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 9 *the Department of Justice Bureau of*  
*Firearms*

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

12  
 13  
 14  
 15 **MATTHEW JONES, et al.,**  
 16 Plaintiffs,  
 17 v.  
 18 **XAVIER BECERRA, in his official**  
 19 **capacity as Attorney General of the**  
 20 **State of California, et al.,**  
 21 Defendants.

3:19-cv-01226-L-AHG

**DEFENDANTS' ANSWER TO  
 SECOND AMENDED  
 COMPLAINT FOR  
 DECLARATORY AND  
 INJUNCTIVE RELIEF**

Judge: Hon. M. James Lorenz and  
 Magistrate Judge Barbara  
 Lynn Major

Action  
 Filed: July 1, 2019

First Amended Complaint  
 Filed: July 30, 2019

First Amended Complaint and  
 Summons  
 Served: August 1, 2019

Second Amended Complaint Filed and  
 Served: November 8, 2019

1 Defendant Xavier Becerra, in his official capacity as Attorney General of the  
2 State of California, and Defendant Brent E. Orick, in his official capacity as Acting  
3 Director of the Department of Justice Bureau of Firearms (collectively,  
4 “Defendants”) submit their answer in response to Plaintiffs’ Second Amended  
5 Complaint for Declaratory and Injunctive Relief (ECF No. 20). Defendants answer,  
6 in paragraphs that correspond to the Second Amended Complaint’s paragraphs, as  
7 follows:<sup>1</sup>

8 The allegations contained at lines 2-8 of page 2 of the Second Amended  
9 Complaint characterize Plaintiffs’ claims and are not averments of fact to which  
10 Defendants are required to respond. To the extent a response is required,  
11 Defendants admit that, in their official capacities as state officials, they are  
12 responsible under California law for administering and enforcing certain state laws  
13 and regulations governing the purchase, sale, transfer, possession, use of, and  
14 access to firearms. Except as specifically admitted, Defendants deny the allegations  
15 in these lines.

16 The allegations contained at lines 9-23 of page 2 of the Second Amended  
17 Complaint characterize Plaintiffs’ claims and demands for relief, and constitute  
18 conclusions of law; accordingly, they are not averments of fact to which Defendants  
19 are required to respond. Defendants deny that Plaintiffs are entitled to such relief.  
20 To the extent these lines may be deemed allegations of fact, they are denied.

21 **JURISDICTION AND VENUE<sup>2</sup>**

22 1. Defendants admit that this Court has jurisdiction. Defendants deny the  
23 remaining allegations of Paragraph 1.

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25 \_\_\_\_\_  
26 <sup>1</sup> The following responses to each paragraph include responses to any  
27 footnotes that may be contained in the relevant paragraph.

28 <sup>2</sup> For the convenience of the Court and the parties, Defendants utilize certain  
headings as set forth in the Second Amended Complaint. In doing so, Defendants  
neither admit nor deny any allegations that may be suggested by the Second  
Amended Complaint’s headings.



1           **B. Institutional Plaintiffs**

2           10. To the extent that the allegations contained in the seventh sentence of  
3 Paragraph 10, beginning on page 8, line 14, are Plaintiffs' characterization of their  
4 case and conclusions of law, no answer is required. To the extent the allegations in  
5 these lines may be deemed allegations of fact, and as to the remaining allegations  
6 contained in Paragraph 10, Defendants lack information or belief sufficient to  
7 answer, and basing their denial on this ground, deny the allegations thereof.

8           11. To the extent that the allegations contained in the seventh sentence of  
9 Paragraph 11, beginning on page 9, line 17, are Plaintiffs' characterization of their  
10 case and conclusions of law, no answer is required. To the extent the allegations in  
11 these lines may be deemed allegations of fact, and as to the remaining allegations  
12 contained in Paragraph 11, Defendants lack information or belief sufficient to  
13 answer, and basing their denial on this ground, deny the allegations thereof.

