1 2 3 4 5 6 7 8 9	KAMALA D. HARRIS, State Bar No. 146672 Attorney General of California TAMAR PACHTER, State Bar No. 146083 Supervising Deputy Attorney General NELSON R. RICHARDS, State Bar No. 246996 EMMANUELLE S. SOICHET, State Bar No. 290754 Deputy Attorneys General 2550 Mariposa Mall, Room 5090 Fresno, CA 93721 Telephone: (559) 477-1688 Fax: (559) 445-5106 E-mail: Nelson.Richards@doj.ca.gov Attorneys for Defendants IN THE UNITED STAT		
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12	TDACV DIELE AND DICTOLLIC -4 -1	2.14 02/2/	CTINIDD
13	TRACY RIFLE AND PISTOL LLC et al., Plaintiffs,	2:14-cv-02626)- ILN-DB
14	v.	DFFFNDAN'	TS' NOTICE OF
15	,,	LEGISLATI	VE FACTS IN SUPPORT OF TION FOR SUMMARY
16	KAMALA D. HARRIS, in her official capacity as Attorney General of California;	JUDGMENT	
17	et al.,	Date: Time:	01/12/2017 2:00 p.m.
18	Defendants.	Judge: Trial Date:	Hon. Troy L. Nunley 05/30/2017
19 20		Action Filed:	11/10/2014
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	Defs.' Notice of Legislative Facts	s in Supp. of Mot.	for Summ. J. (2:14-cv-02626-TLN-DB)

NOTICE OF LEGISLATIVE FACTS

TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendants Kamala D. Harris, in her official capacity as Attorney General of California, and Stephen J. Lindley, in his official capacity as the Chief of the California Department of Justice Bureau of Firearms, hereby provide this Court and the parties with notice of Exhibits 1-19 to the accompanying Richards Declaration as legislative facts in support of its motion for summary judgment. This Court may consider legislative facts. *See* Fed. R. Evid. 201 advisory committee notes to subdivision (a) (1972) (explaining that legislative facts "are those which have relevance to legal reasoning and the lawmaking process, whether in the formulation of a legal principle or ruling by a judge or court or in the enactment of a legislative body" and that no rule deals with judicial notice of those facts). "Judicial notice of legislative facts . . . is unnecessary." *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2009).

Dated: December 5, 2016

Respectfully Submitted,

KAMALA D. HARRIS Attorney General of California TAMAR PACHTER Supervising Deputy Attorney General

/s/ Nelson Richards
NELSON R. RICHARDS
EMMANUELLE S. SOICHET
Deputy Attorneys General
Attorneys for Defendants

The documents submitted in this notice of legislative facts are a subset of the documents submitted in support of defendants' opposition to plaintiffs' motion for preliminary injunction. *See* ECF Nos. 19 to 19-20. To keep the numbering of the exhibits consistent, Defendants have intentionally omitted certain exhibit numbers.

DECLARATION OF NELSON R. RICHARDS

I, NELSON R. RICHARDS, declare:

- 1. I am a Deputy Attorney General with the California Department of Justice, Office of the Attorney General, and an attorney for Defendants Kamala D. Harris, in her official capacity as Attorney General of California, and Stephen J. Lindley, in his official capacity as Chief of the California Department of Justice Bureau of Firearms in this matter. I am an attorney at law duly licensed to practice before all courts of the State of California and admitted to practice before the United States District Court for the Eastern District of California. I have personal knowledge of the facts set forth below and if called as a witness, I could and would competently testify to them.
 - 2. This declaration is made in support of Defendants' motion for summary judgment.
 - 3. Exhibit 1 has been intentionally omitted.
- 4. Exhibit 2 is a true and correct copy of the *Proceedings of the Thirty-Fourth Annual Meeting of the National Conference of Commissioners on Uniform State Laws*, 47 Ann. Rep. A.B.A. 522 (1924). I obtained a copy of this publication from the HeinOnline archive service.
- 5. Exhibit 3 is a true and correct copy of the *Handbook of the National Conference of Commissioners on Uniform State Laws* 728-32 (1924). I obtained a copy of this publication from the print source.
- 6. Exhibit 4 is a true and correct copy of California's 1923 Firearms law, 1923 Cal. Stat. ch. 339. I obtained a copy of the law from the print source.
- 7. Exhibit 5 is a true and correct copy of Charles V. Imlay, *The Uniform Firearms Act*, 12 A.B.A. J. 767, 767 (1926). I obtained a copy of this publication from the HeinOnline archive service.
- 8. Exhibit 6 is a true and correct copy of *New Firearms Law Effective on August 7*, S.F. Chron., July 15, 1923. I obtained a copy of the article from San Francisco Chronicle microfilm in the archive of the California State Library.
 - 9. Exhibit 7 has been intentionally omitted.

