

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JAMES MILLER, et al.,
Plaintiffs,

v.

ROB BONTA, Attorney General of
California, et al.,

Defendants,

and

GAVIN NEWSOM, Governor of the
State of California,

Intervenor-Defendant.

SOUTH BAY ROD & GUN CLUB,
INC., et al.,

Plaintiffs,

v.

ROB BONTA, Attorney General of
California, et al.,

Defendants,

and

GAVIN NEWSOM, Governor of the
State of California,

Intervenor-Defendant.

Case No.: 3:22-cv-01446-BEN-MDD
Case No.: 3:22-cv-01461-BEN-JLB

JUDGMENT

In accordance with the Court's December 19, 2022, Opinion And Order
Enjoining Enforcement Of California Code Of Civil Procedure § 1021.11 (ECF No.

1 43 (*Miller II*), ECF No. 36 (*South Bay Rod & Gun Club*)), and the Parties' stipulation
2 for entry of judgment, IT IS HEREBY ORDERED, ADJUDGED, and DECREED
3 that judgment be entered in each case as follows:

4 1. Judgment is entered in favor of Plaintiffs and against Defendants on
5 Plaintiffs' claim that California Code of Civil Procedure § 1021.11 ("§ 1021.11") is
6 unconstitutional under the Supremacy Clause of the United States Constitution.

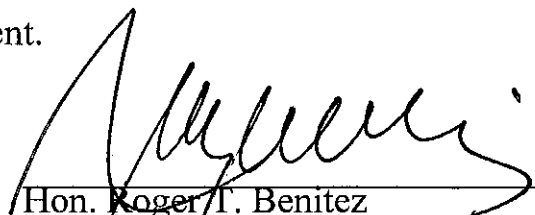
7 2. Judgment is entered in favor of Plaintiffs and against Defendants on
8 Plaintiffs' claim that § 1021.11 is unconstitutional under the First Amendment to the
9 United States Constitution.

10 3. Judgment is entered in favor of Plaintiffs and against Defendants on
11 Plaintiffs' claim that § 1021.11 is unconstitutional under the Equal Protection Clause
12 of the Fourteenth Amendment to the United States Constitution.

13 4. Accordingly, the Court declares § 1021.11 to be unconstitutional and
14 permanently enjoins the Defendants from bringing any action or motion under §
15 1021.11 to obtain an award of attorney's fees and costs. Defendant Attorney General
16 Rob Bonta and Intervenor-Defendant Governor Gavin Newsom, and their officers,
17 agents, servants, employees, and attorneys, and those persons in active concert or
18 participation with them who receive actual notice of this injunction order are enjoined
19 from implementing or enforcing § 1021.11, as enacted by S.B. 1327.

20 5. The Court shall retain jurisdiction over this action for the purpose of
21 entertaining a motion by Plaintiffs for an award of costs and attorney's fees pursuant
22 to 42 U.S.C. § 1988 and any other applicable law. Based on the Parties' stipulation, if
23 the parties are unable to resolve the issue of fees, Plaintiffs shall file such a motion
24 within 90 days from the date of this judgment.

25 Dated: 3/20/2023
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27 
28 Hon. Roger T. Benitez
United States District Judge