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Owners of America, Inc., Gun Owners Foundation, Gun Owners of California, Inc.,
9 Erick Velasquez, Charles Messel, Brian Weimer, Clarence Rigali, Keith Reeves,
Cynthia Gabaldon, and Stephen Hoover

10 *Additional Counsel listed on the next page.*

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

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

20
21 Plaintiffs,

22 v.

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

28 Defendants.

CASE NO:

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

42 U.S.C. §§ 1983 & 1988

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Attorney for Plaintiff The Second Amendment Foundation

1 NOW COME Plaintiffs California Rifle & Pistol Association, Incorporated,
2 The Second Amendment Foundation, Gun Owners of America, Inc., Gun Owners
3 Foundation, Gun Owners of California, Inc., Erick Velasquez, Charles Messel,
4 Brian Weimer, Clarence Rigali, Keith Reeves, Cynthia Gabaldon, and Stephen
5 Hoover and, through their respective counsel, bring this action against Defendants
6 Los Angeles County Sheriff's Department, Sheriff Robert Luna in his official
7 capacity as Los Angeles County Sheriff, La Verne Police Department, La Verne
8 Chief of Police Colleen Flores, California Attorney General Robert Bonta in his
9 official capacity, and Does 1-10, inclusive, and make the following allegations:

10 **INTRODUCTION**

11 1. This action challenges the constitutionality of carry permit issuance
12 policies and laws that make it extremely difficult, if not outright impossible or
13 impermissibly time consuming, for Plaintiffs to obtain permits to carry a concealed
14 firearm in public and therefore to exercise their right to be armed in public, as
15 guaranteed by the Second Amendment's text "bear arms," and as recognized by the
16 Supreme Court in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct.
17 2111 (2022).

18 2. The main policies that Plaintiffs target here are: 1) Defendants' failure
19 to timely process carry permit applications, 2) the grossly excessive fees
20 Defendants are charging to process permit applications and satisfy various permit
21 requirements, 3) the use of highly subjective suitability criteria in evaluating
22 applicants, and 4) the refusal to honor permits issued by other states. These
23 practices and policies, some of which are enabled by state law, violate the Second
24 and Fourteenth Amendments.

25 3. Some Constitutional rights have a preliminary step required before
26 their exercise, such as permitting (e.g., parades, demonstrations) or registration
27 (e.g., voting, lobbying). But the administration of such permits or registration
28 requirements may not be so onerous as to exclude whole demographics due to

1 expense or subjectivity, nor may it force them to wait inordinate amounts of time.¹

2 4. In anticipation of bad-faith efforts to obstruct its ruling in recalcitrant
3 jurisdictions, the *Bruen* Court expressly invited challenges such as this one, noting
4 that, **“because any permitting scheme can be put toward abusive ends, we do
5 not rule out constitutional challenges to shall-issue regimes where, for
6 example, lengthy wait times in processing license applications or exorbitant
7 fees deny ordinary citizens their right to public carry.”** *Id.* (emphasis added).

8 5. The policies that Plaintiffs challenge have gone far beyond “abus[ing]”
9 constitutional rights. Defendants have flat-out denied Plaintiffs their rights to be
10 armed outside of their homes by establishing an onerous permitting regime replete
11 with exorbitant poll tax-like fees, egregious wait times lasting well over a year, and
12 nefarious discretionary requirements designed to flout the Supreme Court’s
13 precedents.

14 6. This suit challenges whether Defendants are engaged in a permit
15 process that subjects applicants seeking to lawfully carry for self-defense in
16 California by the only manner allowed under law—with a concealed carry weapons
17 permit (“CCW permit”) issued by a local jurisdiction, to excessive wait times,
18 exorbitant fees, and suitability criteria that are unnecessary, burdensome, and
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21 ¹ It has long been established that a State may not impose a penalty upon
22 those who exercise a right guaranteed by the Constitution. *Frost & Frost Trucking*
23 *Co. v. Railroad Comm’n of California*, 271 U.S. 583, 593-94 (1926).
24 “Constitutional rights would be of little value if they could be . . . indirectly denied”
25 (*Smith v. Allwright*, 321 U.S. 649, 664 (1944)), or “manipulated out of existence.”
26 (*Gomillion v. Lightfoot*, 364 U.S. 339, 345 (1960)). “Significantly, the Twenty-
27 Fourth Amendment does not merely insure that the franchise shall not be ‘denied’
28 by reason of failure to pay the poll tax; it expressly guarantees that the right to vote
shall not be ‘denied or abridged’ for that reason.” *Harman v. Forssenius*, 380 U.S.
528, 540 (1965) (citation omitted). Thus, like the Fifteenth Amendment, the
Twenty-Fourth “nullifies sophisticated as well as simple-minded modes” of
impairing the right guaranteed. *Lane v. Wilson*, 307 U.S. 268, 275 (1939). “‘It hits
onerous procedural requirements which effectively handicap exercise of the
franchise by those claiming the constitutional immunity.’” *Harman*, 380 U.S. at
540-41 (citations omitted), quoting *Lane*, at 275.

1 subjective; and whether those permit processes violate the right to bear arms in
2 public as explained by the Supreme Court in *Bruen*. Examples abound.

3 7. For starters, Los Angeles County Sheriff's Department ("LASD")
4 admits that it takes "a year to a year and a half" to process CCW applications.

5 8. While the La Verne Police Department's ("LVPD") permit application
6 processing wait time is not as severe as LASD's, its application process is cost
7 prohibitive. Applicants pay between \$900 to \$1100 depending on the varying costs
8 that third parties charge for the mandatory training course and live scan services.
9 And even after obtaining a permit, LVPD even charges over \$500 for renewal
10 applications every two years (\$250 per year to exercise an enumerated right).

11 9. In stark contrast, applicants in other California counties can avoid high
12 local-municipality fees by applying with their county's sheriff's department instead
13 of the city where they reside, as California law provides — But LASD Sheriff Luna
14 has refused to process CCW permit applications for Los Angeles County residents
15 who live in one of that county's many distinct "non-contract" municipalities.

16 10. Because La Verne is a "non-contract" city, residents who want to
17 exercise their right to carry have no alternative; they must pay LVPD's exorbitant
18 fees if they wish to lawfully carry a concealed firearm.

19 11. Additionally, both LASD and LVPD impose subjective permit-
20 issuance criteria, in open defiance of *Bruen* which rejected such unmoored
21 standards for determining who gets the privilege of exercising an enumerated right
22 For example, LVPD subjects applicants to an invasive psychological examination.
23 This absurd policy is an outlier, even in California.

24 12. Yet under Senate Bill 2 ("SB 2"), effective January 2024, issuing
25 authorities that opt to require the psychological exam may charge the applicant the
26 actual cost of the exam. Whereas under prior law, that expense was capped at \$150,
27 and left the issuing authority responsible for paying the balance if it chose to
28 require an examination, now the full cost will be borne by the applicant.

1 13. LASD’s adopted policies in issuing and renewing CCW permits also
2 include impermissible subjective criteria, including punishing victims of crimes.

3 14. Even if Plaintiffs wanted to avoid delay, expense, and suitability
4 requirements from LASD and LVPD by simply obtaining a carry permit from
5 another state, as some of these Plaintiffs have done, California does not honor
6 permits issued by *any* other state.

7 15. In fact, nonresidents have no way to lawfully carry firearms in
8 California, even if they are willing to apply to a California issuing authority for a
9 permit, because California law does not permit in-state issuing authorities to issue
10 permits to nonresidents.

11 16. This is plainly unconstitutional under both *Bruen* and the precedent
12 established in *Obergefell v. Hodges*, 576 U.S. 644, 648 (2015). If California must
13 honor a broad right to marry, which is unenumerated, then it must also honor the
14 right to carry firearms, which is enumerated.

15 17. Separately from Plaintiffs’ Second Amendment claim, the United
16 States Supreme Court has consistently held that regulations and classifications that
17 impose a penalty or an impermissible burden on the right to travel violate the Equal
18 Protection Clause of the Fourteenth Amendment, unless absolutely necessary to
19 promote a compelling government interest. *Saenz v. Roe*, 526 U.S. 489 (1999);
20 *Shapiro v. Thompson*, 394 U.S. 618 (1969). Accordingly, California’s policy of
21 denying out-of-state residents the ability to lawfully exercise their constitutionally
22 protected right to be armed in public for self-defense inhibits the free interstate
23 passage of citizens and violates equal protection doctrines by treating Americans
24 differently merely on account of their state of residency.

25 18. Furthermore, the Privileges and Immunities Clause of Article IV, § 2
26 of the United States Constitution provides that “The Citizens of each State shall be
27 entitled to all privileges and immunities of Citizens in the several States.” The
28 Privileges and Immunities Clause bars discrimination against citizens of other states

1 based on their status as a citizen of another state. *Toomer v. Witsell*, 334 U.S. 385
2 (1948).

3 19. Plaintiffs seek to enjoin Defendants' flagrantly unconstitutional
4 practices and uphold Plaintiffs' Second Amendment rights.

