

1 C. D. Michel – SBN 144258
2 cmichel@michellawyers.com
3 Sean A. Brady – SBN 262007
4 sbrady@michellawyers.com
5 Konstadinos T. Moros – SBN 306610
6 kmoros@michellawyers.com
7 MICHEL & ASSOCIATES, P.C.
8 180 E. Ocean Blvd., Suite 200
9 Long Beach, CA 90802
10 Telephone: (562) 216-4444
11 Facsimile: (562) 216-4445

12 Donald Kilmer-SBN 179986
13 Law Offices of Donald Kilmer, APC
14 14085 Silver Ridge Road
15 Caldwell, Idaho 83607
16 Telephone: (408) 264-8489
17 Email: Don@DKLawOffice.com

18 Attorneys for Plaintiffs

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**
21 **SOUTHERN DIVISION**

22 RENO MAY, an individual;
23 ANTHONY MIRANDA, an individual;
24 ERIC HANS, an individual; GARY
25 BRENNAN, an individual; OSCAR A.
26 BARRETTO, JR., an individual;
27 ISABELLE R. BARRETTO, an
28 individual; BARRY BAHRAMI, an
individual; PETE STEPHENSON, an
individual; ANDREW HARMS, an
individual; JOSE FLORES, an
individual; DR. SHELDON HOUGH,
DDS, an individual; SECOND
AMENDMENT FOUNDATION; GUN
OWNERS OF AMERICA; GUN
OWNERS FOUNDATION; GUN
OWNERS OF CALIFORNIA, INC.;
THE LIBERAL GUN CLUB, INC.; and
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,

Plaintiffs,

v.

ROBERT BONTA, in his official
capacity as Attorney General of the
State of California, and DOES 1-10,

Defendants.

Case No.: 8:23-cv-01696 CJC (ADSx)

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
INJUNCTION**

Hearing Date: December 4, 2023
Hearing Time: 1:30 p.m.
Courtroom: 9 B
Judge: Hon. Cormac J. Carney

1 TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Notice is hereby given that on December 4, 2023, at 1:30 p.m. in Courtroom
3 9B of the above-captioned court, located at 411 West Fourth Street in Santa Ana
4 California, Plaintiffs of Plaintiffs Reno May, Anthony Miranda, Eric Hans, Gary
5 Brennan, Tony Barretto, Isabelle R. Barretto, Barry Bahrami, Pete Stephenson, Jose
6 Flores, Andrew Harms, Dr. Sheldon Hough, DDS, The Second Amendment
7 Foundation, Gun Owners of America, Gun Owners Foundation, Gun Owners of
8 California, Inc., the Liberal Gun Club, Inc., and the California Rifle & Pistol
9 Association, Incorporated (collectively, “Plaintiffs”) will move for a preliminary
10 injunction under Rule 65(a) of the Federal Rules of Civil Procedure. Specifically,
11 Plaintiffs will seek an order temporarily enjoining Defendant, his employees,
12 agents, successors in office, and all other public officials or law enforcement
13 officers in California, from enforcing California Penal Code § 26230, subds. (5),
14 (7), (8), (9), (11), (12), (13), (17), (22), (23), and (26) against any individuals with
15 concealed handgun licenses issued pursuant to California Penal Code sections
16 26150 or 26155.

17 Plaintiffs bring this motion because California Penal Code § 26230, which
18 will take effect on January 1, 2024, violates the rights of Plaintiffs’ members with
19 concealed handgun licenses in two major ways: it prohibits them from carrying
20 firearms in nearly every relevant place besides streets and sidewalks and it denies
21 them due process by not requiring such places to post signs notifying them that
22 guns are not allowed on a particular property. In addition, some Plaintiffs who are
23 business owners raise First Amendment claims as well because § 26230 compels
24 their speech if they desire to allow people to exercise their constitutional right to
25 carry at their business.

26 This application is made on the grounds set forth in the accompanying
27 memorandum of points and authorities; the signed declarations of each of the
28 plaintiffs; the signed declaration of Clayton Cramer, the signed declaration of Brian

1 Marvel, the signed declaration of Moris Davidovitz, all pleadings and papers filed
2 in this action, the argument of counsel, and further evidence as the Court may
3 consider before ruling on the preliminary injunction requested herein.

4 Respectfully Submitted,

5
6 Dated: September 29, 2023

MICHEL & ASSOCIATES, P.C.

/s/ C.D. Michel

C.D. Michel
Counsel for Plaintiffs

7
8
9
10 Dated: September 29, 2023

LAW OFFICES OF DON KILMER

/s/ Don Kilmer

Don Kilmer
Counsel for Plaintiff Second Amendment
Foundation

11
12
13
14
15 **ATTESTATION OF E-FILED SIGNATURES**

16 I, C.D. Michel, am the ECF User whose ID and password are being used to
17 file this PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR
18 PRELIMINARY INJUNCTION. In compliance with Central District of California
19 L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers and have
20 concurred in this filing.

21 Dated: September 29, 2023

/s/ C.D. Michel

C.D. Michel

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

CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *May, et al. v. Bonta*
Case No.: 8:23-cv-01696 CJC (ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

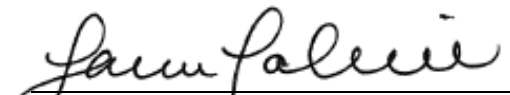
PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Email: Robert.Meyerhoff@doj.ca.gov
Attorney for Defendant

I declare under penalty of perjury that the foregoing is true and correct.

Executed September 29, 2023.



Laura Palmerin