

MARK SELWYN (CA Bar No. 244180)  
mark.selwyn@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
2600 El Camino Road  
Palo Alto, California 94306  
Telephone: (650) 858-6031  
Facsimile: (650) 858-6100

*Attorneys for Defendants Los Angeles County  
Sheriff's Department and Sheriff Robert Luna*

*(additional counsel listed below)*

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

CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED;  
THE SECOND AMENDMENT  
FOUNDATION; GUN OWNERS OF  
AMERICA, INC.; GUN OWNERS  
FOUNDATION; GUN OWNERS OF  
CALIFORNIA, INC.; ERICK  
VELASQUEZ, an individual; CHARLES  
MESSEL, an individual; BRIAN  
WEIMER, an individual; CLARENCE  
RIGALI, an individual; KEITH REEVES,  
an individual; CYNTHIA GABALDON,  
an individual; and STEPHEN HOOVER,  
an individual,

Plaintiffs,

v.

LOS ANGELES COUNTY SHERIFF'S  
DEPARTMENT; SHERIFF ROBERT  
LUNA, in his official capacity; LA  
VERNE POLICE DEPARTMENT; LA  
VERNE CHIEF OF POLICE COLLEEN  
FLORES, in her official capacity;  
ROBERT BONTA, in his official  
capacity as Attorney General of the State  
of California; and DOES 1-10,

Defendants.

Case No. 2:23-cv-10169-SPG-ADS

**DEFENDANTS LOS ANGELES  
COUNTY SHERIFF'S  
DEPARTMENT AND SHERIFF  
ROBERT LUNA'S RESPONSE TO  
PLAINTIFFS' EVIDENTIARY  
OBJECTIONS TO DEFENDANTS  
LOS ANGELES COUNTY  
SHERIFF'S DEPARTMENT AND  
SHERIFF ROBERT LUNA'S  
SURVEY OF HISTORICAL  
LICENSE REQUIREMENTS AND  
MOTION TO STRIKE OR DENY  
JUDICIAL NOTICE OF SAME**

**[ECF No. 32-11]**

Judge: Hon. Sherilyn Peace  
Garnett  
Hearing Date: April 10, 2024  
Hearing Time: 1:30 p.m.  
Courtroom: 5C

1 ALAN SCHOENFELD (*pro hac vice* forthcoming)

alan.schoenfeld@wilmerhale.com

2 NOAH LEVINE (*pro hac vice* forthcoming)

3 noah.levine@wilmerhale.com

4 RYAN CHABOT (*pro hac vice*)

ryan.chabot@wilmerhale.com

5 WILMER CUTLER PICKERING

HALE AND DORR LLP

6 7 World Trade Center

7 250 Greenwich Street

New York, NY 10007

8 Telephone: (212) 937-7294

9 Facsimile: (212) 230-8888

10 *Attorneys for Defendants Los Angeles County*

11 *Sheriff's Department and Sheriff Robert Luna*

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1 With their reply in support of their motion for preliminary injunction,  
2 Plaintiffs filed “evidentiary objections and motion to strike or deny judicial notice  
3 of” a document that Defendants Los Angeles County Sheriff’s Department and  
4 Sheriff Robert Luna (together, LASD) submitted with their opposition to Plaintiffs’  
5 preliminary injunction motion. *See* ECF No. 32-11. The document Plaintiffs  
6 challenge—ECF No. 27-9—catalogues for the Court’s convenience 60 historical  
7 licensing laws that LASD separately submitted to the Court through primary  
8 source reprintings for judicial notice (ECF No. 27-10). The Court should reject  
9 Plaintiffs’ objections and deny their motion to strike, for at least three reasons.

10 *First*, Plaintiffs’ objections and motion are non-substantive. Plaintiffs agree  
11 that the primary source reprintings of the historical licensing laws (ECF No. 27-10)  
12 are proper candidates for judicial notice. *See* ECF No. 32-11 (Pls’ Evidentiary  
13 Obj.) at 3 n.3 (“Reprintings or copies of the laws themselves are properly the  
14 subject of judicial notice under FRE 201.”). These primary source reprintings are  
15 all that LASD asked this Court to judicially notice. *See* ECF No. 27-8. What  
16 Plaintiffs object to, and move to strike, is only the non-substantive chart that  
17 catalogues those same historical licensing laws for the Court’s convenience. *See*  
18 ECF No. 27-9. But LASD is not asking the Court to judicially notice this  
19 compilation. Plaintiffs’ objections to this separate demonstrative document  
20 therefore have no substantive force behind them—the Court could simply take  
21 unopposed judicial notice of the historical licensing laws themselves and deny  
22 Plaintiffs’ objections and motion as moot.