5 **PARTIES**

6 **Plaintiffs**

7 20. The individual Plaintiffs are ordinary, law-abiding, adult residents of
8 either Los Angeles County or the City of La Verne, who have applied for CCW
9 permits but have not received them, or have been dissuaded or prevented from
10 applying due to the high fees or the psychological examination requirement.

11 21. The associational Plaintiffs are non-profit organizations dedicated to
12 the preservation of the Second Amendment and other enumerated constitutional
13 rights, which are representing their members and supporters who reside in Los
14 Angeles County or La Verne and have either: (1) already applied for a CCW permit
15 and are faced with a lengthy wait time; (2) would apply for a permit if not for the
16 high fees and psychological examination requirement; and/or (3) have CCW
17 permits that were issued by other states and wish to have their permits honored
18 when they visit California. Plaintiffs thus bring this action to vindicate their Second
19 Amendment rights to publicly bear arms for self-defense, including the rights of the
20 members and supporters of the associational Plaintiffs, to do so.

21 22. The associational Plaintiffs also have members and supporters in other
22 states who have CCW permits in those states, and wish to have their permits
23 honored when they visit California. Plaintiffs thus bring this action to vindicate
24 their own Second Amendment rights to publicly bear arms for self-defense, or the
25 rights of their members and supporters to do so.

26 23. All individual Plaintiffs are natural persons and citizens of the United
27 States and are eligible to possess firearms under state and federal law, and currently
28 own at least one firearm. Each individual Plaintiff desires to carry a firearm in

1 public for lawful self-defense and would do so, but for the challenged statutes,
2 policies, and practices.

3 24. Plaintiff Erick Velasquez is a resident of Los Angeles County,
4 California, and a law-abiding citizen of the United States. He is a member of
5 Plaintiff California Rifle & Pistol Association, Incorporated (“CRPA”). Mr.
6 Velasquez had a CCW permit issued pursuant to California Penal Code Section
7 26150 by Los Angeles County Sheriff’s Department. He carried a handgun daily for
8 two years, without any incident.

9 25. On April 10, 2023, Mr. Velasquez submitted his CCW permit renewal
10 application with Los Angeles County Sheriff’s Department, expecting a simple
11 process and quick approval given there had been no issues the last two years.

12 26. Then, on May 3, 2023, Mr. Velasquez was the unfortunate victim of a
13 crime. A burglar broke into his vehicle and stole three handguns, along with other
14 valuables. The handguns were stored in a range bag in the locked trunk of the car,
15 in compliance with California Penal Code section 25610(a)(1).

16 27. Mr. Velasquez promptly called the police to report the theft. An officer
17 from the Vernon Police Department arrived at the scene and took a report, which
18 noted that Mr. Velasquez was eager to have the thief brought to justice. But as of
19 this date, the perpetrator has not been found.

20 28. On August 23, 2023, Defendant Luna denied Mr. Velasquez’s renewal
21 application. As a reason for denial, the letter had the box for “other” but provided
22 no further explanation for the denial. Seeking clarity, Mr. Velasquez eventually
23 communicated with LASD Sergeant Berner, who explained that the theft of the
24 firearms was the reason for the denial. Mr. Velasquez asked how he could appeal,
25 but Sergeant Berner told him there was no appeal process. He encouraged Mr.
26 Velasquez to apply again with the City of Downey instead, as they might not have
27 similar restrictions.

28 29. Plaintiff Charles Messel is a resident of Los Angeles County, a law-

1 abiding citizen, and a member of Plaintiff CRPA. Mr. Messel submitted his CCW
2 permit application to LASD on July 1, 2022. Having heard nothing by April 2023,
3 he contacted the department to inquire about his application.

4 30. The response he received stated: “We were several months behind in
5 opening and entering applications in our tracking system. Although you applied
6 earlier, your application wasn’t entered into our tracking system until 11/2/22. We
7 are currently working on applications that went into our tracking system in July of
8 2022. Thank you for your patience.”

9 31. As of the filing of this action, Mr. Messel has still not been issued a
10 permit or received further communications about his application’s status from
11 LASD. More than 17 months have elapsed since his initial application.

12 32. Plaintiff Brian Weimer is a resident of Los Angeles County, a law-
13 abiding citizen, and a member of Plaintiff CRPA. Mr. Weimer is employed by Los
14 Angeles County as a firefighter on Catalina Island.

15 33. Like Mr. Messel, Mr. Weimer applied for a CCW permit with LASD
16 and still has not been issued one. Mr. Weimer applied in January 2023, over nine
17 months ago, but still has not been issued a permit or a denial. His constitutional
18 right to carry a firearm for self-defense has been denied to him.

19 34. Plaintiff Clarence Rigali is a resident of La Verne, a law-abiding
20 citizen, and a member of CRPA. Mr. Rigali is 60 years old and disabled. He was a
21 Union Millwright from 1981 until 2003, when he was injured in a serious power
22 plant accident. He possesses a Utah CCW permit, which required a criminal
23 background check to obtain.

24 35. Mr. Rigali lives in a senior citizen mobile home park. Given his fixed
25 income, the unreasonable and unjustifiable \$900 to \$1100 in fees and costs to apply
26 for and obtain a La Verne CCW permit exceeds his modest means and that has
27 prevented him even from applying for a permit. He has been priced out of his
28 constitutional rights.

1 36. Mr. Rigali also objects to the psychological exam LVPD requires,
2 which is an unconstitutional suitability determination. When he sustained his work-
3 related injury in 2003, a protracted lawsuit ensued following that injury, and Mr.
4 Rigali was sent to several antagonistic psychologists for examination as the defense
5 tried to disprove his injuries and claim he was a malinger. That horrible experience
6 has made Mr. Rigali especially apprehensive about subjecting himself to another
7 such exam, let alone as a precondition to exercising an enumerated right. Further,
8 LVPD requires that applicants undergo psychological exams not locally, but in San
9 Bernardino, 35 miles away. Such a travel requirement is burdensome for all
10 applicants, but particularly so for Mr. Rigali given his disability.

11 37. Plaintiff Keith Reeves is a resident of La Verne, a law-abiding citizen,
12 and a member of Plaintiffs The Second Amendment Foundation, Gun Owners of
13 America, and CRPA. He is a certified NRA pistol instructor and a range safety
14 officer. He has CCW permits issued by both Arizona and Utah, which are honored
15 by several states but not California. Both of Mr. Reeves' permits required a
16 criminal background check to obtain.

17 38. Mr. Reeves applied for a CCW permit in January 2014, and was
18 denied in May 2015 because he was deemed to lack sufficient "good cause," a
19 criterion the Supreme Court struck down in *Bruen* seven years later. Post-*Bruen*,
20 Mr. Reeves wishes to reapply for a permit, but cannot afford to do so due to the
21 excessive application and issuance fees charged by LVPD.

22 39. Mr. Reeves also refuses to subject himself to an unconstitutional
23 psychological exam. Once the unconstitutional requirements are removed or
24 invalidated, he will apply for a permit without delay, but has refrained from doing
25 so due to the challenged restrictions.

26 40. Plaintiff Cynthia Gabaldon is a resident of La Verne, a law-abiding
27 citizen, and a member of Plaintiff CRPA. She has trained with firearms for most of
28 her life.

1 41. Encouraged by the Supreme Court’s ruling in *Bruen*, Mrs. Gabaldon
2 decided it was time to obtain a CCW permit. Unfortunately, the exorbitant fees
3 LVPD charges have dissuaded her from applying. Mrs. Gabaldon is self-employed
4 and has a son in college. Given her limited income and her expenses, she cannot
5 afford LVPD’s excessive fees to exercise an enumerated right. Mrs. Gabaldon also
6 objects to subjecting herself to a psychological examination.

7 42. Plaintiff Stephen Hoover is a resident of Florida, and a law-abiding
8 citizen. He is a PhD candidate at the Center for Complex Systems and Brain
9 Sciences in the Charles E. Schmidt College of Science at Florida Atlantic
10 University. He owns firearms and has a Florida-issued CCW permit. He is also a
11 member of Plaintiff CRPA and The Second Amendment Foundation.

12 43. Mr. Hoover spent a significant amount of time in California in the
13 summer of 2023 and plans to return for work and leisure purposes in the near
14 future.

15 44. While he was in California, he sought to obtain a California CCW
16 permit from the Monterey County Sheriff’s Department, as California would not
17 honor his Florida CCW permit, but he still desired to be able to exercise his right to
18 carry for self-defense. Yet in spite of otherwise meeting the criteria for eligibility,
19 his application was denied because he was deemed ineligible for a CCW permit
20 under Penal Code Section 26150(a)(3), as he is not a resident of the county he
21 applied in, nor a resident of California.

22 45. Mr. Hoover joins this lawsuit against California Attorney General Rob
23 Bonta for Mr. Bonta’s enforcement of a complete prohibition on the right to carry
24 against citizens from other states.

