

1 KAMALA D. HARRIS, State Bar No. 146672
Attorney General of California
2 TAMAR PACHTER, State Bar No. 146083
Supervising Deputy Attorney General
3 NELSON R. RICHARDS, State Bar No. 246996
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-5559
Fax: (415) 703-1234
6 E-mail: Nelson.Richards@doj.ca.gov
Attorneys for Defendants
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12 **TRACY RIFLE AND PISTOL LLC;**
13 **MICHAEL BARYLA; TEN PERCENT**
14 **FIREARMS; WESLEY MORRIS;**
15 **SACRAMENTO BLACK RIFLE, INC.;**
ROBERT ADAMS; PRK ARMS, INC.; and
JEFFREY MULLEN,

16 Plaintiffs,

17 v.

18 **KAMALA D. HARRIS, in her official**
19 **capacity as Attorney General of California;**
20 **AND STEPHEN J. LINDLEY, in his official**
21 **capacity as Chief of the California**
Department of Justice Bureau of Firearms,

22 Defendants.
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2:14-cv-02626-TLN-DAD

DEFENDANTS' ANSWER

Hearing Date: Jan. 29, 2015
Hearing Time: 2:00 p.m.
Judge: Hon. Troy L. Nunley
Action Filed: Nov. 10, 2014

1 For their answer to Tracy Rifle and Pistol LLC, Michael Baryla, Ten Percent Firearms,
2 Wesley Morris, Sacramento Black Rifle, Inc., Robert Adams, PRK Arms, Inc., and Jeffery
3 Mullen's (Plaintiffs') Complaint for Declaratory and Injunctive, or Other Relief, Defendants
4 Kamala D. Harris, in her official capacity as Attorney General of California, and Stephan J.
5 Lindley, in his official capacity as Chief of the California Department of Justice Bureau of
6 Firearms (Defendants), answer, in paragraphs that correspond to the Complaint's paragraphs, as
7 follows:

8 1. The allegations contained in the Paragraph 1 are Plaintiffs' characterization of their
9 case, to which no answer is required; to the extent they may be deemed allegations of fact, they
10 are denied.

11 2. The allegations contained in Paragraph 2 constitute conclusions of law to which no
12 answer is required; to the extent they may be deemed allegations of fact, they are denied.

13 3. The allegations contained in Paragraph 3 constitute conclusions of law to which no
14 answer is required; to the extent they may be deemed allegations of fact, they are denied.

15 4. The allegations contained in Paragraph 4 constitute conclusions of law to which no
16 answer is required; to the extent they may be deemed allegations of fact, they are denied.

17 5. The allegations contained in Paragraph 5 constitute conclusions of law to which no
18 answer is required; to the extent they may be deemed allegations of fact, they are denied.

19 6. The allegations contained in Paragraph 6 constitute conclusions of law to which no
20 answer is required; to the extent they may be deemed allegations of fact, they are denied.

21 7. Admit.

22 8. Admit the allegation contained in the second sentence of Paragraph 8 that Michael
23 Baryla is "the individual licensee associated with the dealership." Defendants lack information or
24 belief sufficient to answer the remaining allegations contained in Paragraph 8, and basing their
25 denial on this ground, deny each and every one of those allegations.

26 9. Admit.

27 10. Admit the allegation contained in Paragraph 10 that Wesley Morris is "an individual
28 licensee associated with the dealership." Defendants lack information or belief sufficient to

1 answer the remaining allegations contained Paragraph 10, and basing their denial on this ground,
2 deny each and every one of those allegations.

3 11. Admit.

4 12. Admit the allegation contained in Paragraph 12 that Robert Adams is “the individual
5 licensee associated with the dealership.” Defendants lack information or belief sufficient to
6 answer the remaining allegations contained in Paragraph 12, and basing their denial on this
7 ground, deny each and every one of those allegations.

8 13. Admit.

9 14. Admit the allegation contained in Paragraph 14 that Jeffrey Mullen is “the individual
10 licensee associated with the dealership.” Defendants lack information or belief sufficient to
11 answer the remaining allegations contained in Paragraph 14, and basing their denial on this
12 ground, deny each and every one of those allegations.

13 15. Admit the allegations contained in the first, second, third, fourth, and sixth sentences
14 of Paragraph 15. The allegations contained in the fifth sentence of Paragraph 15 are Plaintiffs’
15 characterization of their case, to which no answer is required; to the extent they may be deemed
16 allegations of fact, they are denied.

17 16. Admit the allegations contained in the first, second, and fourth sentences of
18 Paragraph 16. The allegations contained in the fourth sentence of Paragraph 16 are Plaintiffs’
19 characterization of their case, to which no answer is required; to the extent they may be deemed
20 allegations of fact, they are denied.

21 17. The allegations contained in Paragraph 17 constitute conclusions of law to which no
22 answer is required; to the extent they may be deemed allegations of fact, they are denied.

23 18. The allegations contained in Paragraph 18 constitute conclusions of law to which no
24 answer is required; to the extent they may be deemed allegations of fact, they are denied.

25 19. The allegations contained in Paragraph 19 constitute conclusions of law to which no
26 answer is required; to the extent they may be deemed allegations of fact, they are denied.

27 20. The allegations contained in Paragraph 20 constitute conclusions of law to which no
28 answer is required; to the extent they may be deemed allegations of fact, they are denied.

