

1 ROB BONTA
 Attorney General of California
 2 MARK R. BECKINGTON
 Supervising Deputy Attorney General
 3 SEBASTIAN BRADY
 Deputy Attorney General
 4 ROBERT L. MEYERHOFF
 Deputy Attorney General
 5 State Bar No. 298196
 300 South Spring Street, Suite 1702
 6 Los Angeles, CA 90013-1230
 Telephone: (213) 269-6177
 7 Fax: (916) 731-2144
 E-mail: Robert.Meyerhoff@doj.ca.gov
 8 *Attorneys for Defendant Rob Bonta in his*
official capacity as Attorney General of the
 9 *State of California and Defendant Allison*
 10 *Mendoza in her official capacity as Director*
of the Bureau of Firearms

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

15 **CLAIRE RICHARDS, ET AL.,**
 16
 Plaintiffs,
 17
 v.
 18
 19 **ROB BONTA, IN HIS OFFICIAL CAPACITY**
AS ATTORNEY GENERAL OF
 20 **CALIFORNIA, ET AL.,**
 21
 Defendants.
 22

Case No. 3:23-CV-00793
DEFENDANTS' ANSWER TO
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF
 Judge: Hon. Larry Alan Burns
 Trial Date: n/a
 Action Filed: May 1, 2023

23
 24
 25
 26
 27
 28

1 Defendants Rob Bonta, in his official capacity as Attorney General of the
2 State of California, and Allison Mendoza, in her official capacity as the Director of
3 the Bureau of Firearms (Defendants), submit their answer in response to Plaintiffs’
4 Complaint for Declaratory and Injunctive Relief (the Complaint) (Dkt. No. 1).
5 Defendants hereby answer the Complaint, in paragraphs that correspond to the
6 Complaint’s paragraphs, as follows:¹

7 **INTRODUCTION²**

8 1. Paragraph No. 1. This paragraph consists of allegations that contain
9 argument and legal contentions and legal authorities that speak for themselves,
10 requiring no response by Defendants. To the extent that a response is required,
11 Defendants deny each and every allegation.

12 2. Paragraph No. 2. Defendants admit that California law, subject to certain
13 exceptions, imposes a 10-day waiting period before a firearm can be released to a
14 purchaser or transferee and that a purchaser or transferee not subject to any
15 exception must return to a firearms dealer to take possession of the firearm. The
16 remaining allegations in this paragraph consist of legal arguments and contentions
17 that require no response, but to the extent a response is required, Defendants deny
18 each and every such allegation.

19 3. Paragraph No. 3. The allegations in this paragraph consist of legal
20 argument and contentions and authorities that require no response, but to the extent
21 a response is required, Defendants deny each and every such allegation.

22 4. Paragraph No. 4. The allegations in this paragraph consist of legal
23 argument and contentions and authorities that require no response, but to the extent
24 a response is required, Defendants deny each and every such allegation.

25
26 ¹ The following responses to each paragraph include responses to any
27 footnotes that may be contained in the relevant paragraph.

28 ² For the convenience of the Court and the parties, Defendants utilize certain
headings as set forth in the Complaint. In doing so, Defendants neither admit nor
deny any allegations that may be suggested by the Complaint’s headings.

1 13. Paragraph No. 13. Defendants lack sufficient information or belief to
2 respond to the allegations in this paragraph, and on that basis deny each and every
3 allegation.

4 14. Paragraph No. 14. Defendants lack sufficient information or belief to
5 respond to the allegations in this paragraph, and on that basis deny each and every
6 allegation.

7 15. Paragraph No. 15. Defendants lack sufficient information or belief to
8 respond to the allegations in this paragraph, and on that basis deny each and every
9 allegation.

10 16. Paragraph No. 16. Defendants admit that Plaintiffs Richards, Curtin,
11 Adelpia, and Schwartz are thereafter in the Complaint collectively referred to as
12 the “Individual Plaintiffs.”

13 17. Paragraph No. 17. Defendants admit that North County Shooting Center,
14 Inc. is a currently active firearms dealer listed on the Centralized List of Firearm
15 Dealers. Defendants deny that they “license[]” firearms dealers. Defendants lack
16 sufficient information or belief to respond to the remaining allegations in this
17 paragraph, and on that basis deny each and every such allegation.

18 18. Paragraph No. 18. Defendants admit that Darin Prince has a certificate of
19 eligibility associated with North County Shooting Center, Inc. Defendants lack
20 sufficient information or belief to respond to the remaining allegations in this
21 paragraph, and on that basis deny each and every such allegation.