25 46. Plaintiff The Second Amendment Foundation (“SAF”) is a non-profit
26 membership organization. It is incorporated under the laws of the state of
27 Washington and was founded in 1974. SAF has over 720,000 members and
28 supporters nationwide, including thousands of members in California. SAF is

1 dedicated to promoting a better understanding of the nation’s constitutional heritage
2 and tradition of privately owning, possessing, and carrying firearms, through
3 educational and legal action programs designed to better inform the public. SAF is
4 a pioneer and innovator in defending the right to keep and bear arms, through its
5 publications and public education programs like the Gun Rights Policy Conference.
6 SAF also incurs significant expenses to sponsor public interest litigation to defend
7 its interests and to disseminate information to like-minded individuals. SAF
8 members who want CCW permits but reside in Los Angeles County or La Verne
9 are subject to lengthy wait times, exorbitant fees, and unconstitutionally subjective
10 permit issuance criteria that violate the U.S. Constitution.

11 47. Plaintiff Gun Owners of America, Inc. (“GOA”) is a California non-
12 stock corporation and a not-for-profit membership organization with its principal
13 place of business in Springfield, Virginia, and is organized and operated as a non-
14 profit membership organization that is exempt from federal income taxes under
15 Section 501(c)(4) of the Internal Revenue Code. GOA was formed in 1976 to
16 preserve and defend the Second Amendment rights of gun owners. It has more than
17 2 million members and supporters across the country, including residents within
18 this judicial district and throughout the State of California. GOA members who
19 wish to obtain CCW permits but reside in Los Angeles County or La Verne are
20 subject to lengthy wait times or exorbitant fees, and also unconstitutionally
21 subjective criteria.

22 48. Plaintiff Gun Owners Foundation (“GOF”) is a Virginia non-stock
23 corporation and a not-for-profit legal defense and educational foundation with its
24 principal place of business in Springfield, Virginia and is organized and operated as
25 a non-profit legal defense and educational foundation that is exempt from federal
26 income taxes under Section 501(c)(3) of the Internal Revenue Code. GOF was
27 formed in 1983 and is supported by gun owners across the country, within this
28 judicial district, and throughout the State of California who, like the individual

1 Plaintiffs, will be irreparably harmed by the implementation and enforcement of SB
2 2. GOF supporters who wish to obtain CCW permits but reside in Los Angeles
3 County or La Verne are subject to lengthy wait times or exorbitant fees, and also
4 unconstitutionally subjective criteria.

5 49. Plaintiff Gun Owners of California, Inc. (“GOC”) is a non-profit
6 organization incorporated under the laws of the state of California with
7 headquarters in El Dorado Hills, California. GOC is dedicated to the restoration of
8 the Second Amendment in California. GOC members who wish to obtain CCW
9 permits but reside in Los Angeles County or La Verne are subject to lengthy wait
10 times or exorbitant fees, and also unconstitutionally subjective criteria.

11 50. Plaintiff CRPA is a non-profit membership and donor-supported
12 organization qualified as tax-exempt under Section 501(c)(4) of the Internal
13 Revenue Code, with its headquarters in Fullerton, California. Founded in 1875,
14 CRPA seeks to defend the civil rights of all law-abiding individuals, including the
15 enumerated right to bear firearms for lawful purposes like self-defense. CRPA
16 regularly participates as a party or amicus in litigation challenging unlawful
17 restrictions on the right to keep and bear arms. It also provides guidance to
18 California gun owners regarding their legal rights and responsibilities. CRPA
19 members include law enforcement officers, prosecutors, professionals, firearm
20 experts, and the general public. CRPA members who want CCW permits but reside
21 in Los Angeles County or the City of La Verne are subject to lengthy wait times or
22 exorbitant fees, and also unconstitutionally subjective criteria.

23 **Defendants**

24 51. Defendant LASD is a local government entity created under the laws
25 of California, and it exists as an agency of Los Angeles County. LASD is a political
26 subdivision of Los Angeles County. LASD is responsible for issuing CCW permits.

27 52. Defendant Robert Luna is the elected Sheriff of Los Angeles County.
28 Defendant Luna is and, at all times relevant to this complaint, was one of the

1 ultimate policy makers for Defendant LASD, and he has authority and
2 responsibility under California Penal Code Section 26150 to issue carry permits
3 within the county. He is directly responsible for promulgating, enforcing, and
4 continuing the policies of his Department, including the unlawful policies and
5 procedures complained of herein. Luna is sued solely in his official capacity.

6 53. Defendant LVPD is a local government entity created under the laws
7 of California, and it exists as an agency and subdivision of the City of La Verne.
8 LVPD CCW permit applications and renewals for residents of the city.

9 54. Defendant Colleen Flores is the Chief of Police of LVPD. She is sued
10 in her official capacity. She has authority and responsibility under California Penal
11 Code Section 26155 to issue carry permits to residents of La Verne.

12 55. Defendant Robert Bonta is the Attorney General of California. He is
13 the chief law enforcement officer of California. Defendant Bonta is charged by
14 Article V, section 13 of the California Constitution with the duty to see that the
15 laws of California are uniformly and adequately enforced. Defendant Bonta also
16 has direct supervision over every district attorney and sheriff in all matters
17 pertaining to the duties of those respective officers. Defendant Bonta's duties also
18 include informing the public, local prosecutors, and law enforcement regarding the
19 meaning of the laws of California.

20 56. The true names or capacities—whether individual, corporate, associate,
21 or otherwise—of the Defendants named herein as Does 1 through 10 are presently
22 unknown to Plaintiffs and are therefore sued by these fictitious names. Plaintiffs
23 pray for leave to amend this Complaint to show the true names or capacities of
24 these Defendants if and when they have been determined.

25 **JURISDICTION AND VENUE**

26 57. The Court has original jurisdiction of this civil action under 28 U.S.C.
27 § 1331, because the action arises under the Constitution and laws of the United
28 States, thus raising federal questions. The Court also has jurisdiction under 28

1 U.S.C. § 1343(a)(3) and 42 U.S.C. §1983 because this action seeks to redress the
2 deprivation, under color of the laws, statutes, ordinances, regulations, customs, and
3 usages of the State of California and political subdivisions thereof, of rights,
4 privileges or immunities secured by the United States Constitution and by Acts of
5 Congress.

6 58. Plaintiffs' claims for declaratory and injunctive relief are authorized by
7 28 U.S.C. §§ 2201-2202, and their claim for attorney's fees is authorized by 42
8 U.S.C. § 1988.

9 59. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)
10 because the events or omissions giving rise to the claims occurred in this district.
11 Los Angeles County Sheriff's Department and La Verne Police Department are
12 both located within this district.

13 GENERAL ALLEGATIONS

14 60. The Supreme Court has recognized that the Second Amendment
15 protects the individual right to keep and bear arms and protects, *inter alia*, the right
16 of the people to "possess and carry weapons in case of confrontation." *District of*
17 *Columbia v. Heller*, 554 U.S. 570, 592 (2008).

18 61. The Supreme Court has also held that the Second Amendment right to
19 keep and bear arms, via Fourteenth Amendment incorporation, applies equally to
20 prohibit infringement by state and local governments. *See McDonald v. City of*
21 *Chicago*, 561 U.S. 742, 750, 778 (2010) ("it is clear that the Framers and ratifiers of
22 the Fourteenth Amendment counted the right to keep **and bear** arms among those
23 fundamental rights necessary to our system of ordered liberty") (emphasis added).

24 62. *Heller* established a "text, history, and tradition" framework for
25 analyzing Second Amendment questions. *See Bruen*, 142 S. Ct. at 2127-29, citing
26 *Heller*, 554 U.S. at 634. Under that framework, the *Heller* Court assessed historical
27 evidence to determine the prevailing understanding of the Second Amendment at
28 the time of its ratification in 1791. Based on that assessment, the Court concluded

1 that the District of Columbia statute which prohibited possession of the most
2 common type of firearm in the nation (the handgun) lacked a Revolutionary-era
3 tradition, did not comport with the historical understanding of the scope of the
4 right, and therefore violated the Second Amendment.

5 63. Most recently, the Supreme Court confirmed and reiterated *Heller's*
6 historical approach to analyzing Second Amendment questions:

7 We reiterate that the standard for applying the Second Amendment is
8 as follows: When the Second Amendment's plain text covers an
9 individual's conduct, the Constitution presumptively protects that
10 conduct. The government must then justify its regulation by
11 demonstrating that it is consistent with the Nation's historical tradition
12 of firearm regulation. Only then may a court conclude that the
13 individual's conduct falls outside the Second Amendment's
14 "unqualified command."

15 *Bruen*, 142 S. Ct. at 2126 (quoting *Konigsberg v. State Bar of Cal.*, 366 U. S. 36, 50
16 n.10 (1961)).

17 64. In applying that test, the *Bruen* Court confirmed "that the Second and
18 Fourteenth Amendments protect an individual's right to carry a handgun for self-
19 defense outside the home." 142 S. Ct. at 2122.

20 **California's Law Regarding CCW Permit Issuance**

21 65. Following the California Legislature's enactment of SB 2, which takes
22 effect in January of 2024, California law imposes the following CCW permit
23 application requirements:

24 (a) When a person applies for a new license or license renewal to carry
25 a pistol, revolver, or other firearm capable of being concealed upon the
26 person, the sheriff of a county shall issue or renew a license to that
27 person upon proof of all of the following:

28 (1) The applicant is not a disqualified person to receive such a license,
as determined in accordance with the standards set forth in Section
26202.

(2) The applicant is at least 21 years of age, and presents clear
evidence of the person's identity and age, as defined in Section 16400.

