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

22 CALIFORNIA RIFLE & PISTOL
23 ASSOCIATION, INCORPORATED; THE
24 SECOND AMENDMENT FOUNDATION;
25 GUN OWNERS OF AMERICA, INC.;
26 GUN OWNERS FOUNDATION; GUN
27 OWNERS OF CALIFORNIA, INC.;
28 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: 8:23-cv-10169-SPG
(ADSx)

**PLAINTIFFS’ NOTICE OF
SUPPLEMENTAL AUTHORITY**

Judge: Hon. Sherilyn Peace Garnett

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

2 On May 9, 2024, the Ninth Circuit issued its ruling in the matter of *United*
3 *States v. Duarte*, No. 22-50048, 2024 WL 2068016 (9th Cir. May 9, 2024). There,
4 the panel held that 18 U.S.C. § 922(g)(1), which makes it a crime for any person to
5 possess a firearm if he has been convicted of an offense punishable by
6 imprisonment for a term exceeding one year, was unconstitutional as applied to a
7 nonviolent felon. A copy of the ruling is attached as **Exhibit A** to this notice.

8 *Duarte* is relevant to this case and the pending preliminary injunction motion
9 for at least two reasons:

10 First, Defendants Los Angeles County Sheriff’s Department and Sheriff
11 Robert Luna have argued that the proposed course of conduct that Plaintiffs wish to
12 engage in is acquiring a CCW permit “on a specific timeline where the agency
13 issuing the permits is confronting unprecedented backlogs following a sea change
14 in the governing law.” LASD Opp. at 9:11-15. Plaintiffs countered that their
15 proposed course of conduct is simply “carrying handguns publicly for self-
16 defense”, which is what they would do were it not for the unreasonably long,
17 multiyear wait times.¹ In *Duarte*, the Ninth Circuit did not define Mr. Duarte’s
18 proposed course of conduct as “possessing a firearm even though he had been
19 convicted of prior nonviolent felonies.” The Court simply defined it as “simple
20 possession [of a firearm]” and proceeded to the historical analysis. *Duarte*, 2024
21

22 ¹ On this point, the associational plaintiffs note that several of their members
23 have recently reached out to complain that their appointments to pick up their CCW
24 permits from the Los Angeles County Sheriff’s Department are now being
25 cancelled and postponed indefinitely due to an unexplained “software update.” This
26 includes some individuals who were simply renewing their existing permits, which
27 up until now was the sole part of Defendants’ process that was moving relatively
28 smoothly. As a result, several of associational Plaintiffs’ members have effectively
lost their right to carry, as their permits expired and they have not been contacted
with a new pick-up date. Plaintiffs have decided to wait and see if this issue
resolves itself in a couple more weeks. But if it does not, they will submit
supplemental declarations from their affected members or additional motions for
this Court to consider.

1 WL 2068016, at *9. Defendants’ attempt to overly constrain the proposed course of
2 conduct to dodge historical scrutiny therefore must fail.

3 Second, one of the Plaintiffs in this matter, Mr. Velasquez, as well as CRPA
4 member Mr. Partowashraf, were both denied their carry permits even though
5 neither of them is a felon (let alone a violent felon). In *Duarte*, the defendant had
6 *five* prior non-violent *convictions*, and yet, because none were violent crimes and
7 the government failed to show any historical tradition of disarming nonviolent
8 former criminals, the Ninth Circuit held that he could not be denied his Second
9 Amendment right. “Based on this record, we cannot say that Duarte’s predicate
10 offenses were, by Founding era standards, of a nature serious enough to justify
11 permanently depriving him of his fundamental Second Amendment rights.” *Id.*,
12 2024 WL 2068016, at *24. The same easily applies to Mr. Velasquez, who was not
13 even charged with any crime, and Mr. Partowashraf, whose temporary restraining
14 order was dissolved upon a hearing. *Duarte* is thus dispositive on this aspect of
15 Plaintiffs’ motion for preliminary injunction. Mr. Velasquez and Mr. Partowashraf
16 may not be denied their fundamental Second Amendment right to carry a handgun
17 for self-defense.

18 Additionally, Plaintiffs also notify this Court that the City and County of
19 Honolulu has stipulated to an injunction in a lawsuit pertaining to lengthy wait
20 times for CCW permits. For all applications submitted after the date of the
21 injunction, Honolulu “shall issue a decision granting or denying each applicant’s
22 application to carry a concealed weapon before one-hundred-twenty (120) days
23 after the date on which the applicant first submitted a signed application form.”
24 This demonstrates that even a city that did not issue any CCW permits prior to
25 *Bruen* nonetheless acknowledges that it is now obligated under the Second
26 Amendment to process permit applications in a reasonable timeframe. A copy of
27
28

1 the signed Stipulated Judgment and Stipulated Permanent Injunction is attached as
2 **Exhibit B.**

3 Respectfully submitted,

4
5 Dated: May 10, 2024

MICHEL & ASSOCIATES, P.C.

6 */s/ C.D. Michel*
7 C.D. Michel
Counsel for Plaintiffs

8 Dated: May 10, 2024

LAW OFFICES OF DON KILMER

9 */s/ Don Kilmer*
10 Don Kilmer
11 Counsel for Plaintiff The Second Amendment
Foundation

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

Case Name: *California Rifle and Pistol Association, et al., v. Los Angeles County Sheriff's Dept., et al.*

Case No.: 8:23-cv-10169-SPG (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 SUPPLEMENTAL AUTHORITY

on the following parties, as follows:

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Attorneys for Defendants La Verne Police Department and La Verne Chief of Police Colleen Flores

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

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I declare under penalty of perjury that the foregoing is true and correct. Executed May 10, 2024.


Christina Castron