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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12 WESTERN DIVISION (TEMPLE STREET)

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 14 **MICHELLE FLANAGAN, SAMUEL
 GOLDEN, DOMINIC NARDONE,
 15 JACOB PERKIO, and THE
 CALIFORNIA RIFLE & PISTOL
 16 ASSOCIATION,**

17 Plaintiffs,

18 v.

19 **CALIFORNIA ATTORNEY
 GENERAL KAMALA HARRIS, in
 20 her official capacity as Attorney
 General of the State of California,
 21 SHERIFF JAMES McDONNELL, in
 his official capacity as Sheriff of Los
 22 Angeles County, California, and
 DOES 1-10,**

23 Defendants.
 24

2:16-cv-06164-JAK-AS

**NOTICE OF MOTION AND
 MOTION TO DISMISS
 COMPLAINT FOR
 DECLARATORY AND
 INJUNCTIVE RELIEF**

Date: February 13, 2017
 Time: 8:30 a.m.
 Courtroom: 750
 Judge: The Honorable John A.
 Kronstadt
 Action Filed: August 17, 2016

25 PLEASE TAKE NOTICE THAT, on February 13, 2017, at 8:30 a.m., or as
 26 soon thereafter as the matter may be heard, before the Honorable John A. Kronstadt,
 27 United States District Judge, in Courtroom 750 of the United States District Court
 28 for the Central District of California, located at 255 East Temple Street, Los

1 Angeles, California 90012, Defendant Kamala D. Harris, in her official capacity as
2 Attorney General of the State of California, will move this Court to dismiss
3 portions of the August 17, 2016, Complaint for Declaratory and Injunctive Relief
4 (the “Complaint”) of Plaintiffs Michelle Flanagan, Samuel Golden, Dominic
5 Nardone, Jacob Perkio, and the California Rifle and Pistol Association (“CRPA”;
6 together with the other Plaintiffs, “Plaintiffs”), pursuant to Federal Rule of Civil
7 Procedure 12(b)(6).

8 This motion to dismiss is brought on two grounds. *First*, the first claim, the
9 part challenging California’s concealed-carry firearm laws under the U.S.
10 Constitution’s Second Amendment, fails to state a claim as a matter of law. (The
11 motion is to dismiss paragraphs 73 and 76-80 of the Complaint with prejudice.)
12 *See Peruta v. Cty. of San Diego*, 824 F.3d 919, 924, 939 (9th Cir. 2016) (en banc).
13 *Second*, the second claim, the Equal Protection Clause challenge to California’s
14 open-carry and concealed-carry laws, fails to state a claim as a matter of law. *See*
15 *Teixeira v. Cty. of Alameda*, 822 F.3d 1047, 1052 (9th Cir. 2016); *cf. Stormans, Inc.*
16 *v. Wiesman*, 794 F.3d 1064, 1085 (9th Cir. 2015).

17 This motion is based on this notice, the memorandum of points and authorities,
18 the papers and pleadings on file in this action, and such matters as may be presented
19 to the Court at the time of the hearing.

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This motion is made following the conference of counsel pursuant to L.R. 7-3,
which took place on September 2 and 9, 2016.

Dated: October 7, 2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
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P. PATTY LI
Deputy Attorney General

/s/ Jonathan M. Eisenberg
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