(3) The applicant is a resident of the county or a city within the county,
or the applicant's principal place of employment or business is in the
county or a city within the county and the applicant spends a

1 substantial period of time in that place of employment or business.
2 Prima facie evidence of residency within the county or a city within
3 the county includes, but is not limited to, the address where the
4 applicant is registered to vote, the applicant's filing of a homeowner's
5 property tax exemption, and other acts, occurrences, or events that
6 indicate presence in the county or a city within the county is more than
7 temporary or transient. The presumption of residency in the county or
8 city within the county may be rebutted by satisfactory evidence that
9 the applicant's primary residence is in another county or city within
10 the county.

6 (4) The applicant has completed a course of training as described in
7 Section 26165.

8 (5) The applicant is the recorded owner, with the Department of
9 Justice, of the pistol, revolver, or other firearm for which the license
10 will be issued.

10 Cal. Penal Code § 26150(a) (West 2023); *see id.* § 26155(a) (listing the same
11 requirements for when a city's Police Department conducts permit issuance).

12 66. Under the recently revised Penal Code Section 26205 operative
13 January 2024, a licensing authority:

14 shall give written notice to the applicant indicating if the license under
15 this chapter is approved or denied. The licensing authority shall give
16 this notice within 120 days of receiving the completed application for a
17 new license, or 30 days after receipt of the information and report from
18 the Department of Justice described in paragraph (2) of subdivision (a)
19 of Section 26185, whichever is later. The licensing authority shall give
20 this notice within 120 days² of receiving the completed application for
21 a license renewal.

19 67. Under Penal Code Section 26190(b)(2), only 50 percent³ of the
20 "additional local fee"—what the issuing authority may charge CCW permit
21 applicant above the DOJ's application fees—may be charged at the time the CCW
22 permit application is submitted. The balance may be collected only when a permit
23 is issued. Furthermore, the additional local fee cannot exceed the actual reasonable
24 costs incurred by the locality in processing the application.

25 68. While *Bruen* expressly forbids subjective criteria be used during a
26

27 ² The 120-day time limit was 90 days prior to the passage of SB 2.

28 ³ This additional local fee was capped at 20 percent prior to the passage of
SB 2.

1 licensure process, California law does too, at least to the extent the standard DOJ
2 CCW permit application does not require such information. According to Penal
3 Code Section 26175(g), “[a]n applicant shall not be required to complete any
4 additional application or form for a license, except to clarify or interpret
5 information provided by the applicant on the standard application form.” Thus,
6 local requirements (such as Defendant LASD’s) that an applicant produce copies of
7 past employment files or identify a need for self-defense are not within the ambit of
8 the DOJ’s standard permit application.

9 69. California law authorizes a local issuing authority to conduct
10 psychological testing prior to issuance of a concealed carry license. This provision
11 of California’s CCW licensing regime manages to violate more than just the Second
12 Amendment. It violates the presumption of sanity, it places an impressible burden
13 on exercising an enumerated right, and violates the procedural due process
14 guarantees of the Fourteenth Amendment.

15 70. Psychological testing has the effect of transferring the discretionary
16 issuance of a permit to exercise an enumerated right from a government official to a
17 psychologist. *Bruen*’s holding rejects “suitability” determinations in permit
18 issuance schemes, and a psychological evaluation is a per se a suitability
19 determination. Such an evaluation impermissibly introduces the subjective
20 impressions and opinions of the person conducting the evaluation into the permit
21 issuance determination, rather than using objective criteria such as prior mental
22 health adjudications. In that sense, a psychological exam to determine whether an
23 applicant has the proper temperament to bear arms is nothing more than a
24 requirement that an applicant demonstrate “good moral character” in order to bear
25 arms – something that *Bruen* definitively forecloses by rejecting “suitability”
26 determinations. And that is to say nothing about the utter dearth of a Founding-era
27 tradition of testing the mental condition of each and every individual seeking to
28 exercise their rights to carry arms in public.

1 71. What is more, California law permits local issuing authorities to
2 impose this unconstitutional and subjective psychological-suitability determination
3 on individuals as a prerequisite to carry a firearm, even after they have already
4 demonstrated their lawful entitlement to possess a firearm. In other words, the
5 CCW applicant has already passed a background check (including a check of a
6 history of prior disqualifying mental health commitments or holds) as a condition of
7 purchasing a firearm. And this already-passed background check is the same
8 background check that a CCW permit applicant will again have to pass during the
9 permit-issuance process, prior to any psychological evaluation being performed.

10 72. Furthermore, the excessive cost and financial burden of such a
11 psychological test impermissibly shifts the burden to CCW applicants in violation
12 of *Bruen*.

13 73. California law already provides for fully disarming any person
14 subjected to a psychological hold when a qualified professional has determined that
15 the individual is a danger to themselves or others. *See* Cal. Welf. & Inst. Code §§
16 5150, 5250, 8100-8108. A person's disqualifying mental health hold is a
17 mandatory record forwarded to and maintained by the California Department of
18 Justice for regulating firearm possession. *Id.*, §§ 8104-06. Yet even after a mental
19 health hold, the State of California, not the individual citizen, bears the burden of
20 proving a threat to public safety based on evidence of psychological
21 disqualification. *Id.*, § 8103(f)(6). SB 2 contradicts existing law in California by
22 requiring a law-abiding resident to prove a negative – i.e., that they are not insane
23 or psychologically impaired.

24 74. For all of these reasons, Plaintiffs also challenge the constitutionality
25 of California Penal Code Section 26190(e),⁴ which permits issuing authorities to
26 mandate psychological testing. That is the primary reason the Attorney General is
27

28 ⁴ Designated 26190(f) prior to the passage of SB 2.

1 included as a Defendant in this lawsuit.

2 75. SB 2 also added new subsections to the Penal Code that allow issuing
3 authorities to disqualify a permit applicant due to loss or theft (being a victim of
4 crime) of a firearm. Specifically, an applicant is disqualified if: “In the 10 years
5 prior to the licensing authority receiving the completed application for a new
6 license or a license renewal, [he] has experienced the loss or theft of multiple
7 firearms due to the applicant’s lack of compliance with federal, state, or local law
8 regarding storing, transporting, or securing the firearm. For purposes of this
9 paragraph, “multiple firearms” includes a loss of more than one firearm on the same
10 occasion, or the loss of a single firearm on more than one occasion.” *See* Cal. Penal
11 Code § 26202(a)(9) (West 2023).

12 76. An applicant can also be denied if he: “[f]ailed to report a loss of a
13 firearm as required by Section 25250 or any other state, federal, or local law
14 requiring the reporting of the loss of a firearm.” *See id.* § 26202(a)(10).

15 77. None of these additional criteria imposed on license applicants
16 comport with the Second Amendment, as there is no broad and enduring historical
17 tradition of disarming Americans because they have been victimized by criminals.
18 Thus, Plaintiffs seek to enjoin Defendants from enforcing these statutory
19 provisions.

20
21 **LASD Is Misled by the Attorney General and Does Not Address Lengthy Wait
Times Despite Several Letters from CRPA Warning of Litigation**

22 78. Following the *Bruen* ruling, CRPA sent letters to all California
23 sheriff’s departments, including Los Angeles County. The first letter was sent the
24 day after the June 2022 *Bruen* ruling, and explained that the “good cause” portion
25 of California’s CCW permit issuance laws was no longer enforceable.

26 79. But rather than complying with the Supreme Court’s decision, the
27 Attorney General rebelled, responding to the *Bruen* ruling by claiming that local
28 sheriffs and police chiefs in fact could *add* more steps and impose *additional*

1 subjective considerations to the permit application process in light of *Bruen*. On
2 June 24, 2022, the Attorney General sent a Legal Alert to law enforcement officials
3 across California, instructing it was proper under *Bruen* to apply a heightened
4 “good moral character” requirement to the application process which included
5 subjective considerations beyond the applicant passing a criminal and mental health
6 background check.

7 80. In response to the Attorney General’s malicious and intentional
8 attempt to undermine the *Bruen* ruling, CRPA sent a second letter to several
9 sheriff’s departments, including LASD, reiterating that the Second Amendment, as
10 clarified by the *Bruen* ruling, will only permit “narrow, objective, and definite”
11 standards to be used in issuing permits to law-abiding citizens,⁵ and that they
12 should ignore the Attorney General’s unlawful instruction to his subordinate law
13 enforcement agencies.

14 81. In the months following CRPA’s correspondences to the county
15 sheriffs, CRPA received responses from several departments stating that they
16 would begin complying with *Bruen*. In contrast, LASD never responded. It did
17 begin to process CCW permit applications, albeit at an unlawfully slow pace, with
18 wait times routinely stretching beyond one year for many CRPA members.
19 However, CRPA abstained from litigation, believing it best to allow the law
20 enforcement authorities some time to adjust to the implied mandate of *Bruen*.

21 82. In August 2022, former LASD Sheriff Alex Villanueva announced that
22 “LASD will only accept first-time CCW applications from those who reside within
23 our contract cities or unincorporated communities. Applicants residing in a
24 municipality other than those served by LASD shall contact their local police
25 department and apply for a CCW license.” This meant that several cities in Los
26

27 ⁵ Again, Plaintiffs do not concede that any mandatory permitting scheme was
28 found permissible by *Bruen*, as most of the states that have such objective “shall
issue” schemes also allow constitutional carry or open carry without a license.