1 21. The allegations contained in Paragraph 21 constitute conclusions of law to which no
2 answer is required; to the extent they may be deemed allegations of fact, they are denied.

3 22. The allegations contained in Paragraph 22 constitute conclusions of law to which no
4 answer is required; to the extent they may be deemed allegations of fact, they are denied.

5 23. The allegations contained in Paragraph 23 constitute conclusions of law to which no
6 answer is required; to the extent they may be deemed allegations of fact, they are denied.

7 24. Defendants lack information or belief sufficient to answer the allegations contained in
8 the first sentence of Paragraph 24, and basing their denial on this ground, deny each and every
9 allegation thereof. The allegations contained in the second and third sentences of Paragraph 24
10 constitute conclusions of law to which no answer is required; to the extent they may be deemed
11 allegations of fact, they are denied.

12 25. Admit the first sentence of Paragraph 25. Admit that there were pistol advertisements
13 on the windows of Tracy Rifle at the time of the inspection; Defendants lack information or belief
14 sufficient to answer the remaining allegations contained in the second sentence of Paragraph 25,
15 and basing their denial on this ground, deny each and every allegation thereof. The allegation
16 contained in the third sentence of Paragraph 25 that “[a]s of the date of the inspection, each of
17 these firearms could be lawfully purchased in California” constitutes a conclusion of law to which
18 no answer is required; to the extent it may be deemed allegations of fact, it is denied. Defendants
19 lack information or belief sufficient to answer the remaining allegations contained in the third
20 sentence of Paragraph 25, and basing their denial on this ground, deny each and every allegation
21 thereof.

22 26. Admit the allegations contained in the first sentence of Paragraph 26 to the extent
23 supported by the document cited, which is the best evidence of its contents; otherwise deny the
24 allegations. The allegations contained in the second sentence of Paragraph 26 constitute
25 conclusions of law to which no answer is required; to the extent they may be deemed allegations
26 of fact, they are denied.

27 27. Defendants lack information or belief sufficient to answer the allegations of
28 Paragraph 27, and basing their denial on this ground, deny each and every allegation thereof.

1 28. Admit the allegations contained in the first and third sentences of Paragraph 28.
2 Deny the allegations contained in the second sentence of Paragraph 28. Admit the allegations
3 contained in the fourth sentence of Paragraph 28 to the extent supported by the document cited,
4 which is the best evidence of its contents; otherwise deny the allegations.

5 29. Defendants lack information or belief sufficient to answer the allegations of
6 Paragraph 29, and basing their denial on this ground, deny each and every allegation thereof.

7 30. The allegations contained in Paragraph 30 constitute conclusions of law to which no
8 answer is required; to the extent they may be deemed allegations of fact, they are denied.

9 31. The allegations contained in the first sentence of Paragraph 31 constitute conclusions
10 of law to which no answer is required; to the extent they may be deemed allegations of fact, they
11 are denied. The allegations contained in the second sentence of Paragraph 31 are Plaintiffs'
12 characterization of their case, to which no answer is required; to the extent they may be deemed
13 allegations of fact, they are denied.

14 32. The allegations contained in Paragraph 32 constitute conclusions of law to which no
15 answer is required; to the extent they may be deemed allegations of fact, they are denied.

16 33. Defendants incorporate their answers to Paragraphs 1 through 32 in answer to
17 Paragraph 33.

18 34. The allegations contained in Paragraph 34 constitute conclusions of law to which no
19 answer is required; to the extent they may be deemed allegations of fact, they are denied.

20 35. The allegations contained in Paragraph 35 constitute conclusions of law to which no
21 answer is required; to the extent they may be deemed allegations of fact, they are denied.

22 36. The allegations contained in Paragraph 36 constitute conclusions of law to which no
23 answer is required; to the extent they may be deemed allegations of fact, they are denied.

24 37. The allegations contained in Paragraph 37 constitute conclusions of law to which no
25 answer is required; to the extent they may be deemed allegations of fact, they are denied.

26 Deny each and every allegation not previously admitted or otherwise qualified.

27 Deny that Plaintiffs are entitled to the relief set forth in the prayer for relief immediately
28 following Paragraph 37, or to any relief whatsoever.

1 In addition, without admitting any allegations contained in the Complaint for Declaratory,
2 Injunctive, or Other Relief, Defendants assert the following defenses based on information and
3 belief:

4 **FIRST DEFENSE**

5 The Complaint for Declaratory, Injunctive, or Other Relief, and the claims for relief alleged
6 therein, fails to state facts sufficient to constitute a cause of action.

7 **SECOND DEFENSE**

8 The Complaint for Declaratory, Injunctive, or Other Relief, and the claims for relief alleged
9 therein, is barred because Defendants are immune from suit under the Eleventh Amendment.

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11 WHEREFORE, Defendants pray that:

- 12 1. Plaintiffs take nothing by reason of their complaint;
13 2. Judgment be entered in favor of Defendants;
14 3. Defendants be awarded their costs incurred in defending this action; and
15 4. Defendants be awarded such further relief that the Court may deem just and proper.

16
17 Dated: December 1, 2014

Respectfully Submitted,

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

21 /s/ Nelson Richards

22 NELSON R. RICHARDS
23 Deputy Attorney General
24 *Attorneys for Defendants*

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