14           12. To the extent that the allegations contained in the seventh sentence of  
15 Paragraph 12, beginning on page 10, line 20, are Plaintiffs' characterization of their  
16 case and conclusions of law, no answer is required. To the extent the allegations in  
17 these lines may be deemed allegations of fact, and as to the remaining allegations  
18 contained in Paragraph 12, Defendants lack information or belief sufficient to  
19 answer, and basing their denial on this ground, deny the allegations thereof.

20           13. To the extent that the allegations contained in the eighth sentence of  
21 Paragraph 13, beginning on page 11, line 21, are Plaintiffs' characterization of their  
22 case and conclusions of law, no answer is required. To the extent the allegations in  
23 these lines may be deemed allegations of fact, and as to the remaining allegations  
24 contained in Paragraph 13, Defendants lack information or belief sufficient to  
25 answer, and basing their denial on this ground, deny the allegations thereof.

26           14. Defendants lack information or belief sufficient to answer the allegations  
27 contained in Paragraph 14, and basing their denial on this ground, deny each and  
28 every allegation thereof.

1           15. Defendants lack information or belief sufficient to answer the allegations  
2 contained in Paragraph 15, and basing their denial on this ground, deny each and  
3 every allegation thereof.

4           16. Defendants lack information or belief sufficient to answer the allegations  
5 contained in Paragraph 16, and basing their denial on this ground, deny each and  
6 every allegation thereof.

7           17. To the extent that the allegations contained in the second sentence of  
8 Paragraph 17, beginning on page 13, line 26, are Plaintiffs' characterization of their  
9 case and conclusions of law, no answer is required. To the extent the allegations in  
10 these lines may be deemed allegations of fact, and as to the remaining allegations  
11 contained in Paragraph 17, Defendants lack information or belief sufficient to  
12 answer, and basing their denial on this ground, deny the allegations thereof.

13           18. To the extent that the allegations contained in the second sentence of  
14 Paragraph 18, beginning on page 14, line 7, are Plaintiffs' characterization of their  
15 case and conclusions of law, no answer is required. To the extent the allegations in  
16 these lines may be deemed allegations of fact, and as to the remaining allegations  
17 contained in Paragraph 18, Defendants lack information or belief sufficient to  
18 answer, and basing their denial on this ground, deny the allegations thereof.

19           19. To the extent that the allegations contained in the second sentence of  
20 Paragraph 19, beginning on page 14, line 17, are Plaintiffs' characterization of their  
21 case and conclusions of law, no answer is required. To the extent the allegations in  
22 these lines may be deemed allegations of fact, and as to the remaining allegations  
23 contained in Paragraph 19, Defendants lack information or belief sufficient to  
24 answer, and basing their denial on this ground, deny the allegations thereof.

25           20. To the extent that the allegations contained in Paragraph 20 are  
26 Plaintiffs' characterization of their case and conclusions of law, no answer is  
27 required. To the extent the allegations contained in Paragraph 20 may be deemed  
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1 allegations of fact, Defendants lack information or belief sufficient to answer, and  
2 basing their denial on this ground, deny the allegations thereof.

3 21. Defendants admit that Plaintiffs seek declaratory and injunctive relief.  
4 Except as specifically admitted, the allegations contained in Paragraph 21  
5 characterize Plaintiffs' claims and are not averments of fact to which Defendants  
6 are required to respond. To the extent they may be deemed allegations of fact, they  
7 are denied.

8 **C. Defendants**

9 22. To the extent that the allegations contained in Paragraph 22 are  
10 conclusions of law, no answer is required. Defendants admit that Defendant Xavier  
11 Becerra is the Attorney General of California and the chief law officer of the State,  
12 and that he is sued in his official capacity. Defendants admit that article V, section  
13 13 of the California Constitution speaks for itself. Except as specifically admitted,  
14 Defendants deny the allegations of Paragraph 22.

15 23. Defendants deny the allegations in Paragraph 23. Defendants admit that  
16 Brent E. Orick is the Acting Director of the Bureau of Firearms and that he is sued  
17 in his official capacity.

18 24. Defendants lack information or belief sufficient to answer the allegations  
19 contained in Paragraph 24, and basing their denial on this ground, deny each and  
20 every allegation thereof.