1 Angeles County, that had not set up a CCW permit program, like La Verne, would
2 now need to do so, even though the Sheriff is obligated to accept and process such
3 applications from *any* county resident—whether they live in a "non-contract" city
4 or not—under California Penal Code section 26150.

5 83. This illegal LASD policy change has contributed to the high fees
6 problem. LASD's refusal to grant permits to residents of municipalities inside the
7 county eliminates a cheaper route to obtaining a permit for county residents, and
8 gives them no way around the exorbitant fees that some municipalities, like LVPD,
9 have imposed.

10 84. As CRPA received an ever-increasing volume of complaints about
11 waiting times and fees from its members in the months following *Bruen*, it sent a
12 letter to newly elected Sheriff Luna on February 21, 2023. The letter advised that
13 long wait times contravene *Bruen's* express language, violate the Second
14 Amendment, and are unlawful under California law, and promised to forbear
15 litigation should the Sheriff imminently address the long wait times at issue.

16 85. Sheriff Luna's office responded by letter dated March 9, 2023, stating
17 that LASD was "taking steps to reduce processing times and improve our overall
18 processes." That letter detailed how the adoption of new application processing
19 software (Permitium) may reduce processing times and alluded to potentially
20 increasing staffing in the CCW unit to address the backlog of applications. The
21 Sheriff stated that he hoped the situation would be much better in six months, and
22 he promised to provide regular progress updates (that never materialized).

23 86. CRPA responded on March 14, 2023 writing that, while Sheriff Luna's
24 letter was encouraging, another six months was not an acceptable timeframe, given
25 the thousands of applications lingering for a year or more. CRPA also noted that
26 LASD previously admitted that long wait times are unconstitutional. In a July 7,
27 2022, letter to the Chief of Police of San Gabriel explaining why LASD could no
28 longer accept applications from residents of San Gabriel, the Department wrote in

1 pertinent part:

2 Although the LASD can process CCW applications, as currently staffed, there
3 will be significant delays because we do not have sufficient personnel required
4 for the anticipated surge. As such, any unnecessary delays would violate the
5 SCOTUS decision, thus violating the rights of the citizens of Los Angeles
6 County and opening the LASD and other law enforcement agencies to
7 otherwise avoidable litigation.

8 211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

9 *A Tradition of Service*
10 *— Since 1850 —*

11 RECEIVED
12 JUL 11 2022
13 SAN GABRIEL PD
14 ADMINISTRATION

15 87. CRPA’s March 14, 2023 letter also expressed CRPA’s view that
16 adopting a policy of not processing permit applications from LA County residents
17 living in non-contract municipalities was illegal. CRPA is unaware of any other
18 California county sheriff that refuses to process CCW permit applications for that
19 county’s residents merely because those residents live in a “non-contract city.”

20 88. Unfortunately, in a responsive letter dated March 24, 2023, the Sheriff
21 only repeated his vague promise to “improve efficiency and reduce processing
22 times,” but refused to resume accepting applications from residents of non-contract
23 cities.

24 89. As of the filing of this lawsuit, the wait times for LASD permit
25 applicants in fact have grown worse instead of better, with CRPA members
26 complaining of wait times in excess of 15 months. Some individuals who submitted
27 applications at the time of the *Bruen* ruling in June 2022 have not even been
28 contacted for their initial interview, as of November 2023.

90. LASD does not deny that its wait times are absurdly long. In response
to a Public Records Act request by Attorney Jason Davis, the Department
confirmed that applicants could expect wait times of, “from application entry to
issuance . . . a year to a year and a half.”

91. CRPA sent a final letter to the Sheriff on September 14, 2023, warning
that litigation was imminent if no immediate changes to accelerate application
processing were made. A response was received from the Sheriff on November 1,

1 2023, making the same vague promises as before, however, no concrete steps to
2 implement these purported fixes or timelines for doing so were identified.

3 **LVPD’s Exorbitant Fees and Unconstitutional Psychological Exam** 4 **Requirement**

5 *A. LVPD’s Permit Application Fees Are Dramatically Higher Than Most* 6 *Other Issuing Authorities in California and Elsewhere*

7 92. Like many other municipalities in California, La Verne did not
8 historically have a CCW permitting process, but instead referred applicants to
9 LASD. But as discussed *supra*, after *Bruen*, LASD announced that it “will only
10 accept first-time CCW applications from those who reside within our contract cities
11 or unincorporated communities and encourage applicants residing in a municipality
12 other than those served by LASD to contact their local police department and apply
13 for a CCW license.”⁶ Consequently, La Verne and other cities were forced to
14 establish their own permitting programs.

15 93. LVPD took several months to set up its permit process, during which
16 time its residents had no operative permitting authority to which to apply in order to
17 obtain a permit to exercise the constitutional right to bear arms outside the home.
18 Eventually, LVPD announced in early 2023 that it would begin accepting
19 applications, and published the schedule of fees.

20 94. However, the outrageous fee schedule included \$398 for “processing,”
21 \$150 for “administrative” costs, \$93 for “licensing,” \$20 for fingerprinting, \$150
22 for a psychological exam, \$20 for a card-issuance fee, and \$250 for a training
23 course. Applicants would thus have to pay *more than \$1,000* merely to be approved
24 to exercise their constitutional self-defense right.

25 95. This cumulative fee schedule significantly exceeds what CCW
26 applicants in other states pay. For example, in Arizona, where applying for a permit
27 is entirely optional because Arizona is a constitutional carry state, the application

28 ⁶ See <https://lasd.org/ccw/#ccw_fees> (as of November 30, 2023).

1 fee is \$60 plus the cost of fingerprinting that must be submitted with the
2 application.⁷ In Texas, the application fee is \$40.⁸ Florida charges \$55 for its
3 issuance fee and \$42 for fingerprinting.⁹ Utah charges \$53.25 for Utah residents,
4 and \$63.25 for non-residents.¹⁰ In Minnesota, the fee may not exceed \$100.¹¹
5 Nevada charges \$100.25.¹² Washington State charges \$36 plus fingerprinting fees.¹³

6 96. California's short two-year permit period is also an outlier that makes
7 the average annual to exercise the carry right much greater than other states. An
8 Arizona CCW permit, for example, is good for five years and costs only \$60. Thus,
9 an Arizona permit costs roughly \$12 a year, whereas a La Verne permit costs no
10 less than \$500 per year.

11 97. The fees LVPD charges eclipse even other issuing authorities *within*
12 *California*. Defendant LASD, for example, charges a \$43 initial fee,¹⁴ a \$173

14 ⁷ See "Concealed Weapons & Permits | Arizona Department of Public
15 Safety," <<https://www.azdps.gov/services/public/cwp>> (as of November 30, 2023).

16 ⁸ See "Licensing & Registration | Department of Public Safety,"
17 <<https://www.dps.texas.gov/section/handgun-licensing/licensing-registration>> (as
of November 30, 2023).

18 ⁹ See "Concealed Weapons License Fees,"
19 <<https://www.fdacs.gov/content/download/7438/file/Concealed-Weapons-License-Fees-06-26-2017.pdf>> (as of November 30, 2023).

20 ¹⁰ See "How do I Apply for a Concealed Firearm Permit? | DPS – Criminal
21 Identification (BCI)," <<https://bci.utah.gov/concealed-firearm/how-do-i-apply-for-a-concealed-firearm-permit>> (as of November 30, 2023).

22 ¹¹ See "Administrative Services – Permit to Carry FAQ,"
23 <<https://dps.mn.gov/divisions/bca/bca-divisions/administrative/Pages/Permit-to-Carry-FAQ.aspx>> (as of November 30, 2023).

24 ¹² See "Concealed Firearms Permits," <<https://www.lvmpd.com/en-us/RecordsFingerprintBureau/Pages/ConcealedFirearms.aspx>> (as of November
25 30, 2023).

26 ¹³ See "*Fees: Firearms*"
27 <<https://www.dol.wa.gov/business/firearms/fafees.html>> (as of November 30,
2023).

28 ¹⁴ See <<https://lasd.permitium.com/entry>> (as of November 30, 2023).

1 issuance fee, plus the cost of training¹⁵ and livescan,¹⁶ which applicants contract for
2 on their own through a third party. The San Diego County Sheriff's Department
3 charges a \$27.60 application fee,¹⁷ a \$93 livescan fee, and a \$110.40 final fee, with
4 the training provider chosen and contracted with by the applicant. The Orange
5 County Sheriff's Department's fees total \$169 for the application,¹⁸ with applicants
6 completing the livescan and training through third parties they choose and contract
7 with.

