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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ULISES GARCIA; JORDAN
15 GALLINGER; BRIAN HILL; BROOKE
16 HILL; CRAIG DELUZ; SCOTT
17 DIPMAN; ALBERT DUNCAN;
18 TRACEY GRAHAM; LISA JANG;
19 DENNIS SERBU; MICHAEL
20 VEREDAS; FIREARMS POLICY
21 FOUNDATION; FIREARMS POLICY
22 COALITION; MADISON SOCIETY
23 FOUNDATION; and THE CALGUNS
24 FOUNDATION,

25 Plaintiffs,

26 v.

27 KAMALA D. HARRIS, in her official
28 capacity as Attorney General of
California,

Defendant.

Case No.: 2:16-cv-02572-BRO-AFM

**PLAINTIFFS' OBJECTION TO
DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT
OF MOTION TO DISMISS**

Hearing Date: August 8, 2016

Time: 1:30 p.m.

Courtroom: 14

Judge: Hon. Beverly Reid O'Connell

Action filed April 14, 2016

1 Plaintiffs submit the following objections to Defendant’s Request for Judicial
2 Notice Filed in Support of Motion to Dismiss.

3 1. Exhibit A, Committee Analysis of Senate Bill 707 by the California
4 Senate Committee on Public Safety (2014-2015 Reg. Sess.), dated April 14, 2015.
5 Plaintiffs’ object to the Court taking judicial notice of Exhibit A to the extent
6 Defendant relies on the committee analysis to introduce statements made in letters of
7 opposition to the bill. Such statements are not a valid source of legislative history.
8 “[A] court will generally consider only those materials indicative of the intent of the
9 Legislature as a whole.” *Metro. Water Dist. of S. Cal. v. Imperial Irrigation Dist.*,
10 80 Cal. App. 4th 1403, 1425 (2000). Material that does not reflect the “Legislature’s
11 collective intent,” including “letters . . . expressing opinions in support of or
12 opposition to a bill . . . generally should not be considered.” *Id.* at 1426. *See also*
13 *McDowell v. Watson*, 59 Cal.App.4th 1155, 1161 (1997) (“[L]etters written to those
14 legislators in the attempt to influence [their] views must also be disregarded.”). As a
15 result, the Court should decline to take judicial notice of the reports. *See Quintano*
16 *v. Mercury Casualty Co.*, 11 Cal.4th 1049, 1062 n.5 (1995) (denying request for
17 judicial notice); *Heavenly Valley Ski Resort v. El Dorado Cnty. Bd. of Equalization*,
18 84 Cal.App.4th 1323, 1341 (2000) (denying request for judicial notice).

19 2. Exhibit B, Committee Analysis of Senate Bill 707 by the California
20 Senate Committee on Public Safety (2014-2015 Reg. Sess.), dated July 14, 2015.
21 Plaintiffs’ object to the Court taking judicial notice of Exhibit B to the extent
22 Defendant relies on the committee analysis to introduce statements made in letters of
23 opposition to the bill. Such statements are not a valid source of legislative history.
24 “[A] court will generally consider only those materials indicative of the intent of the
25 Legislature as a whole.” *Metro. Water Dist. of S. Cal. v. Imperial Irrigation Dist.*,
26 80 Cal. App. 4th 1403, 1425 (2000). Material that does not reflect the “Legislature’s
27 collective intent,” including “letters . . . expressing opinions in support of or
28 opposition to a bill . . . generally should not be considered.” *Id.* at 1426. *See also*

1 *McDowell v. Watson*, 59 Cal.App.4th 1155, 1161 (1997) (“[L]etters written to those
2 legislators in the attempt to influence [their] views must also be disregarded.”). As a
3 result, the Court should decline to take judicial notice of the reports. *See Quintano*
4 *v. Mercury Casualty Co.*, 11 Cal.4th 1049, 1062 n.5 (1995) (denying request for
5 judicial notice); *Heavenly Valley Ski Resort v. El Dorado Cnty. Bd. of Equalization*,
6 84 Cal.App.4th 1323, 1341 (2000) (denying request for judicial notice).

7 Dated: July 18, 2016

BENBROOK LAW GROUP, PC

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By /s Bradley A. Benbrook
BRADLEY A. BENBROOK
Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

Case No. 2:16-cv-02572-BRO-AFM

I hereby certify that on July 18, 2016, I electronically filed the following documents with the Clerk of the Court for the United States Central District of California by using the CM/ECF system:

**PLAINTIFFS' OBJECTION TO DEFENDANT'S REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF MOTION TO DISMISS**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Kelly Rosenbery _____