21 25. The allegations contained in Paragraph 25 constitute conclusions of law  
22 to which no answer is required; to the extent they may be deemed allegations of  
23 fact, they are denied.

24 **FACTUAL ALLEGATIONS**

25 26. Defendants admit that the Second Amendment to the U.S. Constitution  
26 speaks for itself. Except as specifically admitted, Defendants deny the allegations  
27 in Paragraph 26.

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1 27. Defendants admit that the Second Amendment to the U.S. Constitution  
2 speaks for itself. Defendants admit that the judicial opinion quoted in Paragraph 27  
3 speaks for itself. Except as specifically admitted, Defendants deny the allegations  
4 in Paragraph 27.

5 28. The allegations contained in Paragraph 28 constitute conclusions of law  
6 to which no answer is required; to the extent they may be deemed allegations of  
7 fact, they are denied.

8 29. The allegations contained in Paragraph 29 constitute conclusions of law  
9 to which no answer is required; to the extent they may be deemed allegations of  
10 fact, they are denied.

11 30. Defendants admit that the statutes cited in Paragraph 30 speak for  
12 themselves. Except as specifically admitted, the allegations contained in Paragraph  
13 30 constitute conclusions of law to which no answer is required; to the extent they  
14 may be deemed allegations of fact, they are denied.

15 31. Defendants admit that the judicial opinions quoted in Paragraph 31 speak  
16 for themselves. Except as specifically admitted, the allegations contained in  
17 Paragraph 31 characterize Plaintiffs' claims and are not averments of fact to which  
18 Defendants are required to respond; to the extent they may be deemed allegations of  
19 fact, they are denied.

20 32. Defendants admit that the statute cited in Paragraph 32 speaks for itself.  
21 Except as specifically admitted, the allegations contained in Paragraph 32 constitute  
22 conclusions of law to which no answer is required; to the extent they may be  
23 deemed allegations of fact, they are denied.

24 33. Defendants admit that the statute cited in Paragraph 33 speaks for itself.  
25 Except as specifically admitted, the allegations contained in Paragraph 33 constitute  
26 conclusions of law to which no answer is required; to the extent they may be  
27 deemed allegations of fact, they are denied.

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1 41. Defendants admit that SB 61 and Penal Code section 27510 speak for  
2 themselves. Except as specifically admitted, Defendants deny the allegations in  
3 Paragraph 41.

4 42. Defendants admit that SB 61 speaks for itself. Except as specifically  
5 admitted, the allegations contained in Paragraph 42 characterize Plaintiffs' claims  
6 and are not averments of fact to which Defendants are required to respond; to the  
7 extent they may be deemed allegations of fact, they are denied.

8 43. Defendants admit that SB 61 and Penal Code section 27510 speak for  
9 themselves. Except as specifically admitted, the allegations in Paragraph 43 are not  
10 averments of fact to which Defendants are required to respond; to the extent they  
11 may be deemed allegations of fact, they are denied.

12 44. The allegations contained in Paragraph 44 characterize Plaintiffs' claims  
13 and thus are not averments of fact to which Defendants are required to respond; to  
14 the extent they may be deemed allegations of fact, they are denied.

15 45. Defendants admit that Penal Code section 27510 speaks for itself.  
16 Except as specifically admitted, the allegations contained in Paragraph 45  
17 characterize Plaintiffs' claims and are not averments of fact to which Defendants  
18 are required to respond; to the extent they may be deemed allegations of fact, they  
19 are denied.

20 46. Defendants admit that the judicial opinions quoted in Paragraph 46 and  
21 footnote 2 speak for themselves. Defendants admit that SB 61 and Penal Code  
22 section 27510 speak for themselves. Except as specifically admitted, the  
23 allegations contained in Paragraph 46 and footnote 2 characterize Plaintiffs' claims  
24 and are not averments of fact to which Defendants are required to respond; to the  
25 extent they may be deemed allegations of fact, they are denied.

26 47. Defendants admit that Penal Code section 27590 and the so-called  
27 California Age-Based Gun Ban speak for themselves. Except as specifically  
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1 admitted, the allegations contained in Paragraph 47 are not averments of fact to  
2 which Defendants are required to respond; to the extent they may be deemed  
3 allegations of fact, they are denied.