8 98. LVPD's claimed processing costs are not only excessive, but not even
9 comparable to similar cities' fees. La Verne's next-door neighbor Glendora charges
10 \$243 in total for processing (including livescan), plus the cost of the training
11 course.¹⁹ Burbank charges \$100, plus the cost of livescan and the training course.²⁰
12 Whittier charges \$243 (including livescan), plus the cost of the training course.²¹
13 Even the City of Los Angeles is not as expensive as La Verne, charging \$268 plus
14 the cost of livescan and the training course²². Moreover, none of the examples listed
15 here require a psychological exam, which saves applicants \$150. Permit renewal

16 _____
17 ¹⁵ Training courses are typically offered by an approved list of providers,
with the class costing between \$175 and \$400 depending on the provider.

18 ¹⁶ Typically around \$100, depending on the provider.

19 ¹⁷ See <[https://www.sdsheriff.gov/i-want-to/get-a-permit-or-](https://www.sdsheriff.gov/i-want-to/get-a-permit-or-license/regulatory-licenses-and-fees/concealed-weapons-license)
20 [license/regulatory-licenses-and-fees/concealed-weapons-license](https://www.sdsheriff.gov/i-want-to/get-a-permit-or-license/regulatory-licenses-and-fees/concealed-weapons-license)> (as of November
30, 2023).

21 ¹⁸ See <<https://ocsd.permitium.com/ccw/start>> (as of November 30, 2023).

22 ¹⁹ See <<https://glendorapdca.permitium.com/ccw/start>> (as of November 30,
23 2023).

24 ²⁰ See <<https://burbankpdca.permitium.com/ccw/start>> (as of November 30,
2023).

25 ²¹ See <<https://whittierpdca.permitium.com/ccw/start>> (as of November 30,
26 2023).

27 ²² See <[https://www.lapdonline.org/office-of-the-chief-of-police/office-of-](https://www.lapdonline.org/office-of-the-chief-of-police/office-of-special-operations/detective-bureau/detective-services-group/ccw-carry-concealed-weapon-license/)
28 [special-operations/detective-bureau/detective-services-group/ccw-carry-concealed-](https://www.lapdonline.org/office-of-the-chief-of-police/office-of-special-operations/detective-bureau/detective-services-group/ccw-carry-concealed-weapon-license/)
[weapon-license/](https://www.lapdonline.org/office-of-the-chief-of-police/office-of-special-operations/detective-bureau/detective-services-group/ccw-carry-concealed-weapon-license/)> (as of November 30, 2023).

1 fees for these localities are generally under \$100.

2 99. In general, most applicants in California will spend around \$400-\$600
3 to get their permits. While this is expensive, it is a relative bargain compared to
4 LVPD's astronomical \$1,000 price tag for government approval to bear arms in
5 public.

6 *B. Outsourcing Application Processing to Third-party Processor*
7 *MyCCW is Why LVPD is so Much Costlier Than Other Issuing*
8 *Authorities.*

9 100. Of the 88 distinct municipalities in Los Angeles County, the only ones
10 with grossly excessive fee schedules similar to LVPD are those cities which, like
11 La Verne, have outsourced CCW processing to a third-party private contractor
12 called "MyCCW." These include cities like Santa Monica, San Gabriel, and Signal
13 Hill.²³

14 101. To use MyCCW to process residents' CCW Permit applications, those
15 cities, including La Verne, pass on a number of exorbitant or illegal fees charged by
16 MyCCW, including:

17 a. the entire application fee charged at the time the application is
18 submitted, in violation of Penal Code section 26190, which caps the percentage of
19 the total fee collected until after the application is approved;

20 b. a renewal fee of \$348, in excess of the current renewal fee allowed
21 under Section 26190.²⁴

22 ²³ See <<https://www.myccw.us/>> (as of November 30, 2023).

23 ²⁴ It is unclear how contracting with MyCCW to perform CCW Permit
24 application processing for LVPD is legal in any aspect because, while a licensing
25 authority may charge an additional fee for processing an application beyond the
26 standard DOJ charges in an amount equal to that local authority's reasonable costs
27 for processing, the Penal Code expressly requires that the additional fee collected
28 be deposited in the local authority's treasury, not shared with a private contractor as
profit. See Cal. Penal Code § 26190(b) (West 2023). However, Plaintiffs do not
challenge the legality of the use of third-party processors such as MyCCW in this
action, and limit their challenge to only the costs passed along to applicants for
such use.

1 102. LVPD passes these unconstitutionally high and contrary to state law
2 fees imposed by MyCCW's use onto its applicants. The \$398 application fee, plus
3 the \$150 psychological examination—which most other cities and LASD do not
4 require—explains in part why LVPD's CCW fee schedule is exorbitantly high, an
5 outlier among outliers.

6 *C. LVPD's Burdensome Psychological Examination.*

7 103. LVPD's required psychological exam administered is invasive and
8 burdensome, it violates procedural due process, and is fundamentally incompatible
9 with the exercise of Second Amendment rights.

10 104. The exam is administered at a facility in San Bernardino on weekdays.
11 That drive takes approximately an hour each way for a typical La Verne resident.
12 The facility applicants are required to use was designed to test applicants applying
13 for roles in law enforcement, not citizens exercising their Second Amendment
14 rights. Yet, for reasons having no grounding in science or empirical evidence,
15 LVPD requires CCW permit applicants to fill out a psychological exam asking
16 applicants the same questions that are used to screen its law enforcement personnel.

17 105. Applicants are then interviewed by a psychologist, who ultimately
18 makes a recommendation to the City with respect to whether the person should be
19 entrusted with Second Amendment rights.

20 106. From start to finish, including drive time, an applicant will likely
21 spend at least four hours on this examination.

22 107. Furthermore, the requirement that a law-abiding person affirmatively
23 and subjectively prove that they are psychologically suitable to exercise the right of
24 self-defense is not grounded in any history or tradition of the right to bear firearms.

25 108. Plaintiff CRPA sent several letters to La Verne identifying these issues
26 with their CCW Permit scheme, but never received a response.

California Must Honor CCW Permits Issued by Other States

109. A number of states issue permits to nonresidents. Most states require no permit at all for nonresidents to carry within their borders. Others allow open carry. Although California does not honor any other states' CCW permits, dozens of states do honor each other's permits. For example, a Utah CCW permit is valid in Nevada, Idaho, Montana, Washington, and 32 other states.

110. In addition to a lack of any reciprocity for other states' permits, there is no process for nonresidents like Plaintiff Hoover to get a California CCW permit, even if they were willing to put up with the time and expense such a process would likely involve. In other words, if you are visiting California from another state, or if you need to cross into the state regularly for work, you check your federally enumerated right to carry for self-defense at California's border.

111. California also does not honor nonresident permits even if they are held by its own residents, such as Plaintiffs Rigali and Reeves, who hold CCW permits issued by Utah and Arizona.

112. California has no more authority to deny nonresidents' rights to public carry than it does to deny their rights to speak within its borders. On the contrary, the Second Amendment's reference to "the people[]" ... unambiguously refers to all members of the political community, not an unspecified subset." *Heller*, 554 U.S. at 580.

113. An analogous issue was already decided in 2015. Because Ohio would not allow for same sex marriages, James Obergefell and John Arthur decided to marry in Maryland. After learning that Ohio would not recognize their marriage, they filed a lawsuit. The Supreme Court ultimately held, in pertinent part, that "[t]he Fourteenth Amendment requires a State . . . to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-State." *Obergefell v. Hodges*, 576 U.S. 644, 644 (2015). In reaching this conclusion, the Court explained that:

1 For some couples, even an ordinary drive into a neighboring State to
2 visit family or friends risks causing severe hardship in the event of a
3 spouse’s hospitalization while across state lines. In light of the fact that
4 many States already allow same-sex marriage—and hundreds of
5 thousands of these marriages already have occurred—the disruption
6 caused by the recognition bans is significant and ever-growing. As
7 counsel for the respondents acknowledged at argument, if States are
8 required by the Constitution to issue marriage licenses to same-sex
9 couples, the justifications for refusing to recognize those marriages
10 performed elsewhere are undermined.

11 *Id.* at 680-681.

12 114. This holding and its logic, with respect to an unenumerated right,
13 apply just as much to the enumerated right to bear arms, and thus applies equally to
14 CCW permits issued by other states as the Supreme Court instructs that it does to
15 marriage licenses issued by other states. California may not completely deny
16 Americans the right to carry for self-defense within California’s borders just
17 because they are not California residents.

18 115. In the free speech context, an individual “faced with such an
19 unconstitutional licensing law may ignore it and engage with impunity in the
20 exercise of the right of free expression for which the law purports to require a
21 license.” *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 151 (1969). Similarly,
22 if a non-resident’s permit is not honored in California, and there is no way for them
23 to get a California CCW permit, their only avenue to exercise their right to carry in
24 defiance of California law.

25 **PLAINTIFFS SEEK DECLARATORY AND INJUNCTIVE RELIEF**

26 116. Under *Bruen*, Defendants bear the burden of proving their policies
27 comply with the Second Amendment. They will fail to do so, because their
28 practices are entirely atextual and ahistorical, novel schemes developed in recent
years or decades, and completely without any historical analogue.

117. Accordingly, Plaintiffs seek declaratory relief confirming that Los
Angeles County Sheriff’s Department’s current CCW permit application regime
violates the Second Amendment, imposing extraordinary delays and including

1 forbidden suitability determinations. LASD’s wait times also violate California
2 Penal Code Section 26205 because they exceed the 90 days (or 120 days after
3 January 1, 2024) permitted by statute.²⁵

4 118. LASD also violates California Penal Code Section 26150 by refusing
5 to accept applications from all residents of Los Angeles County.

