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6 Attorneys for Defendants County of Ventura
(also erroneously sued as Ventura County Public
7 Health Care Agency), Sheriff William Ayub
(erroneously sued as "Bill Ayub"), Robert Levin
8 and William T. Foley

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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

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13	DONALD MCDUGALL, an	}	No. 2:20 cv-029927 CBM(ASX)			
14	individual; JULIANA GARCIA, an		}	DEFENDANTS' EVIDENTIARY		
15	individual; SECOND AMENDMENT			}	OBJECTIONS TO PLAINTIFFS'	
16	FOUNDATION; CALIFORNIA				}	MOTION FOR PRELIMINARY
17	GUN RIGHTS FOUNDATION; and					}
18	FIREARMS POLICY COALITION,	}				
19	INC.,		}			
20				}		
21	Plaintiffs,				}	
22	vs.					}
23	COUNTY OF VENTURA,	}				
24	CALIFORNIA; BILL AYUB, in his		}			
25	official capacity; WILLIAM T.			}		
26	FOLEY, in his official capacity,				}	
27	ROBERT LEVIN, in his official					}
28	capacity; and VENTURA COUNTY	}				
	PUBLIC HEALTH CARE AGENCY,		}			
	Defendants.			}		

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1 Defendants County of Ventura (also erroneously sued as Ventura County
 2 Public Health Care Agency), Sheriff William Ayub (erroneously sued as “Bill
 3 Ayub”), Robert Levin, and William T. Foley (collectively, “Defendants”) hereby
 4 submit the following statement of evidentiary objections in opposition to the
 5 motion for preliminary injunction (“MPI”) filed by plaintiffs Donald McDougall,
 6 Juliana Garcia, Second Amendments Foundation, California Gun Rights
 7 Foundation, and Firearms Policy Coalition, Inc. (collectively, “Plaintiffs”).

	<u>Evidence Objected To</u>	<u>Basis for Objection</u>
	Declaration of Don McDougall (“McDougall Decl.”) (ECF 20-2)	
13	1. McDougall Decl., ¶ 3. ECF 20-2, pg ID 130, entire paragraph.	Lacks foundation, improper legal opinion and conclusion. (Federal Rules of Evidence (“FRE”), rules 602, 901 & 702.)
17	2. McDougall Decl., ¶ 4. ECF 20-2, pg. ID 130, entire paragraph.	Lacks foundation. (FRE, rules 602 and 901.)
20	3. McDougall Decl., ¶ 5. ECF 20-2, pg. ID 130, entire paragraph.	Lacks foundation. (FRE, rules 602 and 901.)
22	4. McDougall Decl., ¶ 7. ECF 20-2, pg. ID 131, entire paragraph.	Not relevant. (FRE, rule 401.)
24	5. McDougall Decl., ¶ 8. ECF 20-2, pg. ID 131, all text in first and only sentence after the word “which.”	Lacks foundation, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
28	6. McDougall Decl., ¶ 9. ECF 20-2, pg. ID 131, phrase in first and	Lacks foundation, improper legal opinion and conclusion. (FRE, rules

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	only sentence that reads: “that I cannot begin the background check process on.”	602, 901 & 702.)
7.	McDougall Decl., ¶ 11. ECF 20-2, pg. ID 131, phrase in first and only sentence that reads: “Unlike individuals in other states.”	Lacks foundation. (FRE, rules 602 & 901.)
8.	McDougall Decl., ¶ 12. ECF 20-2, pg. ID 131, entire paragraph.	Lacks foundation, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
9.	McDougall Decl., ¶ 14. ECF 20-2, pg. ID 132, entire paragraph.	Lacks foundation, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
10.	McDougall Decl., ¶ 15. ECF 20-2, pg. ID 132, entire paragraph.	Lacks foundation. (FRE, rule 602; also, hearsay, FRE, rule 802.)
	Declaration of Juliana Garcia (ECF 20-3) (“Garcia Decl.”)	
11.	Garcia Decl., ¶ 3. ECF 20-3, pg. ID 134), entire paragraph.	Lacks foundation, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
12.	Garcia Decl., ¶ 4. ECF 20-3, pg. ID 134, first phrase in first and only sentence of paragraph that reads: “Unlike other constitutionally protected products that can be purchased online and shipped directly to me,	Lacks foundation, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)