4 **Infringement of Plaintiffs’ and similarly situated adults’**

5 **Second Amendment rights**

6 48. Defendants admit that 18 U.S.C. § 922(b)(1) speaks for itself. Except as  
7 specifically admitted, the allegations contained in Paragraph 48 are conclusions of  
8 law or characterize Plaintiffs’ claims, and thus are not averments of fact to which  
9 Defendants are required to respond; to the extent they may be deemed allegations of  
10 fact, they are denied.

11 49. Defendants admit that Penal Code sections 29800 and 29805 speak for  
12 themselves. Except as specifically admitted, the allegations contained in  
13 Paragraph 49 constitute conclusions of law to which no answer is required; to the  
14 extent they may be deemed allegations of fact, they are denied.

15 50. Defendants admit that Penal Code sections 26500, 27510, and  
16 26800-26850 speak for themselves. Defendants admit that 27 C.F.R. 478.124(a)  
17 speaks for itself. Except as specifically admitted, the allegations contained in  
18 Paragraph 50 are conclusions of law or characterize Plaintiffs’ claims, and thus are  
19 not averments of fact to which Defendants are required to respond; to the extent  
20 they may be deemed allegations of fact, they are denied.

21 **IMPACT ON PLAINTIFFS**

22 51. The allegations contained in Paragraph 51 are conclusions of law or  
23 characterize Plaintiffs’ claims, and thus are not averments of fact to which  
24 Defendants are required to respond. To the extent they may be deemed allegations  
25 of fact, Defendants lack information or belief sufficient to answer the allegations  
26 contained in Paragraph 51, and basing their denial on this ground, deny each and  
27 every allegation thereof.

1           52. The allegations contained in Paragraph 52 are conclusions of law or  
2 characterize Plaintiffs' claims, and thus are not averments of fact to which  
3 Defendants are required to respond. To the extent they may be deemed allegations  
4 of fact, Defendants lack information or belief sufficient to answer the allegations  
5 contained in Paragraph 52, and basing their denial on this ground, deny each and  
6 every allegation thereof.

7           53. The allegations contained in Paragraph 53 are conclusions of law or  
8 characterize Plaintiffs' claims, and thus are not averments of fact to which  
9 Defendants are required to respond. To the extent they may be deemed allegations  
10 of fact, Defendants lack information or belief sufficient to answer the allegations  
11 contained in Paragraph 53, and basing their denial on this ground, deny each and  
12 every allegation thereof.

13           54. The allegations contained in Paragraph 54 are conclusions of law or  
14 characterize Plaintiffs' claims, and thus are not averments of fact to which  
15 Defendants are required to respond. To the extent they may be deemed allegations  
16 of fact, Defendants lack information or belief sufficient to answer the allegations  
17 contained in Paragraph 54, and basing their denial on this ground, deny each and  
18 every allegation thereof.

19           55. The allegations contained in Paragraph 55 are conclusions of law or  
20 characterize Plaintiffs' claims, and thus are not averments of fact to which  
21 Defendants are required to respond. To the extent they may be deemed allegations  
22 of fact, Defendants lack information or belief sufficient to answer the allegations  
23 contained in Paragraph 55, and basing their denial on this ground, deny each and  
24 every allegation thereof.

25           56. The allegations contained in Paragraph 56 are conclusions of law or  
26 characterize Plaintiffs' claims, and thus are not averments of fact to which  
27 Defendants are required to respond. To the extent they may be deemed allegations  
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1 of fact, Defendants lack information or belief sufficient to answer the allegations  
2 contained in Paragraph 56, and basing their denial on this ground, deny each and  
3 every allegation thereof.

4 57. The allegations contained in Paragraph 57 are conclusions of law or  
5 characterize Plaintiffs' claims, and thus are not averments of fact to which  
6 Defendants are required to respond. To the extent they may be deemed allegations  
7 of fact, Defendants lack information or belief sufficient to answer the allegations  
8 contained in Paragraph 57, and basing their denial on this ground, deny each and  
9 every allegation thereof.