6 119. Plaintiffs also seek declaratory relief confirming that LVPD’s current
7 CCW permit application regime violates the Second Amendment because: it
8 includes an unconstitutional psychological exam the City purports to utilize for
9 applicants under California Penal Code Section 26190(f)(1), because its fee
10 schedule is astronomically expensive, and because permit issuance is conditioned
11 upon unconstitutional suitability determinations instead of narrow, objective, and
12 definite standards.

13 120. LVPD also violates Penal Code Section 26190(b)(2) by collecting the
14 entire application fee upfront, prior to licensure. LVPD’s use of “MyCCW” violates
15 Penal Code Sections 26190(b)(1) because it does not transfer its “additional fees” to
16 the city treasury, instead paying a third-party provider. By charging over \$25 for a
17 renewal application, LVPD also violates Penal Code Section 26190(b) (“The
18 licensing authority may charge an additional fee, not to exceed twenty-five dollars
19 (\$25), for processing the application for a license renewal, and shall transmit an
20 additional fee, if any, to the city, city and county, or county treasury.”).

21 121. Defendant Bonta has the burden of proving that Penal
22 Code Section 26190(f)(1)’s psychological examination requirement for obtaining a
23 CCW license comports with the Second Amendment in light of *Bruen*’s prohibition
24 on suitability determinations for CCW licenses. He will fail to do so.
25 Constitutional rights are not conditioned on a quasi-medical professional’s opinion
26 of a person’s emotional bona fides.

27 _____
28 ²⁵ Plaintiffs do not concede that either of these time periods is a permissible
impediment to the exercise of an enumerated right.

1 122. Plaintiffs seek a declaration that *all* “the people” have the right to bear
2 arms in public and, because of that, California must honor CCW permits issued by
3 other states or allow residents of other states to apply for California CCW permits.²⁶

4 123. Finally, Plaintiffs seek preliminary and permanent injunctive relief to
5 compel Defendants to comply with the Second Amendment as clarified by *Bruen*
6 and California law by correcting the violations listed above.

7 **FIRST CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
8 **U.S. CONST. AMENDS. II, XIV**
9 **RIGHT TO BEAR ARMS**
10 **42 U.S.C. § 1983**

11 **AGAINST DEFENDANTS LOS ANGELES COUNTY SHERIFF’S**
12 **DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10**

13 124. Plaintiffs hereby re-allege and incorporate by reference the allegations
14 in the foregoing paragraphs as if set forth fully herein.

15 125. As described previously, LASD violated and continues to violate the
16 rights of CCW permit applicants by taking over a year to process applications and
17 by engaging in forbidden suitability determinations.

18 126. As a result, Plaintiffs’ Second Amendment rights, as incorporated
19 under the Fourteenth Amendment, as well as the rights of the associational
20 Plaintiffs’ members and supporters, are violated.

21 127. Defendants are propagating customs, policies, and practices that
22 deprive or delay California residents, including Plaintiffs, of their constitutional
23 right to bear arms outside the home for self-defense “in case of confrontation,” as
24 guaranteed by the Second and Fourteenth Amendments.

25 128. Defendants cannot meet their burden to justify these customs, policies,
26 and practices that preclude Plaintiffs from exercising their enumerated rights.

27 ²⁶ Again, Plaintiffs do not concede that permitting itself is constitutional, as
28 there is no broad and enduring historical tradition of government licensure to bear
arms in public.

1 129. Plaintiffs are thus entitled to declaratory and injunctive relief against
2 such unconstitutional customs, policies, and practices.

3 **SECOND CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
4 **U.S. CONST. AMENDS. II, XIV**
5 **RIGHT TO BEAR ARMS**
6 **42 U.S.C. § 1983**
7 **AGAINST DEFENDANTS LA VERNE POLICE DEPARTMENT, LA VERNE**
8 **CHIEF OF POLICE COLLEEN FLORES, AND DOES 1-10**

9 130. Plaintiffs hereby re-allege and incorporate by reference the allegations
10 in the foregoing paragraphs as if set forth fully herein.

11 131. As described previously, LVPD has violated and continues to violate
12 the rights of CCW permit applicants by charging nearly \$600 in total fees (not
13 including the cost of training, livescan, and psychological review) and by engaging
14 in forbidden suitability determinations with its psychological examination
15 requirement.

16 132. As a result, Plaintiffs' Second Amendment rights, as incorporated
17 under the Fourteenth Amendment, as well as the rights of the associational
18 Plaintiffs' members and supporters, are violated.

19 133. Defendants are thus propagating customs, policies, and practices that
20 deprive or delay California residents, including Plaintiffs, of their constitutional
21 right to bear arms outside the home for self-defense "in case of confrontation," as
22 guaranteed by the Second and Fourteenth Amendments.

23 134. Defendants cannot satisfy their burden to justify these customs,
24 policies, and practices that preclude Plaintiffs from exercising their enumerated
25 rights.

26 135. Plaintiffs are thus entitled to declaratory and injunctive relief against
27 such unconstitutional customs, policies, and practices.
28

1 **THIRD CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
2 **U.S. CONST. AMENDS. II, XIV**
3 **RIGHT TO BEAR ARMS**
4 **42 U.S.C. § 1983**

5 AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10

6 136. Plaintiffs hereby re-allege and incorporate by reference the allegations
7 in the foregoing paragraphs as if set forth fully herein.

8 137. The Supreme Court has explained that permitting regimes which deny
9 licenses based on a “perceived lack of need or suitability” are unconstitutional.
10 *Bruen*, 142 S. Ct. at 2123.

11 138. As described previously, California violates the right of CCW permit
12 applicants by allowing issuing authorities to demand psychological exams at their
13 discretion under California Penal Code Section 26190(f) (soon to be 26190(g)
14 under SB2).

15 139. California also refuses to recognize CCW permits issued by other
16 states, whether they are held by residents or nonresidents. California also refuses to
17 grant CCW permits to non-residents, thus providing no way for nonresidents to
18 exercise their right to carry within its borders.

19 140. As a result, Plaintiffs’ Second Amendment rights, as incorporated
20 under the Fourteenth Amendment, as well as the rights of the associational
21 Plaintiffs’ members and supporters, are violated.

22 141. The Attorney General is thus enforcing laws that violate the
23 constitutional right to bear arms outside the home for self-defense “in case of
24 confrontation,” as guaranteed by the Second and Fourteenth Amendments.

25 142. Plaintiffs are entitled to declaratory and injunctive relief against such
26 unconstitutional laws, customs, policies, and practices.

27 **FOURTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
28 **VIOLATIONS OF THE CALIFORNIA PENAL CODE**
 AGAINST DEFENDANTS LOS ANGELES COUNTY SHERIFF’S
 DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10

 143. Plaintiffs hereby re-allege and incorporate by reference the allegations

1 in the foregoing paragraphs as if set forth fully herein.

2 144. LASD's CCW permit process violates California Penal Code Section
3 26205 by taking over a year to process permit applications.

4 145. Additionally, Plaintiffs' Second Amendment rights, as incorporated
5 under the Fourteenth Amendment, as well as the rights of the associational
6 Plaintiffs' members and supporters, are violated.

7 146. Defendants LASD and Sheriff Robert Luna are thus enforcing laws
8 that violate the constitutional right to bear arms outside the home for self-defense
9 "in case of confrontation," as guaranteed by the Second and Fourteenth
10 Amendments.

11 147. Plaintiffs are thus entitled to declaratory and injunctive relief against
12 these illegal customs, policies, and practices.

13 **FIFTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
14 **VIOLATIONS OF THE CALIFORNIA PENAL CODE**
15 **AGAINST DEFENDANTS LA VERNE POLICE DEPARTMENT, LA VERNE**
16 **CHIEF OF POLICE COLLEEN FLORES, AND DOES 1-10**

17 148. Plaintiffs hereby re-allege and incorporate by reference the allegations
18 in the foregoing paragraphs as if set forth fully herein.

19 149. LVPD's CCW permit process violates several portions of the
20 California Penal Code.

21 150. By inflating its own costs through the imposition of additional
22 requirements beyond a simple DOJ background check and an interview with an
23 applicant, LVPD charges more than its reasonable costs for permit processing and
24 violates California Penal Code Section 26190(b)(1).

25 151. By collecting the entirety of its fees at the time the application is
26 submitted, LVPD violates California Penal Code Section 26190(b)(2).

27 152. Additionally, Plaintiffs' Second Amendment rights, as incorporated
28 under the Fourteenth Amendment, as well as the rights of the associational
Plaintiffs' members and supporters, are violated.

1 153. The La Verne defendants are enforcing laws that violate the
2 constitutional right to bear arms outside the home for self-defense “in case of
3 confrontation,” as guaranteed by the Second and Fourteenth Amendments.

4 154. Plaintiffs are thus entitled to declaratory and injunctive relief against
5 these illegal customs, policies, and practices.

