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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
11

12
13 **CHRISTOPHER J. HOFFMAN, ET**
AL.,
14
15 Plaintiffs,
16
17 **ROB BONTA, in his official capacity**
as Attorney General of California,
18
19 Defendant.

3:24-cv-00664-CAB-MMP

**NOTICE OF MOTION AND
MOTION TO DISSOLVE
INJUNCTION; MEMORANDUM
OF POINTS AND AUTHORITIES**

**PER CHAMBERS RULES, NO
ORAL ARGUMENT UNLESS
SEPARATELY ORDERED BY
THE COURT**

Date: December 12, 2025
Dept: 15A
Judge: The Honorable Cathy Ann
Bencivengo
Action Filed: 4/11/2024

22 **NOTICE OF MOTION**

23 PLEASE TAKE NOTICE THAT on December 12, 2025, Defendant Rob
24 Bonta, in his official capacity, will move the Court to dissolve the injunction it
25 entered in this case on August 21, 2025. Defendant will request that such
26 dissolution take effect on January 1, 2026.

27 This motion is made on the grounds that intervening legislation, Assembly Bill
28 1078, has amended the laws that the Court's earlier order enjoined. Specifically,

1 Assembly Bill 1078 amended Penal Code sections 26150 and 26155 to permit, after
2 January 1, 2026, non-residents to apply for concealed-carry weapon licenses.
3 Defendant Attorney General Bonta thus moves to dissolve the injunction under
4 Federal Rule of Civil Procedure 60(b)(5), pursuant to Ninth Circuit law counseling
5 dissolving an injunction in these circumstances.

6 This motion is based on this notice of motion and motion, the accompanying
7 memorandum of points and authorities, the declaration and evidence filed
8 concurrently herewith, and any other matters the Court deems appropriate.
9

10 Dated: November 7, 2025

Respectfully submitted,

11 ROB BONTA
12 Attorney General of California
13 MARK R. BECKINGTON
14 Supervising Deputy Attorney General
KRISTI HUGHES
Deputy Attorney General

15 */s/ Robert William Setrakian*

16 WILL SETRAKIAN
17 Deputy Attorney General
18 *Attorneys for Defendant Rob Bonta, in
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INTRODUCTION

Since Plaintiffs sued and this Court entered a permanent injunction in their favor, this case’s terrain has transformed. California’s Legislature has amended the challenged laws such that they will permit eligible non-residents to apply for concealed-carry weapon (“CCW”) licenses. Effective January 1, 2026, this case’s permanent injunction will address a legal state of affairs that no longer exists.

Federal law explains what to do in this situation. Federal Rule of Civil Procedure 60(b)(5) allows a court to grant relief from an order if “applying it prospectively is no longer equitable.” The Ninth Circuit reads this to mandate dissolving an injunction if an enjoined law changes to allow what once was forbidden—here, non-resident applications for CCW licenses. The Court accordingly should dissolve its injunction in this case, effective January 1, 2026.

BACKGROUND

In April 2024, Plaintiffs filed their complaint challenging an aspect of California’s law regarding CCW licenses that effectively restricted non-California residents from receiving such licenses. Cal. Penal Code §§ 26150(a)(3), 26155(a)(3); *see also* ECF No. 1 at ¶ 19. In August 2025, the Court granted Plaintiffs’ motion for summary judgment, ruling that these provisions of law violate the Second Amendment. ECF No. 22 at 12. Subsequently, it entered a permanent injunction providing that AG Bonta is “hereby permanently enjoined from enforcing California Penal Code sections 26150(a)(3) and 26155(a)(3) as to CCW applications submitted by Plaintiff Firearms Policy Coalition’s members who are not residents of California, including the named Individual Plaintiffs.” ECF No. 27.

On October 10, 2025, Governor Newsom signed Assembly Bill (AB) 1078, a bill that, among other things, amends the Penal Code to allow qualifying non-residents to apply for CCW licenses. Declaration of Robert William Setrakian in Support of Motion to Dissolve Injunction (“Setrakian Decl.”), ¶ 3; Ex. 1. The relevant provision of AB 1078 will take effect on January 1, 2026. Cal. Const. art.