10 58. The allegations contained in Paragraph 58 are conclusions of law or  
11 characterize Plaintiffs' claims, and thus are not averments of fact to which  
12 Defendants are required to respond. To the extent they may be deemed allegations  
13 of fact, Defendants lack information or belief sufficient to answer the allegations  
14 contained in Paragraph 58, and basing their denial on this ground, deny each and  
15 every allegation thereof.

16 59. The allegations contained in Paragraph 59 are conclusions of law or  
17 characterize Plaintiffs' claims, and thus are not averments of fact to which  
18 Defendants are required to respond. To the extent they may be deemed allegations  
19 of fact, Defendants lack information or belief sufficient to answer the allegations  
20 contained in Paragraph 59, and basing their denial on this ground, deny each and  
21 every allegation thereof.

22 60. The allegations contained in Paragraph 60 are conclusions of law or  
23 characterize Plaintiffs' claims, and thus are not averments of fact to which  
24 Defendants are required to respond. To the extent they may be deemed allegations  
25 of fact, Defendants lack information or belief sufficient to answer the allegations  
26 contained in Paragraph 60, and basing their denial on this ground, deny each and  
27 every allegation thereof.

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1           61. The allegations contained in Paragraph 61 are conclusions of law or  
2 characterize Plaintiffs' claims, and thus are not averments of fact to which  
3 Defendants are required to respond. To the extent they may be deemed allegations  
4 of fact, Defendants lack information or belief sufficient to answer the allegations  
5 contained in Paragraph 61, and basing their denial on this ground, deny each and  
6 every allegation thereof.

7           62. The allegations contained in Paragraph 62 are conclusions of law or  
8 characterize Plaintiffs' claims, and thus are not averments of fact to which  
9 Defendants are required to respond. To the extent they may be deemed allegations  
10 of fact, Defendants lack information or belief sufficient to answer the allegations  
11 contained in Paragraph 62, and basing their denial on this ground, deny each and  
12 every allegation thereof.

13           63. The allegations contained in Paragraph 63 are conclusions of law or  
14 characterize Plaintiffs' claims, and thus are not averments of fact to which  
15 Defendants are required to respond. To the extent they may be deemed allegations  
16 of fact, Defendants lack information or belief sufficient to answer the allegations  
17 contained in Paragraph 63, and basing their denial on this ground, deny each and  
18 every allegation thereof.

19           64. The allegations contained in Paragraph 64 are conclusions of law or  
20 characterize Plaintiffs' claims, and thus are not averments of fact to which  
21 Defendants are required to respond. To the extent they may be deemed allegations  
22 of fact, Defendants lack information or belief sufficient to answer the allegations  
23 contained in Paragraph 64, and basing their denial on this ground, deny each and  
24 every allegation thereof.

25           65. The allegations contained in Paragraph 65 are conclusions of law or  
26 characterize Plaintiffs' claims, and thus are not averments of fact to which  
27 Defendants are required to respond. To the extent they may be deemed allegations  
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1 of fact, Defendants lack information or belief sufficient to answer the allegations  
2 contained in Paragraph 65, and basing their denial on this ground, deny each and  
3 every allegation thereof.

4 66. The allegations contained in Paragraph 66 are conclusions of law or  
5 characterize Plaintiffs' claims, and thus are not averments of fact to which  
6 Defendants are required to respond. To the extent they may be deemed allegations  
7 of fact, Defendants lack information or belief sufficient to answer the allegations  
8 contained in Paragraph 66, and basing their denial on this ground, deny each and  
9 every allegation thereof.

10 67. The allegations contained in Paragraph 67 are conclusions of law or  
11 characterize Plaintiffs' claims, and thus are not averments of fact to which  
12 Defendants are required to respond. To the extent they may be deemed allegations  
13 of fact, Defendants lack information or belief sufficient to answer the allegations  
14 contained in Paragraph 67, and basing their denial on this ground, deny each and  
15 every allegation thereof.

