

1 Jason A. Davis (Calif. Bar No. 224250)  
Davis & Associates  
2 27281 Las Ramblas, Suite 200  
Mission Viejo, CA 92691  
3 Tel 949.310.0817/Fax 949.288.6894  
E-Mail: Jason@CalGunLawyers.com  
4 Attorneys for Plaintiffs OWNER-OPERATOR  
INDEPENDENT DRIVERS ASSOCIATION, INC.,  
5 ERIK ROYCE, BRANDON ELIAS, FOLSOM  
SHOOTING CLUB, INC., and THE CALGUNS  
6 FOUNDATION, INC.,

7 C. D. Michel (Calif. Bar No. 144258)  
Clint Monfort (Calif. Bar No. 255609)  
8 Michel & Associates, P.C.  
180 East Ocean Blvd. Suite 200  
9 Long Beach, CA 90802  
Tel: 562.216.4444/Fax 562.216.4445  
10 E-Mail: CMichel@Michellawyers.com  
Attorneys for Plaintiff NATIONAL RIFLE ASSOCIATION, INC.

11  
12 **IN THE UNITED STATES DISTRICT COURT**  
13 **EASTERN DISTRICT OF CALIFORNIA**  
14 **SACRAMENTO DIVISION**

15 OWNER-OPERATOR INDEPENDENT DRIVERS  
ASSOCIATION, INC., ERIK ROYCE, BRANDON  
16 ELIAS, FOLSOM SHOOTING CLUB, INC., THE  
17 CALGUNS FOUNDATION, INC., and NATIONAL  
RIFLE ASSOCIATION, INC.,

18 Plaintiffs,

19 vs.

20 STEVE LINDLEY; THE STATE OF CALIFORNIA;  
THE CALIFORNIA DEPARTMENT OF JUSTICE;  
21 DOES 1-10

22 Defendants.

) **Case No.: 10-CV-02010-MCE-KJM**  
)  
) **REQUEST FOR JUDICIAL**  
) **NOTICE IN SUPPORT OF**  
) **PLAINTIFFS' OPPOSITION TO**  
) **DEFENDANTS' MOTION TO**  
) **DISMISS THE COMPLAINT, OR**  
) **IN THE ALTERNATIVE, TO STAY**  
) **THE ACTION**  
)  
) Date: November 18, 2010  
) Time: 2:00  
) Ctrm: No. 7 - 14th Floor  
) Judge: Hon Morrison C. England, Jr.  
) Trial Date: None  
) Action Filed: 7/28/2010

**REQUEST FOR JUDICIAL NOTICE**

Plaintiffs, Owner-Operator Independent Drivers Association, Inc., Erik Royce, Brandon Elias, Folsom Shooting Club, Inc., The Calguns Foundation, Inc., and National Rifle Association, Inc., by and through their attorneys of record, respectfully request that this Court take judicial notice pursuant to Federal Rule of Evidence 201 of the following facts and document:

On or about December 30, 2009, the California Attorney General, by and through the California Department of Justice, Law Enforcement, Bureau of Firearms' Chief Wilfredo Cid had published on the Bureau of Firearms' official website an "Information Bulletin" interpreting Assembly Bill 962 (2009-2010 Reg. Sess.)(“AB962”). Specifically, this “Information Bulletin” states, in part:

Beginning February 1, 2011, the delivery or transfer of handgun ammunition must occur in a face-to-face transaction, with the recipient providing bona fide evidence of his or her identity and age, subject to specified exceptions. Non face-to-face transfers, such as internet transactions and mail order deliveries are prohibited. A violation is a misdemeanor. Pen. Code §12318. (Emphasis added.)

(<http://ag.ca.gov/firearms/infobuls/2009-BOF-05.pdf>. last visited November 3, 2010) A true and correct copy of the December 30, 2009, “Information Bulletin” issued by the California Department of Justice – Bureau of Firearms' former Chief, Wilfredo Cid, is attached hereto as **Exhibit “1.”**

That “Information Bulletin” is currently being published on the Department of Justice, Law Enforcement Division, Bureau of Firearms' official website under the Acting Chief of the Bureau of Firearms, Steve Lindley.

Dated: November 4, 2010

**MICHEL & ASSOCIATES, P.C.**

s/C.D. Michel  
C.D. Michel  
Attorney for Plaintiff National Rifle Association, Inc.

**DAVIS & ASSOCIATES**

s/ Jason A. Davis (as approved on 11/3/10)  
Jason A. Davis  
Attorney for Plaintiffs Owner-Operator Independent Drivers Association, Inc., Erik Royce, Brandon Elias, Folsom Shooting Club, Inc., and The Calguns Foundation, Inc.

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3 SACRAMENTO DIVISION

4  
5 OWNER-OPERATOR INDEPENDENT DRIVERS  
ASSOCIATION, INC., ERIK ROYCE, BRANDON  
6 ELIAS, FOLSOM SHOOTING CLUB, INC., THE  
CALGUNS FOUNDATION, INC., and NATIONAL  
7 RIFLE ASSOCIATION, INC.,

8 Plaintiffs,

9 vs.

10 STEVE LINDLEY; THE STATE OF CALIFORNIA;  
THE CALIFORNIA DEPARTMENT OF JUSTICE;  
DOES 1-10

11 Defendants.  
12

) Case No.: 10-CV-02010-MCE-KJM

) CERTIFICATE OF SERVICE

13 IT IS HEREBY CERTIFIED THAT:

14 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My  
15 business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

16 I am not a party to the above-entitled action. I have caused service of:

17 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFFS' OPPOSITION TO**  
18 **DEFENDANTS' MOTION TO DISMISS THE COMPLAINT, OR IN THE ALTERNATIVE,**  
**TO STAY THE ACTION**

19 on the following party by electronically filing the foregoing with the Clerk of the District Court using its  
ECF System, which electronically notifies them.

20 EDMUND G. BROWN JR., Attorney General Telephone: (916) 324-5328  
21 ZACKERY P. MORAZZINI, Supervising Deputy Attorney General Fax: (916) 324-8835  
Attorney General E-mail: Peter.Krause@doj.ca.gov  
22 PETER A. KRAUSE, Deputy Attorney General  
1300 I Street, Suite 125  
23 P.O. Box 944255  
Sacramento, CA 94244-2550

24 I declare under penalty of perjury that the foregoing is true and correct. Executed on November  
25 4, 2010.

26 /s/ C.D. Michel  
C. D. Michel  
27 Attorney for Plaintiff National Rifle  
association, Inc.  
28