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**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 (ADSx)
**[PROPOSED] ORDER ENTERING
PRELIMINARY INJUNCTION**

1 Plaintiffs, along with Defendant Robert Bonta, in his official capacity as Attorney
2 General of the State of California, and Defendants Los Angeles County Sheriff's
3 Department and Sheriff Robert Luna, in his official capacity (the "Parties"), have met and
4 conferred as required by this Court's order of August 20, 2024 (ECF No. 52). **The Court**
5 **accordingly ORDERS, as to Defendant Bonta:**

6
7 1. Residents of states and US territories besides California, who are:

8 a. members of the California Rifle & Pistol Association, Incorporated, Gun
9 Owners of America, Inc., Gun Owners of California, Inc., or The Second
10 Amendment Foundation, and;

11 b. who are not otherwise prohibited from possessing firearms under federal or
12 California law,

13 upon proof of such membership, are entitled under this Order to apply for a
14 California concealed handgun license as provided for under Penal Code sections 26150
15 through 26235, except that such applicants shall not be eligible for the licenses described
16 in sections 26150(b)(2), 26155(b)(2), and 26170. These qualifying nonresident
17 prospective applicants are referred to as "Nonresident Applicants" throughout the
18 remainder of this Order.

19 2. California Penal Code sections 26150(a)(3) and 26155(a)(3) will not apply to
20 Nonresident Applicants. Rather, Nonresident Applicants must apply with the
21 sheriff (per Penal Code section 26150) or chief of police (per Penal Code section
22 26155) (collectively "Local Issuing Authority(ies)") of a California jurisdiction in
23 which they intend to spend time within the subsequent twelve (12) months and
24 attest to that intention under oath in the application.

25 3. Nonresident Applicants may present a valid driver's license or valid identification
26 card issued by the Nonresident Applicant's state of residence, in lieu of a valid
27 California driver's license or identification card, in connection with California
28 Penal Code sections 26150(a)(2) or 26155(a)(2). Where a Nonresident Applicant's

1 driver's license or identification card does not set forth the applicant's current
2 address, the applicant can, consistent with the policy for state resident applicants,
3 submit other reliable documentation, including current utility bills, a current out-
4 of-state CCW license with a correct address, or other reasonable indicia of ongoing
5 residency matching the address provided on the application.

- 6 4. All California statutes and provisions of law set forth in Penal Code section
7 26202(a) shall be construed to include comparable statutes and provisions of law
8 of the Nonresident Applicant's home state.
- 9 5. To satisfy California Penal Code sections 26150(a)(4) or 26155(a)(4), Nonresident
10 Applicants must complete a training course that meets the criteria set forth in
11 section 26165(a)(1)-(3) and (5)-(6), and section (b), as it pertains to the Local
12 Issuing Authority where the Nonresident Applicant applies. If the Local Issuing
13 Authority where the Nonresident Applicant applies has not approved of any online
14 training courses, a Nonresident Applicant may complete an online training course
15 approved by any other Local Issuing Authority instead. For the live-fire shooting
16 exercises required by section 26165(a)(6), Nonresident Applicants shall complete
17 live-fire shooting exercises for each handgun they intend to carry in California. A
18 Nonresident Applicant shall inform the Local Issuing Authority where the
19 applicant applies of the live-fire course the applicant intends to complete, and the
20 Local Issuing Authority shall either approve such course or suggest an alternative
21 acceptable course within 75 miles of the applicant's residence.
- 22 6. California Penal Code sections 26150(a)(5), 26155(a)(5), and 26162 will not apply
23 to Nonresident Applicants. Rather, Nonresident Applicants must identify on the
24 application by make, model, and serial number the handguns capable of being
25 concealed upon the person that they intend to carry in California, and such
26 handguns must be listed on the license in order to be validly carried in California.
27 Identification of a handgun that cannot lawfully be carried in California shall be
28 cause for denial of a license as to that handgun. Nonresident Applicants may seek

1 to amend the list of firearms identified on their licenses in the same manner as
2 California residents.