- 10. Exhibit 8 is a true and correct copy of the Committee on Law Enforcement's *For a Better Enforcement of the Law*, 8 A.B.A. J. 588 (1922). I obtained a copy of this publication from the HeinOnline archive service.
- 11. Exhibit 9 is a true and correct copy of the 1929 *Report of the California Crime Commission*. I obtained a copy of this publication from the print version.
- 12. Exhibit 10 is a true and correct copy of the Report of the Standing Committee on Uniform State Laws, Report of the Forty-Ninth Annual Meeting of the American Bar Association (1926). I obtained a copy of this publication from the print version.
- 13. Exhibit 11 is a true and correct copy of Kamala D. Harris, Attorney General, *Homicide in California*, 2013 (2013). The document is available on the Attorney General's website at: http://oag.ca.gov/publications.
- 14. Exhibit 12 is a true and correct copy of Kamala D. Harris, Attorney General, 2013 Firearms Used in the Commission of Crimes (2013). The document is available on the Attorney General's website at: http://oag.ca.gov/publications.
- 15. Exhibit 13 is a true and correct copy of Bureau of Justice Statistics, U.S. Department of Justice, *Firearm Violence*, *1993-2011* (2013). The document is available on the U.S. Department of Justice's website at: http://www.bjs.gov/index.cfm?iid=4616&ty=pbdetail.
- 16. Exhibit 14 is a true and correct copy of printout from the California Department of Public Health's California Violent Death Reporting System reporting handgun suicides in California for the years 2005 through 2009. The document can be reproduced using the California Department of Public Health's website at: http://epicenter.cdph.ca.gov/.
- 17. Exhibit 15 is a true and correct copy of John Henry Sloan et al., *Handgun Regulations, Crime, Assaults, and Homicide: A Tale of Two Cities*, 318 New Eng. J. Med. 913 (1988). A copy is available for a fee on the New England Journal of Medicine's website at: http://www.nejm.org/doi/full/10.1056/NEJM198811103191905.
- 18. Exhibit 16 is a true and correct copy of Michael Siegel et al., *The Relationship*Between Gun Ownership and Firearm Homicide Rates in the United States, 1981-2010, 103 Am.

1	J. Pub. Health 2098 (2013). The publication is available for a fee on the American Journal of			
2	Public Health's website at: http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2013.301409.			
3	19. Exhibit 17 is a true and correct copy of Peter Cummings et al., The Association			
4	Between the Purchase of a Handgun and Homicide or Suicide, 87 Am. J. Pub. Health 974 (1997)			
5	A free copy is available on the American Journal of Public Health's website at:			
6	http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.87.6.974.			
7	20. Exhibit 18 is a true and correct copy of Garen J. Wintemute et al., Mortality Among			
8	Recent Purchasers of Handguns, 341 New Eng. J. Med. 1583 (1999). A free copy is available on			
9	the New England Journal of Medicine's website:			
10	http://www.nejm.org/doi/full/10.1056/NEJM199911183412106.			
11	21. Exhibit 19 is a true and correct copy of K.M. Grassel et al., Association Between			
12	Handgun Purchase and Mortality from Firearm Injury, 9 Injury Prevention 48 (2003). A free			
13	copy is available on journal Injury Prevention's website at:			
14	http://injuryprevention.bmj.com/content/9/1/48.full.			
15				
16	Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and			
17	correct.			
18	Executed on: December 5, 2016			
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20	/s/ Nelson R. Richards			
21	NELSON R. RICHARDS Deputy Attorney General			
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