22 19. Paragraph No. 19. Defendants admit that PWGG LP dba Poway
23 Weapons & Gear, PWG Range is a currently active firearms dealer listed on the
24 Centralized List of Firearm Dealers. Defendants deny that they “license[]” firearms
25 dealers. Defendants lack sufficient information or belief to respond to the remaining
26 allegations in this paragraph, and on that basis deny each and every such allegation.

27 20. Paragraph No. 20. Defendants admit that John Phillips has a certificate
28 of eligibility associated with PWGG LP dba Poway Weapons & Gear, PWG Range.

1 Defendants lack sufficient information or belief to respond to the remaining
2 allegations in this paragraph, and on that basis deny each and every such allegation.

3 21. Paragraph No. 21. Defendants admit that Plaintiffs Prince, Phillips,
4 NCSC, and PWG are thereafter in the Complaint collectively referred to as the
5 “Dealer Plaintiffs.” The remainder of this paragraph consists of allegations that
6 contain argument and legal contentions and legal authorities that speak for
7 themselves, requiring no response by Defendants. To the extent that a response is
8 required, Defendants deny each and every such allegation.

9 22. Paragraph No. 22. Defendants lack sufficient information or belief to
10 respond to the allegations in this paragraph, and on that basis deny each and every
11 allegation.

12 23. Paragraph No. 23. Defendants lack sufficient information or belief to
13 respond to the allegations in this paragraph, and on that basis deny each and every
14 allegation.

15 24. Paragraph No. 24. Defendants lack sufficient information or belief to
16 respond to the allegations in this paragraph, and on that basis deny each and every
17 allegation.

18 25. Paragraph No. 25. Defendants lack sufficient information or belief to
19 respond to the allegations in this paragraph, and on that basis deny each and every
20 allegation.

21 26. Paragraph No. 26. Defendants admit that Plaintiffs SDCGO, CGF, FPC,
22 and SAF are thereafter in the Complaint referred to as the “Institutional
23 Plaintiffs.” Defendants lack sufficient information or belief to respond to the
24 remaining allegations in this paragraph, and on that basis deny each and every
25 allegation.

26 27. Paragraph No. 27. Defendants admit that Rob Bonta is the Attorney
27 General of the State of California, that he is the chief law officer of California and
28 has various duties under California law, and that he is sued in his official capacity.

1 Defendants further admit that the Department of Justice maintains an office in San
2 Diego, California. Defendants further admit that the Bureau of Firearms is charged
3 with regulation and enforcement actions regarding the manufacture, sale,
4 ownership, safety training, and transfer of firearms and ammunition, and that the
5 Department of Justice and the Bureau of Firearms regulate and enforce state laws
6 related to the sale, transfer, possession, and ownership of firearms. The remaining
7 allegations in this paragraph consist of legal arguments and contentions that require
8 no response, but to the extent a response is required, Defendants deny each and
9 every such allegation.

10 28. Paragraph No. 28. Defendants admit that Allison Mendoza is the
11 Director of the Bureau of Firearms, that, as a member of the Department of Justice,
12 she reports to the Attorney General, and that she is sued in her official capacity.
13 Defendants further admit that the Bureau of Firearms is part of the Division of Law
14 Enforcement and that the Division of Law Enforcement is part of the Department of
15 Justice. The remaining allegations in this paragraph consist of legal arguments and
16 contentions that require no response, but to the extent a response is required,
17 Defendants deny each and every such allegation.

18 JURISDICTION AND VENUE

19 29. Paragraph No. 29. The allegations in this paragraph consist of legal
20 argument and contentions and authorities that require no response, but to the extent
21 a response is required, Defendants deny each and every such allegation.

22 30. Paragraph No. 30. The allegations in this paragraph consist of legal
23 argument and contentions and authorities that require no response, but to the extent
24 a response is required, Defendants deny each and every such allegation.

25 STATEMENT OF FACTS AND ALLEGATIONS

26 *The Regulatory Scheme*

27 31. Paragraph No. 31. Defendants admit that, generally, firearms purchases
28 and transfers in California must be made through a dealer on the Centralized List of

1 Firearms Dealers. The remaining allegations in this paragraph consist of legal
2 arguments and contentions that require no response, but to the extent a response is
3 required, Defendants deny each and every such allegation.