16 68. The allegations contained in Paragraph 68 are conclusions of law or  
17 characterize Plaintiffs' claims, and thus are not averments of fact to which  
18 Defendants are required to respond. To the extent they may be deemed allegations  
19 of fact, Defendants lack information or belief sufficient to answer the allegations  
20 contained in Paragraph 68, and basing their denial on this ground, deny each and  
21 every allegation thereof.

22 69. The allegations contained in Paragraph 69 are conclusions of law or  
23 characterize Plaintiffs' claims, and thus are not averments of fact to which  
24 Defendants are required to respond. To the extent they may be deemed allegations  
25 of fact, Defendants lack information or belief sufficient to answer the allegations  
26 contained in Paragraph 69, and basing their denial on this ground, deny each and  
27 every allegation thereof.

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1           70. The allegations contained in Paragraph 70 are conclusions of law or  
2 characterize Plaintiffs' claims, and thus are not averments of fact to which  
3 Defendants are required to respond. To the extent they may be deemed allegations  
4 of fact, Defendants lack information or belief sufficient to answer the allegations  
5 contained in Paragraph 70, and basing their denial on this ground, deny each and  
6 every allegation thereof.

7           71. The allegations contained in Paragraph 71 are conclusions of law or  
8 characterize Plaintiffs' claims, and thus are not averments of fact to which  
9 Defendants are required to respond. To the extent they may be deemed allegations  
10 of fact, Defendants lack information or belief sufficient to answer the allegations  
11 contained in Paragraph 71, and basing their denial on this ground, deny each and  
12 every allegation thereof.

13           72. The allegations contained in Paragraph 72 are conclusions of law or  
14 characterize Plaintiffs' claims, and thus are not averments of fact to which  
15 Defendants are required to respond. To the extent they may be deemed allegations  
16 of fact, Defendants lack information or belief sufficient to answer the allegations  
17 contained in Paragraph 72, and basing their denial on this ground, deny each and  
18 every allegation thereof.

19           73. Defendants lack information or belief sufficient to answer the allegations  
20 contained in Paragraph 73, and basing their denial on this ground, deny each and  
21 every allegation thereof.

22           74. The allegations contained in Paragraph 74 constitute conclusions of law  
23 or characterize Plaintiffs' claims, and thus are not averments of fact to which  
24 Defendants are required to respond; to the extent they may be deemed allegations of  
25 fact, they are denied.

26                           **DECLARATORY JUDGMENT ALLEGATIONS**

27           75. The allegations contained in Paragraph 75 constitute conclusions of law  
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1 or characterize Plaintiffs' claims, and thus are not averments of fact to which  
2 Defendants are required to respond; to the extent they may be deemed allegations of  
3 fact, they are denied.

4 **INJUNCTIVE RELIEF ALLEGATIONS**

5 76. The allegations contained in Paragraph 76 constitute conclusions of law  
6 or characterize Plaintiffs' claims, and thus are not averments of fact to which  
7 Defendants are required to respond; to the extent they may be deemed allegations of  
8 fact, they are denied.

9 77. The allegations contained in Paragraph 77 constitute conclusions of law  
10 or characterize Plaintiffs' claims, and thus are not averments of fact to which  
11 Defendants are required to respond; to the extent they may be deemed allegations of  
12 fact, they are denied.

13 **FIRST CAUSE OF ACTION**

14 **(Violation of U.S. Const. amends. II and XIV)**

15 78. Defendants incorporate their answers to Paragraphs 1 through 77 in  
16 answer to Paragraph 78.

17 79. Defendants admit that the Second Amendment to the U.S. Constitution  
18 speaks for itself. Except as specifically admitted, the allegations contained in  
19 Paragraph 79 constitute conclusions of law to which no answer is required; to the  
20 extent they may be deemed allegations of fact, they are denied.

21 80. Defendants admit that the Second Amendment to the U.S. Constitution  
22 speaks for itself. Defendants admit that the Fourteenth Amendment to the U.S.  
23 Constitution speaks for itself. Except as specifically admitted, the allegations  
24 contained in Paragraph 80 constitute conclusions of law to which no answer is  
25 required; to the extent they may be deemed allegations of fact, they are denied.