- 3 7. A Nonresident Applicant may choose to complete the interview required by
4 California Penal Code section 26202(b)(1) virtually in lieu of in person, so long as
5 the applicant appears by video and audio.
- 6 8. In addition to the means set forth in California Code of Regulations, title 11,
7 section 4420, Nonresident Applicants may submit their fingerprints on an FBI
8 form FD-258 fingerprint card to satisfy the requirements of California Penal Code
9 section 26185.
- 10 9. Upon approval of a Nonresident Applicant's application, the concealed handgun
11 license shall be mailed to the address provided on the application.
- 12 10. If a Local Issuing Authority has opted to require a psychological examination
13 before issuing a concealed handgun license, the Local Issuing Authority shall
14 either conduct such examination virtually for a Nonresident Applicant, so long as
15 the applicant appears by video and audio, or approve an examination provider
16 located within 75 miles of the applicant's residence.
- 17 11. Other than as expressly stated in this Order, the statutory criteria and processes for
18 applying for a California concealed handgun license shall apply to Nonresident
19 Applicants in the same manner as state resident applicants.
- 20 12. It shall be the responsibility of Nonresident Applicants, if approved and issued a
21 permit, to confirm that any handgun they carry in California, in its current
22 configuration, is legal to possess in the state. It shall also be the responsibility of
23 Nonresident Applicants to be aware of locations where it is not legal to carry a
24 firearm in California. Nothing in this Order is intended to make the issuance of a
25 concealed handgun license a defense to a violation of California gun laws
26 unrelated to the issues discussed in this Order.
- 27 13. This Order shall become effective 90 days after its execution. If no separate
28 application form or process has been instituted at that time, Nonresident Applicants

1 may use the standard Concealed Handgun License application form (BOF-4012) or
2 online application portals utilized by the Local Issuing Authority (such as
3 Permitium) and substitute the Nonresident Applicant’s information in lieu of
4 California specific information in providing information on the application. For
5 example, for the portion of the form that asks for a “CA Driver License No.,”
6 Nonresident Applicants would instead provide the driver’s license number or
7 identification number issued to them by their state of residence.

8 14. The California Department of Justice shall distribute a copy of this Order, or
9 otherwise provide notice of its terms, to all Local Issuing Authorities that currently
10 issue or shall issue in the future concealed handgun licenses in California and to all
11 District Attorney offices.

12
13 **This Court further ORDERS, as to the Los Angeles County Defendants:**

- 14 1. Within 30 days of the date of this Order, Defendant Los Angeles County Sheriff’s
15 Department (“LASD”) will contact Plaintiff Weimer to set up an initial interview
16 and instruct him to conduct his livescan. As Plaintiff Messel has been issued his
17 concealed handgun license by LASD, injunctive relief as to him is no longer
18 necessary.
- 19 2. Within 30 days of the completion of Plaintiff Weimer’s interview and receipt of his
20 livescan by LASD, whichever is later, LASD will review Plaintiff Weimer’s file
21 and, if approved to proceed to firearms training, instruct Plaintiff Weimer to
22 schedule his firearms training.
- 23 a. The Court recognizes that there can be delays unattributable to LASD with
24 processing of a proper livescan, such as poor print quality, charges on a
25 record in or out of State, or delays with the U.S. Department of Justice. If
26 any incidents delaying review of Plaintiff Weimer’s livescan arise, counsel
27 for LASD will promptly notify counsel for Plaintiff Weimer and the parties
28

1 will work cooperatively to resolve the issue, including stipulating to amend
2 this Order as needed.

- 3 3. Within 30 days of LASD's receipt of proof from Plaintiff Weimer that he
4 successfully completed his firearms training, LASD will reach a final decision on
5 and either approve or deny Plaintiff Weimer's application.
- 6 4. Within 30 days of LASD's reaching a final decision on Plaintiff Weimer's
7 application, if Plaintiff Weimer is approved, his license will be issued.
- 8 5. The deadlines of this Order may be modified by stipulation of the parties for good
9 cause, including any delay that is caused by Plaintiff Weimer not timely
10 completing the actions required of him to obtain his license, such as completing the
11 livescan and the training course.

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13 IT IS SO ORDERED.

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15 Dated:

16 HON. SHERILYN PEACE GARNETT
17 UNITED STATES DISTRICT JUDGE
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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.: 2:23-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:

[PROPOSED] ORDER ENTERING PRELIMINARY INJUNCTION

on the following parties, as follows:

See attached Service List.

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

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

Executed September 23, 2024

Claudia Nunez

Claudia Nunez

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