4 32. Paragraph No. 32. Defendants admit that California law, subject to
5 certain exceptions, imposes a 10-day waiting period before a firearm can be
6 released to a purchaser or transferee. Defendants deny that they “license[]” firearms
7 dealers. The remaining allegations in this paragraph consist of legal arguments and
8 contentions that require no response, but to the extent a response is required,
9 Defendants deny each and every such allegation.

10 33. Paragraph No. 33. This paragraph contains allegations that cite a
11 statutory provision, which speaks for itself. Defendants deny any allegations that
12 misstate the law. To the extent that a further response is required, Defendants deny
13 each and every other allegation.

14 34. Paragraph No. 34. Defendants admit that DROS is a web-based
15 application used by firearms dealers to report the sale, loan, transfer, redemption,
16 and acquisition of handguns and long guns to the Bureau of Firearms, and that it
17 can be accessed at <https://des.doj.ca.gov>. Defendants deny that they “license[]”
18 firearms dealers. The remaining allegations in this paragraph consist of legal
19 arguments and contentions that require no response, but to the extent a response is
20 required, Defendants deny each and every such allegation.

21 35. Paragraph No. 35. This paragraph contains allegations that cite a
22 statutory provision, which speaks for itself. Defendants deny any allegations that
23 misstate the law. To the extent that a further response is required, Defendants deny
24 each and every other allegation.

25 36. Paragraph No. 36. This paragraph contains allegations that cite a
26 statutory provision, which speaks for itself. Defendants deny any allegations that
27 misstate the law. To the extent that a further response is required, Defendants deny
28 each and every other allegation.

1 37. Paragraph No. 37. This paragraph contains allegations that cite statutory
2 provisions, which speak for themselves. Defendants deny any allegations that
3 misstate the law. To the extent that a further response is required, Defendants deny
4 each and every other allegation.

5 38. Paragraph No. 38. Defendants admit the allegations in this paragraph.

6 39. Paragraph No. 39. This paragraph contains allegations that cite legal
7 authorities and statutory provisions, which speak for themselves. Defendants deny
8 any allegations that misstate the law. To the extent that a further response is
9 required, Defendants deny each and every other allegation.

10 40. Paragraph No. 40. This paragraph contains allegations that cite statutory
11 provisions, which speak for themselves. Defendants deny any allegations that
12 misstate the law. To the extent that a further response is required, Defendants deny
13 each and every other allegation.

14 41. Paragraph No. 41. This paragraph contains allegations that cite a
15 statutory provision, which speaks for itself. Defendants deny any allegations that
16 misstate the law. To the extent that a further response is required, Defendants deny
17 each and every other allegation.

18 42. Paragraph No. 42. Defendants admit that the district court in *Silvester v.*
19 *Harris*, 41 F.Supp.3d 927 (E.D. Cal. 2014), determined that in 2013, DOJ
20 processed 960,179 DROS applications, with 7,371 denials; that from 1991 to 2013
21 there had consistently been a DROS application approval rate near 99%; and that
22 20% of applications were “auto-approved.” The remaining allegations in this
23 paragraph consist of legal arguments and contentions that require no response, but
24 to the extent a response is required, Defendants deny each and every such
25 allegation.

26 43. Paragraph No. 43. Defendants admit that California law, subject to
27 certain exceptions, imposes a 10-day waiting period before a firearm can be
28 released to a purchaser or transferee. The remaining allegations in this paragraph

1 consist of legal arguments and contentions that require no response, but to the
2 extent a response is required, Defendants deny each and every such allegation.

3 44. Paragraph No. 44. Defendants deny that no modification of the DROS
4 system would be required if the 10-day waiting period was not enforced. The
5 remaining allegations in this paragraph consist of legal arguments and contentions
6 that require no response, but to the extent a response is required, Defendants deny
7 each and every such allegation.

8 ***Impact of Defendants’ Enforcement of Waiting Period Laws on Plaintiffs***

9 45. Paragraph No. 45. Defendants lack sufficient information or belief to
10 respond to the allegations as to Plaintiffs’ purchase, ownership, and possession of
11 firearms and as to Plaintiffs’ desires, and on that basis deny those allegations. The
12 remaining allegations in this paragraph consist of legal arguments and contentions
13 that require no response, but to the extent a response is required, Defendants deny
14 each and every such allegation.

15 46. Paragraph No. 46. The allegations in this paragraph consist of legal
16 argument and contentions and authorities that require no response, but to the extent
17 a response is required, Defendants deny each and every such allegation.