23 *Second*, the Court can likewise summarily overrule Plaintiffs’ objections to  
24 the compilation under Federal Rules of Evidence 401, 601, 602, 701, 702, and 704.  
25 LASD submitted this compilation purely for the Court’s convenience, much as it  
26 would a table of contents. LASD is not arguing that the compilation should be  
27  
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1 entered into the record as evidence, only the public records of the enacted  
2 legislation. Indeed, LASD does not cite the compilation anywhere in its briefing.

3 *Third*, even taken on its merits, Plaintiffs’ motion to strike should be denied.  
4 Apart from the evidentiary objections, the only argument for striking the  
5 compilation that Plaintiffs make is that it allegedly contains attorney argument  
6 beyond the Court’s page limitations. Mot. at 5. On that front, Plaintiffs’ very  
7 narrow objection is to the single-sentence summaries of the historical laws  
8 included in the chart. But those summaries are not argument; they are objective,  
9 short descriptions of the laws offered, again, for the Court’s convenience when  
10 using the document.

11 As their only example, Plaintiffs characterize as argumentative the  
12 description of an 1876 Sacramento law, accusing LASD of “improperly  
13 expand[ing]” its ambit in the summary of it. Mot. at 4. The description that LASD  
14 provided states: “Allowing police to issue a license to carry a concealed weapon to  
15 a ‘peaceable person, whose profession or occupation may require him to be out at  
16 late hours of the night, to carry concealed deadly weapons for his protection.’”  
17 ECF No. 27-9 at 10. The complete text of Section 3 of the law—the section  
18 authorizing the issuance of a license—provides: “The Police Commissioner of the  
19 City of Sacramento may grant written permission to any peaceable person, whose  
20 profession or occupation may require him to be out at late hours of the night, to  
21 carry concealed deadly weapons for his protection.” ECF No. 27-10 at 147.  
22 Plaintiffs complain that LASD did not also summarize Section 1 of the law, which  
23 imposes the threshold prohibition on concealed carry,<sup>1</sup> but LASD was not citing

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24  
25 <sup>1</sup> Section 1 provides: “It shall be unlawful for any person, not being a public office  
26 or traveler, or not having a permit from the Police Commissioners of the City of  
27 Sacramento, to wear or carry, concealed, any pistol, dirk, or other dangerous or  
28 deadly weapon.” ECF No. 27-10 at 147.

1 the law to show a history of prohibiting concealed carry—LASD was citing it to  
2 show a history of licensing regimes. LASD cited, and summarized accurately,  
3 fully, and objectively, the section of the law concerning licensing. Plaintiffs’  
4 complaint about improper legal argument is meritless.

5 If anything, it is Plaintiffs, not LASD, who are subject to that criticism. In  
6 response to LASD’s short, objective summaries, Plaintiffs have engaged their  
7 purported expert Clayton Cramer to offer interpretations of five of the 60  
8 regulation descriptions in LASD’s overview. *See* ECF No. 32-5 at 6-8. The Court  
9 should disregard Mr. Cramer’s opinions. The Court does not need help  
10 interpreting statutes, even historical ones—especially not from Mr. Cramer, who  
11 “has written of his hope to win ‘the battle’ for gun rights” by offering opinions in  
12 Second Amendment cases that have been found to be “poorly reasoned and  
13 suggesting a lack of true expertise.” *Baird v. Bonta*, 2023 WL 9050959, at \*16,  
14 \*40 (E.D. Cal. Dec. 29, 2023); *cf. United States ex rel. Miller v. ManPow, LLC*,  
15 2023 WL 9005796, at \*9 (C.D. Cal. Nov. 22, 2023) (holding that an expert opinion  
16 that is “rife with impermissible statutory and regulatory interpretations ... clearly is  
17 excludable as improper expert testimony on the meaning of statutes or  
18 regulations”).

19 For these reasons, Plaintiffs’ evidentiary objections to LASD’s overview of  
20 historical license requirements (ECF No. 27-9) should be overruled, and the  
21 motion to strike or deny judicial notice should be denied.

22  
23 Dated: March 20, 2024

Respectfully submitted,

24 /s/ Mark Selwyn

25 MARK SELWYN (CA Bar No. 244180)

26 mark.selwyn@wilmerhale.com

27 WILMER CUTLER PICKERING

28 HALE AND DORR LLP

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2600 El Camino Road  
Palo Alto, California 94306  
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Facsimile: (650) 858-6100

ALAN SCHOENFELD (*pro hac vice*  
forthcoming)  
alan.schoenfeld@wilmerhale.com  
NOAH LEVINE (*pro hac vice* forthcoming)  
noah.levine@wilmerhale.com  
RYAN CHABOT (*pro hac vice*)  
ryan.chabot@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
Telephone: (212) 937-7294  
Facsimile: (212) 230-8888

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**LOCAL RULE 11-6.2 CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Defendants, certifies that this brief does not exceed 25 pages in length using Times New Roman 14-point font, which complies with this Court’s Standing Order of October 24, 2023.

Dated: March 20, 2024

/s/ Mark Selwyn  
Mark Selwyn