26 81. Defendants admit that Penal Code section 27510 speaks for itself.  
27 Except as specifically admitted, the allegations contained in Paragraph 81 constitute  
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1 conclusions of law or characterize Plaintiffs' claims, and thus are not averments of  
2 fact to which Defendants are required to respond; to the extent they may be deemed  
3 allegations of fact, they are denied.

4 82. Defendants admit that Penal Code section 27510 speaks for itself.  
5 Except as specifically admitted, and but for the last sentence of Paragraph 82, the  
6 allegations contained in Paragraph 82 are conclusions of law or characterize  
7 Plaintiffs' claims, and thus are not averments of fact to which Defendants are  
8 required to respond. To the extent they may be deemed allegations of fact, and as  
9 to the remaining allegations contained in Paragraph 82, Defendants lack  
10 information or belief sufficient to answer the allegations contained in Paragraph 82,  
11 and basing their denial on this ground, deny each and every allegation thereof.

12 83. Defendants admit that Penal Code section 27510 speaks for itself.  
13 Except as specifically admitted, the allegations contained in Paragraph 83 constitute  
14 conclusions of law to which no answer is required; to the extent they may be  
15 deemed allegations of fact, they are denied.

16 84. The allegations contained in Paragraph 84 constitute conclusions of law  
17 or characterize Plaintiffs' claims, and thus are not averments of fact to which  
18 Defendants are required to respond; to the extent they may be deemed allegations of  
19 fact, they are denied.

20 Defendants deny each and every allegation not previously admitted or  
21 otherwise qualified.

22 **PRAYER FOR RELIEF**

23 Defendants deny that Plaintiffs are entitled to the relief set forth in each of the  
24 four paragraphs of the prayer for relief immediately following Paragraph 84, or to  
25 any relief whatsoever. To the extent that the Prayer for Relief states any  
26 allegations, Defendants deny them.

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**AFFIRMATIVE DEFENSES**

In addition, without admitting any allegations contained in the Second Amended Complaint, Defendants assert the following defenses based on information and belief:

**FIRST AFFIRMATIVE DEFENSE**

The Second Amended Complaint, and the claims for relief alleged therein, fails to state facts sufficient to constitute a cause of action.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs’ claims in this action are barred in that they do not have standing to bring them.

**THIRD AFFIRMATIVE DEFENSE**

The Second Amended Complaint, and each cause of action therein, is improper because Plaintiffs have an adequate remedy at law.

**FOURTH AFFIRMATIVE DEFENSE**

The Second Amended Complaint, and each cause of action therein, is barred by the equitable doctrines of estoppel, laches, unclean hands, and/or waiver.

**FIFTH AFFIRMATIVE DEFENSE**

To the extent Defendants have undertaken any conduct with respect to the subjects and events underlying the Second Amended Complaint, such conduct was, at all times material thereto, undertaken in good faith and in reasonable reliance on existing law.

**SIXTH AFFIRMATIVE DEFENSE**

Defendants have not knowingly or intentionally waived any applicable affirmative defense. Defendants reserve the right to assert and rely upon additional affirmative defenses as may become available or apparent during discovery proceedings or as may be raised or asserted by others in this case, and to amend the Answer and/or affirmative defenses accordingly. Defendants further reserve the

1 right to amend the Answer to delete affirmative defenses that they determine are not  
2 applicable after subsequent discovery.

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WHEREFORE, Defendants pray that:

1. Plaintiffs take nothing by reason of the Second Amended Complaint;
2. Judgment be entered in favor of Defendants;
3. Defendants be awarded costs incurred in defending this action; and
4. Defendants be awarded such further relief that the Court may deem just and proper.

Dated: November 21, 2019

Respectfully Submitted,

XAVIER BECERRA  
Attorney General of California  
STEPAN A. HAYTAYAN  
Supervising Deputy Attorney General

/s/ Jennifer E. Rosenberg  
JENNIFER E. ROSENBERG  
Deputy Attorney General  
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Becerra, in his official capacity as  
Attorney General of the State of  
California, and Brent E. Orick, in his  
official capacity as Acting Director of  
the Department of Justice Bureau of  
Firearms*