6 **SIXTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
7 **U.S. CONST. AMEND. XIV**
8 **EQUAL PROTECTION**
9 **42 U.S.C. § 1983**

10 **AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10**

11 155. Plaintiffs hereby re-allege and incorporate by reference the allegations
12 in the foregoing paragraphs as if set forth fully herein.

13 156. Plaintiff Steven Hoover is a Florida resident. He does not have
14 residency in California, and thus cannot obtain a California identification card or
15 driver’s license.

16 157. Nevertheless, he often visits California and desires to be able to
17 lawfully conceal-carry a firearm when visiting the State.

18 158. He applied to the Monterey County Sheriff for a CCW permit but the
19 Sheriff rejected his application because he is not a California resident.

20 159. Indeed, California law does not allow a resident of another state to
21 apply for and obtain a CCW permit whatsoever.

22 160. This policy violates Plaintiff Hoover’s right to equal protection of the
23 law as guaranteed and protected under the Equal Protection Clause of the
24 Fourteenth Amendment to the United States Constitution because it favors
25 California residents and discriminates against non-California residents like Hoover.

26 161. This policy is especially egregious because here California’s policy
27 prevents Plaintiff Hoover from exercising the constitutionally protected right to be
28 armed in public recognized in *Bruen*. It also violates the constitutionally protected
right to travel under the Equal Protection Clause of the Fourteenth Amendment, and
forces Hoover to choose between exercising his Second Amendment right to be

1 armed and his constitutional right to travel. *Harper v. Virginia State Bd. of*
 2 *Elections*, 383 U.S. 663 (1966); *United States v. Guest*, 383 U.S. 745 (1966);
 3 *Shapiro v. Thompson*, 394 U.S. 618 (1969); and *Zobel v. Williams*, 457 U.S. 55
 4 (1981).

5 **SEVENTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
 6 **U.S. CONST. ART. IV, § 2**
 7 **PRIVILEGES AND IMMUNITIES CLAUSE**
 8 **42 U.S.C. § 1983**

9 AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10

10 162. Plaintiffs hereby re-allege and incorporate by reference the allegations
 11 in the foregoing paragraphs as if set forth fully herein.

12 163. The Privileges and Immunities Clause of Article IV, § 2 of the United
 13 States Constitution provides that “the Citizens of each State shall be entitled to all
 14 Privileges and Immunities of Citizens in the several states.” This Constitutional
 15 provision removes “from the citizens of each State the disabilities of alienage in the
 16 other States.” *Saenz v. Roe*, 526 U.S. 489 (1999) (quoting *Paul v. Virginia*, 8 Wall.
 17 168, 180 (1868)). The Privileges and Immunities Clause bars discrimination against
 18 citizens of other states based on their status as a citizen of another state. *Toomer v.*
 19 *Witsell*, 334 U.S. 385 (1948).

20 164. Plaintiff Steven Hoover is a Florida resident who desires to lawfully
 21 conceal-carry a firearm when visiting California.

22 165. He does not have residency in California, and thus cannot obtain a
 23 California identification card or driver’s license.

24 166. Hoover applied for a CCW with the Monterey County Sheriff but was
 25 denied because of his Florida Residency.

26 167. California’s law of refusing to accept CCW applications from citizens
 27 of other states, like Plaintiff Hoover, violates this constitutional provision because
 28 California’s policy discriminates against out of state residents solely because they
 are out-of-state residents. This policy does not even offer a non-resident a chance at
 applying for a permit. This policy denies a non-resident the ability to exercise the

1 enumerated right to be armed in public, and thus violates the privilege and
2 immunities clause.

3 **EIGHTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
4 **U.S. CONST. AMENDMENT XIV**
5 **DUE PROCESS OF LAW**
6 **42 U.S.C. § 1983**

7 **AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10**

8 168. The psychological testing component of California's CCW permit
9 regime violates both the substantive and procedural due process of law mandate set
10 forth in Amendment XIV, Sec. 1, of the U.S. Constitution.

11 169. California's law violates substantive due process because it arbitrarily
12 and capriciously imposes a presumption of psychological unfitness to exercise a
13 fundamental right, and requires the individuals seeking to exercise that fundamental
14 right to bear the burden of proving a negative. Furthermore, by presuming that all
15 CCW applicants should be subject to psychological screening, the requirement is
16 overinclusive. Furthermore this state law, by allowing individual issuing authorities
17 to require psychological testing or not, makes the law arbitrary and underinclusive.
18 Furthermore, by failing to legislate objective standards for psychological testing,
19 the law empowers government bureaucrats to exercise subjective discretion in
20 regulating a fundamental right.

21 170. California Penal Code Section 26190(f) (soon to be 26190(g) under
22 SB2) violates procedural due process rights because it impermissibly shifts the
23 burden of proof of a constitutionally significant fact to an individual seeking to
24 exercise a fundamental right. Furthermore, the psychological testing regime does
25 not permit an adversarial process to adjudicate the scientific validity of the
26 underlying test or the validity of the psychologists' opinions and conclusions.
27 Furthermore, there is no provision in this law for a right to appeal the results of the
28 psychological testing. Furthermore, there is no provision in this law to discover or
test the impartiality of the personnel administering the psychological testing.
Furthermore, there is no provision in this law allowing the CCW applicant to

1 submit evidence from their own medical expert to rebut the government’s evidence,
2 on a crucial question that might result in denial of a constitutional right.

3 171. Finally, the CCW psychological testing requirement contradicts
4 existing law in California that already regulates firearms possession in the context
5 of mental health holds and mental health adjudications. *See* California Welfare and
6 Institutions Code §§ 5150, 5250, 8100-8108.

7 **PRAYER**

8 WHEREFORE, Plaintiffs request that judgment be entered in their favor and
9 against Defendants as follows:

10 1. A declaration that LASD taking over a year to process permits violates
11 the constitutional right to carry;

12 2. A declaration that these delays also violate California Penal Code
13 Section 26205;

14 3. A declaration that LASD’s denial of Plaintiff Velasquez’s CCW
15 permit renewal application violates his constitutional right to carry;

16 4. A declaration that LVPD charging nearly \$1,000 for CCW permits
17 violates the constitutional right to carry;

18 5. A declaration that, by inflating its own costs through the imposition of
19 additional requirements beyond a simple DOJ background check and an interview
20 with an applicant, LVPD charges more than its reasonable costs for permit
21 processing and violates California Penal Code Section 26190(b)(1);

22 6. A declaration that, by collecting the entirety of its fees at the time the
23 application is submitted, LVPD violates California Penal Code Section
24 26190(b)(2).

25 7. A declaration that LVPD’s psychological examination requirement
26 violates *Bruen*’s prohibition on using “suitability” criteria when it comes to Second
27 Amendment rights.
28

1 8. A declaration that California Penal Code Section 26190(f) (soon to be
2 revised to section 26190(g)), in allowing psychological examinations, is
3 unconstitutional as a constitutionally-forbidden suitability determination;

4 9. A declaration that the Attorney General must honor CCW permits
5 issued by other states, whether the permit holder is a resident of California or not,
6 and/or a declaration that the Attorney General must permit residents of other states
7 to acquire CCW permits in California;

8 10. An order preliminarily and permanently enjoining all Defendants and
9 all other officers, agents, servants, employees, and persons under the authority of
10 the State, from enforcing California Penal Code Section 26190(f);

11 11. An order preliminarily and permanently enjoining Los Angeles LASD,
12 and Sheriff Luna in his official capacity, from refusing to process or issue a CCW
13 Permit to any qualified applicant 120 days after receipt of such applicant's initial
14 application for a new license or a license renewal, or 30 days after receipt of the
15 applicant's criminal background check from the Department of Justice, whichever
16 is later;

17 12. An order preliminarily and permanently enjoining LASD, and Sheriff
18 Luna in his official capacity, from requiring more information from applicants in
19 the CCW permitting process that are not based on "narrow, objective, and definite"
20 standards;

21 13. An order preliminarily and permanently enjoining LVPD and La
22 Verne Chief of Police Colleen Flores in her official capacity, from charging
23 applicants nearly \$1,000 for processing CCW Permit applications;

24 14. An order permanently enjoining all Defendants and all other officers,
25 agents, servants, employees, and persons under the authority of the State, from
26 enforcing all laws prohibiting concealed carry if the person accused of that crime
27 has an otherwise-valid CCW permit issued by any state, and is not otherwise
28 prohibited from owning firearms;

1 15. An order declaring that California’s policy of not accepting
2 applications or issuing permits to out of state residents violates the Equal Protection
3 Clause;

4 16. An order declaring that California’s policy of not accepting
5 applications or issuing permits to out of state residents violates the Privileges and
6 Immunities Clause;

7 17. Costs of suit, including attorney’s fees and costs pursuant to 42 U.S.C.
8 § 1988;

9 18. Nominal damages; and

10 19. All other relief the court deems appropriate.

11 Respectfully Submitted,

12 Dated: December 4, 2023

MICHEL & ASSOCIATES, P.C.

/s/ C.D. Michel

C.D. Michel
Counsel for Plaintiffs

15 Dated: December 4, 2023

LAW OFFICES OF DON KILMER

/s/ Don Kilmer

Don Kilmer
Counsel for Plaintiff The Second Amendment
Foundation