18 47. Paragraph No. 47. Defendants lack sufficient information or belief to
19 respond to the allegations regarding the membership of the “Institutional
20 Plaintiffs.” The remaining allegations in this paragraph consist of legal arguments
21 and contentions that require no response, but to the extent a response is required,
22 Defendants deny each and every such allegation.

23 48. Paragraph No. 48. Defendants admit that Plaintiffs PWG and NCSC are
24 firearm dealers listed in the DOJ’s Centralized List of Firearms Dealers. Defendants
25 lack sufficient information or belief to respond to the remaining allegations in this
26 paragraph, and on that basis deny each and every allegation.

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Right to Keep and Bear Arms

49. Paragraph No. 49. The allegations in this paragraph consist of legal argument and contentions and legal authorities that require no response, but to the extent a response is required, Defendants deny each and every such allegation.

50. Paragraph No. 50. The allegations in this paragraph consist of legal argument and contentions that require no response, but to the extent a response is required, Defendants deny each and every such allegation.

51. Paragraph No. 51. The allegations in this paragraph consist of legal argument and contentions that require no response, but to the extent a response is required, Defendants deny each and every such allegation.

52. Paragraph No. 52. The allegations in this paragraph consist of legal argument and contentions and authorities that require no response, but to the extent a response is required, Defendants deny each and every such allegation.

53. Paragraph No. 53. The allegations in this paragraph consist of legal argument and contentions and authorities that require no response, but to the extent a response is required, Defendants deny each and every such allegation.

54. Paragraph No. 54. The allegations in this paragraph consist of legal argument and contentions and authorities that require no response, but to the extent a response is required, Defendants deny each and every such allegation.

55. Paragraph No. 55. The allegations in this paragraph consist of legal argument and contentions and authorities that require no response, but to the extent a response is required, Defendants deny each and every such allegation.

56. Paragraph No. 56. The allegations in this paragraph consist of legal argument and contentions that require no response, but to the extent a response is required, Defendants deny each and every such allegation.

California Law Exempts Several Favored Classes from the Waiting Period

57. Paragraph No. 57. This paragraph contains allegations that cite statutory

1 provisions, which speak for themselves. Defendants deny any allegations that
2 misstate the law. To the extent that a further response is required, Defendants deny
3 each and every other allegation.

4 58. Paragraph No. 58. This paragraph contains allegations that cite statutory
5 provisions, which speak for themselves. Defendants deny any allegations that
6 misstate the law. To the extent that a further response is required, Defendants deny
7 each and every other allegation.

8 59. Paragraph No. 59. The allegations in this paragraph consist of legal
9 argument and contentions and authorities that require no response, but to the extent
10 a response is required, Defendants deny each and every such allegation.

11 **COUNT I**

12 **(42 U.S.C. § 1983)**

13 **RIGHT TO KEEP AND BEAR ARMS**

14 **U.S. CONST., AMENDS. II AND XIV**

15 60. Paragraph No. 60. Defendants incorporate by reference the answers in
16 Paragraphs 1 through 59 above.

17 61. Paragraph No. 61. This paragraph consists of allegations that contain
18 argument and legal contentions and legal authorities that speak for themselves,
19 requiring no response by Defendants. To the extent that a response is required,
20 Defendants deny each and every allegation.

21 62. Paragraph No. 62. This paragraph consists of allegations that contain
22 argument and legal contentions and legal authorities that speak for themselves,
23 requiring no response by Defendants. To the extent that a response is required,
24 Defendants deny each and every allegation.

25 63. Paragraph No. 63. This paragraph consists of allegations that contain
26 argument and legal contentions that speak for themselves, requiring no response by
27 Defendants. To the extent that a response is required, Defendants deny each and
28 every allegation.

1 64. Paragraph No. 64. This paragraph consists of allegations that contain
2 argument and legal contentions and legal authorities that speak for themselves,
3 requiring no response by Defendants. To the extent that a response is required,
4 Defendants deny each and every allegation.

5 65. Paragraph No. 65. This paragraph consists of allegations that contain
6 argument and legal contentions that speak for themselves, requiring no response by
7 Defendants. To the extent that a response is required, Defendants deny each and
8 every allegation.

9 66. Paragraph No. 66. This paragraph consists of allegations that contain
10 argument and legal contentions that speak for themselves, requiring no response by
11 Defendants. To the extent that a response is required, Defendants deny each and
12 every allegation.

