s application by the defendant local jurisdictions. As such, the two cases
24 are related under CivLR 40.1.g.1 because they “[i]nvolve some of the same parties
25 and are based on the same or similar claims,” and CivLR 40.1.g.3 because they
26 “[i]nvolve substantially the same facts and the same questions of law.”
27
28

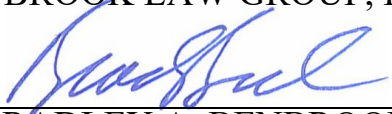
1 And because the two cases raise an identical legal question, the assignment of
2 *Miller II* and this action to a single district judge will affect a saving of judicial effort
3 and other economies, and ensure that the cases reach consistent results.

4 Pursuant to CivLR 40.1.h, the Clerk of the Court is therefore requested to report
5 the related cases to “the judges concerned at the earliest date practicable.”
6

7 Dated: March 2, 2023

BENBROOK LAW GROUP, PC

8
9 By



BRADLEY A. BENBROOK
Attorneys for Plaintiffs