1		under federal and state law”	
2	13.	Garcia Decl., ¶ 5. ECF 20-3, pg. ID 134), first phrase in first and only sentence of paragraph that reads: “Unlike individuals in other states, under State [<i>sic</i>] law. . . .”	Lacks foundation, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
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8	14.	Garcia Decl., ¶ 6. ECF 20-3, pg. ID 134, first phrase in first and only sentence of paragraph that reads: “In order for me to comply with federal and State [<i>sic</i>] law. . . .”	Lacks foundation, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
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14	15.	Garcia Decl., ¶ 7. ECF 20-3, pg. ID 135, entire paragraph.	Lacks foundation, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
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17	16.	Garcia Decl., ¶ 8. ECF 20-3, pg. ID 135, entire paragraph.	Lacks foundation and speculative. (FRE, rules 602 & 901.)
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19	17.	Garcia Decl., ¶ 9. ECF 20-3, pg. ID 135, entire paragraph.	Lacks foundation and speculative. (FRE, rules 602 & 901.)
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21	18.	Garcia Decl., ¶ 11. ECF 20-3, pg. ID 135-36, last two sentences of paragraph.	Lacks foundation, speculative, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
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23	19.	Garcia Decl., ¶ 12. ECF 20-3, pg. ID 136, entire paragraph.	Lacks foundation, speculative, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
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26	20.	Garcia Decl., ¶ 13. ECF 20-3, pg. ID 136, entire paragraph.	Not relevant. (FRE, rule 401.)
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1	21.	Garcia Decl., ¶ 14. ECF 20-3, pg. ID 136, entire paragraph.	Lacks foundation and speculative. (FRE, rules 602 & 901.)
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3	22.	Garcia Decl., ¶ 15. ECF 20-3, pg. ID 136, entire paragraph.	Lacks foundation and speculative. (FRE, rules 602 & 901.)
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5	23.	Garcia Decl., ¶ 16. ECF 20-3, pg. ID 136, entire paragraph.	Lacks foundation and speculative. (FRE rules 602 & 901.)
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7	24.	Garcia Decl., ¶ 17. ECF 20-3, pg. ID 137, entire paragraph.	Lacks foundation, speculative, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
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10		Declaration of Alan Gottlieb (ECF 20-4) (“Gottlieb Decl.”)	
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12	25.	Gottlieb Decl., ¶ 6. ECF 20-4, pg. ID 139-140, entire paragraph.	Lacks foundation, speculative. (FRE, rules 602 & 901.)
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14	26.	Gottlieb Decl., ¶ 7. ECF 20-4, pg. ID 140, entire paragraph.	Lacks foundation, speculative. (FRE, rules 602 & 901.)
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16		Declaration of Gene Hoffman (ECF 20-5) (“Hoffman Decl.”)	
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18	27.	Hoffman Decl., ¶ 7. ECF 20-5, pg. ID 143, entire paragraph.	Lacks foundation, speculative. (FRE, rules 602 & 901.)
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20	28.	Hoffman Decl., ¶ 8. ECF 20-5, pg. ID 143, entire paragraph.	Lacks foundation, speculative. (FRE, rules 602 & 901.)
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22		Declaration of Brandon Combs (ECF 20-6) (“Combs Decl.”)	
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24	29.	Combs Decl., ¶ 13. ECF 20-6, pg. ID 148, entire paragraph.	Lacks foundation, speculative, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
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26	30	Combs Decl., ¶ 14. ECF 20-6, pg. ID 148, second sentence.	Lacks foundation, speculative, improper legal opinion and conclusion. (FRE, rules 602, 901 & 702.)
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2	31. Combs Decl., ¶ 15. ECF 20-6,	Lacks foundation, speculative,
3	pg. ID 148, entire paragraph.	improper legal opinion and conclusion.
4		(FRE, rules 602, 901 & 702.)
5	32. Combs Decl., ¶ 16. ECF 20-6,	Lacks foundation, speculative,
6	pg. ID 148-49, entire paragraph.	improper legal opinion and conclusion.
7		(FRE, rules 602, 901 & 702.)

9 LEROY SMITH
10 County Counsel, County of Ventura

11 Dated: May 5, 2020

12 By /s/ CHARMAINE H. BUEHNER
13 Assistant County Counsel

14 Attorneys for Defendants County of Ventura
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