1 IV, § 8(c)(1). Penal Code sections 26150 and 26155 will now each include a new
2 subsection (b) that enables non-residents to apply for a CCW license and details the
3 requirement for a non-resident to obtain a CCW license in California.¹ Setrakian
4 Decl., Ex. 1. These requirements closely resemble those requirements for residents;
5 the differences primarily address the practical differences in how a non-resident can
6 fulfill the application requirements compared to a resident. Among other things,
7 the new subsection (b) requires that, for a non-resident to receive a CCW license:

- 8 • An applicant not be a “disqualified person to receive” a CCW license, as
9 determined by the licensing authority in accordance with California
10 Penal Code “Section 26202 and all comparable statutes and provisions
11 of law of the nonresident applicant’s state of residence.” Setrakian
12 Decl., Ex. 1, § 2(b)(1).
- 13 • An applicant attest “that the jurisdiction in which they have applied is the
14 primary location in California in which they intend to travel or spend
15 time.” *Id.* at § 2(b)(3).
- 16 • An applicant complete live-fire shooting exercises with a course that is
17 chosen by the applicant and approved by the licensing authority, or a
18 course that is within 75 miles of the applicant’s residence. *Id.* at
19 § 2(b)(5).
- 20 • An applicant identify “the make, model, caliber, and serial number of
21 each pistol, revolver, or other firearm for which the applicant is
22 applying to be licensed to carry in California.” *Id.* at § 2(b)(6).

23 Together, these provisions establish a process by which non-residents can
24 apply for CCW licenses that parallels the process for residents. An applicant no
25 longer must prove California residency to seek such a license.

26
27 ¹ Section 26150 concerns CCW applications submitted to a county sheriff.
28 Section 26155 concerns those submitted to a chief or other head of a municipal
police department of any city or city and county.

1 **STANDARD OF REVIEW**

2 A District Court may modify an injunction if applying the injunction is no
3 longer equitable. Fed. R. Civ. P. 60(b)(5). This is an intentionally “pliable
4 standard.” *California ex rel. Becerra v. U.S. Env’t Prot. Agency*, 978 F.3d 708, 713
5 (9th Cir. 2020). If a party asks to modify or dissolve an injunction, a court
6 considers whether “a significant change in facts or law warrants revision or
7 dissolution of the injunction.” *Karnoski v. Trump*, 926 F.3d 1180, 1198 (9th Cir.
8 2019) (per curiam) (quoting *Sharp v. Weston*, 233 F.3d 1166, 1170 (9th Cir. 2000)).

9 **ARGUMENT**

10 The Court should dissolve this injunction because California’s Legislature has
11 amended the relevant portions of the enjoined laws. When Plaintiffs sued, non-
12 residents could not apply for California CCW licenses. Beginning January 1, 2026,
13 they will be able to. It is hard to image a more “significant change in facts or law”
14 for purposes of this suit. *Karnoski*, 926 F.3d at 1198.

15 This sea change mandates dissolving the injunction, as the Ninth Circuit
16 explained in its recent decision in *California v. EPA*. “An unbroken line of
17 Supreme Court cases makes clear that it is an abuse of discretion to deny a
18 modification of an injunction after the law underlying the order changes to permit
19 what was previously forbidden.” *California*, 978 F.3d at 713–14. To this end, the
20 Supreme Court has “explained that ‘[a] court may recognize subsequent changes in
21 either statutory or decisional law’ giving rise to an injunction, and a ‘court errs
22 when it refuses to modify an injunction or consent decree in light of such
23 changes.’” *Id.* at 714 (quoting *Agostini v. Felton*, 521 U.S. 203, 215 (1997)). For
24 this reason, in a like situation, the Ninth Circuit blessed a “district court’s decision
25 to modify the injunction because the new statute had ‘removed the legal basis for
26 the continuing application of the court’s Order’ and ‘[a] “change in law” of [that]
27 type “entitle[d] petitioners to relief under Rule 60(b)(5).”” *Id.* at 715 (quoting
28 *California Dep’t of Soc. Servs. v. Leavitt*, 523 F.3d 1025, 1027 (9th Cir. 2008)).

