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13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**

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16 TRACY RIFLE AND PISTOL LLC;
MICHAEL BARYLA; TEN PERCENT
17 FIREARMS; WESLEY MORRIS;
SACRAMENTO BLACK RIFLE, INC.;
18 ROBERT ADAMS; PRK ARMS, INC.;
JEFFREY MULLEN; IMBERT & SMITHERS,
19 INC.; and ALEX ROLSKY,

20 Plaintiffs,

21 v.

22 KAMALA D. HARRIS, in her official capacity
as Attorney General of California; and
23 STEPHEN J. LINDLEY, in his official capacity
as Chief of the California Department of Justice
24 Bureau of Firearms,

25 Defendants.

Case No.: 2:14-cv-02626-TLN-DB

**STATEMENT OF UNDISPUTED FACTS
IN SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Hearing Date: January 12, 2017

Time: 2:00 p.m.

Courtroom: 2

Judge: Troy L. Nunley

Action filed Nov. 10, 2014

Pursuant to Federal Rule of Civil Procedure 56(c)(1) and Local Rule 260(a), Plaintiffs Tracy Rifle and Pistol LLC, Michael Baryla, Ten Percent Firearms, Wesley Morris, Sacramento Black Rifle, Inc., Robert Adams, PRK Arms, Inc., Jeffrey Mullen, Imbert & Smithers, Inc., and Alex Rolsky submit the following Statement of Undisputed Facts in support of their Motion for Summary Judgment.

	Undisputed Facts	Supporting Evidence
1	California Penal Code section 26820 provides: “No handgun or imitation handgun, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.”	Cal. Penal Code § 26820.
2	The California Department of Justice, Bureau of Firearms has restricted Plaintiffs’ efforts to engage in truthful, nonmisleading on-site handgun advertising that is visible from the outside of their dealerships.	ECF No. 9, Declaration of Michael Baryla ISO Mot. for Preliminary Injunction (“Baryla Decl.”), ¶¶ 4–5. ECF No. 6, Declaration of Wesley Morris ISO Mot. for Preliminary Injunction (“Morris Decl.”), ¶ 4. Declaration of Alex Rolsky ISO Summary Judgment (“Rolsky Decl.”), ¶¶ 3–4.
3	Each Plaintiff wants to display truthful, nonmisleading on-site handgun advertising that is visible from the outside of their dealerships, and would do so, but for § 26820 and the threat of forfeiting their dealer’s	Baryla Decl., ¶ 6. Morris Decl., ¶ 5. Rolsky Decl., ¶ 5. ECF No. 10, Declaration of

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	licenses.	Robert Adams ISO Mot. for Preliminary Injunction, ¶ 3. ECF No. 7, Declaration of Jeffrey Mullen ISO Mot. for Preliminary Injunction, ¶¶ 3-4.
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Dated: December 5, 2016

BENBROOK LAW GROUP, PC

By s/Stephen M. Duvernay
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Attorneys for Plaintiffs