13 67. Paragraph No. 67. This paragraph consists of allegations that contain
14 argument and legal contentions and legal authorities that speak for themselves,
15 requiring no response by Defendants. To the extent that a response is required,
16 Defendants deny each and every allegation.

17 68. Paragraph No. 68. This paragraph consists of allegations that contain
18 argument and legal contentions that speak for themselves, requiring no response by
19 Defendants. To the extent that a response is required, Defendants deny each and
20 every allegation.

21 69. Paragraph No. 69. Defendants lack sufficient information or belief to
22 respond to the allegations in this paragraph, and on that basis deny each and every
23 allegation.

24 70. Paragraph No. 70. Defendants lack sufficient information or belief to
25 respond to the allegations in this paragraph, and on that basis deny each and every
26 allegation.

27
28

1 Defendants. To the extent that a response is required, Defendants deny each and
2 every allegation.

3 78. Paragraph No. 78. This paragraph consists of allegations that contain
4 argument and legal contentions and legal authorities that speak for themselves,
5 requiring no response by Defendants. To the extent that a response is required,
6 Defendants deny each and every allegation.

7 79. Paragraph No. 79. This paragraph consists of allegations that contain
8 argument and legal contentions that speak for themselves, requiring no response by
9 Defendants. To the extent that a response is required, Defendants deny each and
10 every allegation.

11 Defendants deny that Plaintiffs are entitled to the relief set forth in the Prayer
12 for Relief immediately following paragraph 79, or to any relief whatsoever. To the
13 extent that the Prayer for Relief states any allegations, Defendants deny them.

14 In addition, without admitting any allegations contained in the complaint,
15 Defendants assert the following defenses based on information and belief:

16 **FIRST AFFIRMATIVE DEFENSE**

17 The Complaint, and the claims for relief alleged therein, fails to state facts
18 sufficient to constitute a cause of action against Defendants.

19 **SECOND AFFIRMATIVE DEFENSE**

20 Plaintiffs' claims in this action are barred in that Plaintiffs do not have
21 standing to bring them.

22 **THIRD AFFIRMATIVE DEFENSE**

23 The Complaint, and each cause of action therein, is improper as Plaintiffs have
24 an adequate remedy at law.

25 **FOURTH AFFIRMATIVE DEFENSE**

26 The Complaint, and every cause of action therein, is barred by the equitable
27 doctrines of estoppel, laches, unclean hands, and/or waiver.

28 **FIFTH AFFIRMATIVE DEFENSE**

1 To the extent that Defendants have undertaken any conduct with regard to the
2 subjects and events underlying Plaintiffs' Complaint, such conduct was, at all times
3 material thereto, undertaken in good faith and in reasonable reliance on existing
4 law.

5 **SIXTH AFFIRMATIVE DEFENSE**

6 Defendants have not knowingly or intentionally waived any applicable
7 affirmative defense. Defendants reserve the right to assert and rely upon other such
8 defenses as may become available or apparent during discovery proceedings or as
9 may be raised or asserted by others in this case, and to amend the Answer and/or
10 affirmative defenses accordingly. Defendants further reserve the right to amend the
11 Answer to delete affirmative defenses that they determine are not applicable after
12 subsequent discovery.

13 WHEREFORE, Defendants pray that:

- 14 1. Plaintiffs take nothing by reason of the Complaint;
15 2. Judgment be entered in favor of Defendants;
16 3. Defendants be awarded costs incurred in defending this action; and
17 4. Defendants be awarded such further relief that the Court may deem just and

18 proper.

19 //

20 //

21
22
23
24
25
26
27
28

1 Dated: May 23, 2023

Respectfully submitted,

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ROB BONTA
Attorney General of California
MARK R. BECKINGTON
Supervising Deputy Attorney General
SEBASTIAN BRADY
Deputy Attorney General

/s/ Robert L. Meyerhoff
ROBERT L. MEYERHOFF
Deputy Attorney General
*Attorneys for Defendant Rob Bonta in
his official capacity as Attorney
General of the State of California and
Defendant Allison Mendoza in her
official capacity as Director of the
Bureau of Firearms*

CERTIFICATE OF SERVICE

Case Name: Richards, et al., v. Bonta, et al. No. 3:23-cv-00793

I hereby certify that on May 23, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DEFENDANTS' ANSWER TO 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 and the United States of America the foregoing is true and correct and that this declaration was executed on May 23, 2023, at Los Angeles, California.

Robert Leslie Meyerhoff

Declarant



Signature