1 Thus, when the law changes, an injunction issued under a prior regime must yield.

2 Evaluating the specifics of the Ninth Circuit’s *California* and *Leavitt* decisions
3 illustrates this. In *California*, a coalition of states sued the EPA for failing to issue
4 certain pollution standards, securing an injunction requiring EPA to do so by mid-
5 2019. 978 F.3d at 712. But then, EPA promulgated a new regulation that stretched
6 its deadlines to issue those standards to mid-2021. *Id.* EPA filed a motion to
7 dissolve the injunction under Rule 60(b)(5), arguing that this regulation represented
8 a change in law such that the District Court should lift its injunction compelling
9 mid-2019 action. *Id.* The District Court denied the motion. *Id.*

10 A Ninth Circuit panel unanimously reversed this declination as an abuse of
11 discretion. Applying the principles above, the Ninth Circuit explained that owing
12 to the change in law, “EPA is now under no legal duty—besides the court’s
13 injunction—to promulgate” the above-mentioned pollution standards. *California*,
14 978 F.3d at 717. Because only the court’s order, not any other binding law,
15 compelled the federal government’s action, Rule 60(b)(5) counseled the
16 injunction’s dissolution. *Id.* In other words, the law had changed to allow
17 something—additional delay—not possible when the injunction issued, and so the
18 injunction had to yield.

19 Or take *Leavitt*, a case in which a District Court had found California non-
20 compliant with federal law regarding foster-care and issued injunctive relief
21 ordering a change in policies. 523 F.3d at 1027–28. Not long after, Congress
22 revised the relevant law such that it foreclosed the District Court’s reading of the
23 statute. *Id.* at 1030. California accordingly moved for relief from the injunction
24 under Rule 60(b), which relief the District Court granted. *Id.* at 1030–31.

25 The Ninth Circuit ruled that granting this relief was no abuse of discretion. *Id.*
26 at 1032. The Court explained that a change in law had “removed the legal basis for
27 the continuing application of the court’s Order,” “entitl[ing] petitioners to relief
28 under Rule 60(b)(5).” *Id.* (internal quotation omitted). Respondents did not push

1 back on this conclusion, instead focusing on only whether some disputed
2 applications of the statute operated retroactively. *Id.* The Court rejected even this
3 narrower argument. *Id.*

4 This case follows under the principles and outcomes of *California* and *Leavitt*.
5 Just as in those cases, the law has changed “to permit what was previously
6 forbidden.” *California*, 978 F.3d at 714. As a result, the injunction here, issued
7 under a legal regime that will allow what was barred beginning January 1, 2026,
8 should yield. *Leavitt*, 523 F.3d at 1032. The Court thus should dissolve this
9 injunction.

10 In reaching this conclusion, the Court need make no “broad, fact-intensive
11 inquiry into whether altering [the] injunction is equitable,” because “the legal duty
12 underlying the injunction has disappeared.” *California*, 978 F.3d at 715–16; *see*
13 *also Planned Parenthood Monte Mar, Inc. v. Ford*, 2025 WL 1210968, at *2 (D.
14 Nev. Apr. 25, 2025) (applying *California* without considering equitable factors,
15 owing to an intervening change in law). Indeed, there is no need to evaluate the
16 equities at all: the change in law resolves this motion. *Planned Parenthood Monte*
17 *Mar, Inc. v. Ford*, 349 F.R.D. 213, 223–25 (D. Nev. 2025).

18 Plaintiffs may argue that little harm would follow from retaining this
19 injunction, even if it serves to only reinforce California’s new law. But the Ninth
20 Circuit has rejected this argument: “Compelling [California] to continue to adhere
21 to an injunction based on a legal duty that has since disappeared is a harm in and of
22 itself.” *California*, 978 F.3d at 717. Even if this injunction may “do no harm” in
23 the eyes of some, “it necessarily does so by its nature.” *Id.* (quotation omitted).
24 And leaving this injunction in place would, in fact, do harm beyond the requirement
25 of forcing the State to adhere to an outdated state of legal affairs, sowing confusion
26 among the public as to currently binding State law. *See In re Shelby*, 664 B.R. 255,
27 261 (Bankr. E.D. Mo. 2024).

1 Dissolving the injunction beginning January 1, 2026, will also avoid the
2 potential for confusion and uncertainty that would occur if both the new law and the
3 injunction are simultaneously in effect. By its terms, the injunction applies to only
4 Firearms Policy Coalition members, including the named individual Plaintiffs, and
5 is limited to enforcement of Penal Code sections 26150(a)(3) and 26155(a)(3). AB
6 1078, on the other hand, creates a comprehensive procedure enabling all eligible
7 non-residents, including FPC members, to apply for CCW licenses. With the
8 enactment of this new law, that procedure, which gives Plaintiffs the relief they
9 sought in this action, should control without the added question of the injunction’s
10 effect.

11 **CONCLUSION**

12 The Court should dissolve the injunction issued in this case, effective January
13 1, 2026.

14 Dated: November 7, 2025

Respectfully submitted,

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