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Additional Counsel listed on the next page.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED;
THE SECOND AMENDMENT
FOUNDATION; GUN OWNERS OF
AMERICA, INC.; GUN OWNERS
FOUNDATION; GUN OWNERS OF
CALIFORNIA, INC.; ERICK
VELASQUEZ, an individual; SHERWIN
DAVID PARTOWASHRAF, an
individual; CHARLES MESSEL, an
individual; BRIAN WEIMER, an
individual; JUNG YUN, an individual;
ALBERT MEDALLA, an individual;
ZHAO LIN CHEN, an individual; ERIC
STRATTON, an individual; FARZAD
NEZAM, an individual; DAVID
BROADY, an individual; STEPHEN
HOOVER, an individual,

Plaintiffs,

v.

LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT; SHERIFF ROBERT
LUNA, in his official capacity; ROBERT
BONTA, in his official capacity as
Attorney General of the State of
California; and DOES 1-10,

Defendants.

Case No.: 2:23-cv-10169-SPG-ADS

**SECOND AMENDED AND
SUPPLEMENTAL COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

42 U.S.C. §§ 1983 & 1988

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1 NOW COME Plaintiffs California Rifle & Pistol Association, Incorporated,
2 The Second Amendment Foundation, Gun Owners of America, Inc., Gun Owners
3 Foundation, Gun Owners of California, Inc., Erick Velasquez, Sherwin David
4 Partowashraf, Charles Messel, Brian Weimer, Jung Yun, Albert Medalla, Zhao Lin
5 Chen, Eric Stratton, Farzad Nezam, David Broady, and Stephen Hoover and,
6 through their respective counsel, bring this action against Defendants Los Angeles
7 County Sheriff's Department, Sheriff Robert Luna in his official capacity as Los
8 Angeles County Sheriff, California Attorney General Robert Bonta in his official
9 capacity, and Does 1-10, inclusive, and make the following supplemental and
10 amended allegations:

11 INTRODUCTION

12 1. This action challenges the constitutionality of carry permit issuance
13 policies and laws that make it extremely difficult, if not outright impossible or
14 impermissibly time consuming, for Plaintiffs to obtain permits to carry a concealed
15 firearm in public and therefore to exercise their right to be armed in public, as
16 guaranteed by the Second Amendment's text "bear arms," and as recognized by the
17 Supreme Court in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct.
18 2111 (2022).

19 2. The main policies that Plaintiffs target here are: 1) Defendants' failure
20 to timely process carry permit applications, 2) the use of highly subjective
21 suitability criteria in evaluating applicants, and 3) the refusal to honor permits
22 issued by other states and/or accept applications for permits from non-residents.
23 These practices and policies, some of which are enabled by state law, violate the
24 Second and Fourteenth Amendments.

25 3. Some Constitutional rights have a preliminary step required before
26 their exercise, such as permitting (e.g., parades, demonstrations) or registration
27 (e.g., voting, lobbying). But the administration of such permits or registration
28 requirements may not be so onerous as to exclude whole demographics due to

1 expense or subjectivity, nor may it force them to wait inordinate amounts of time.¹

2 4. In anticipation of bad-faith efforts to obstruct its ruling in recalcitrant
3 jurisdictions, the *Bruen* Court expressly invited challenges such as this one, noting
4 that, “**because any permitting scheme can be put toward abusive ends, we do**
5 **not rule out constitutional challenges to shall-issue regimes where, for**
6 **example, lengthy wait times in processing license applications or exorbitant**
7 **fees deny ordinary citizens their right to public carry.”** *Id.* (emphasis added).

8 5. The policies that Plaintiffs challenge have gone far beyond “abus[ing]”
9 constitutional rights. Defendants have flat-out denied Plaintiffs their rights to be
10 armed outside of their homes by establishing an onerous permitting regime replete
11 with egregious wait times lasting well over a year and nefarious discretionary
12 requirements designed to flout the Supreme Court’s precedents.

13 6. This suit challenges whether Defendants are engaged in a permit
14 process that subjects applicants seeking to lawfully carry for self-defense in
15 California by the only manner allowed under law—with a concealed carry weapons
16 permit (“CCW permit”) issued by a local jurisdiction, to excessive wait times,
17 suitability criteria that are unnecessary, burdensome, and subjective; and whether
18 those permit processes violate the right to bear arms in public as explained by the
19 Supreme Court in *Bruen*. Examples abound.

20
21
22 ¹ It has long been established that a State may not impose a penalty upon
23 those who exercise a right guaranteed by the Constitution. *Frost & Frost Trucking*
24 *Co. v. Railroad Comm’n of California*, 271 U.S. 583, 593-94 (1926).
25 “Constitutional rights would be of little value if they could be . . . indirectly denied”
26 (*Smith v. Allwright*, 321 U.S. 649, 664 (1944)), or “manipulated out of existence.”
27 (*Gomillion v. Lightfoot*, 364 U.S. 339, 345 (1960)). “Significantly, the Twenty-
28 Fourth Amendment does not merely insure that the franchise shall not be ‘denied’
by reason of failure to pay the poll tax; it expressly guarantees that the right to vote
shall not be ‘denied or abridged’ for that reason.” *Harman v. Forssenius*, 380 U.S.
528, 540 (1965) (citation omitted). Thus, like the Fifteenth Amendment, the
Twenty-Fourth “nullifies sophisticated as well as simple-minded modes” of
impairing the right guaranteed. *Lane v. Wilson*, 307 U.S. 268, 275 (1939). “‘It hits
onerous procedural requirements which effectively handicap exercise of the
franchise by those claiming the constitutional immunity.’” *Harman*, 380 U.S. at
540-41 (citations omitted), quoting *Lane*, at 275.

1 7. Los Angeles County Sheriff's Department ("LASD") admits that it
2 takes "a year to a year and a half" to process CCW applications.

3 8. Additionally, LASD imposes subjective permit-issuance criteria, in
4 open defiance of *Bruen*, which rejected such unmoored standards for determining
5 who gets the privilege of exercising an enumerated right. .

6 9. Even if Plaintiffs wanted to avoid the delay and suitability
7 requirements from LASD by simply obtaining a carry permit from another state,
8 California does not honor permits issued by *any* other state.

9 10. In fact, nonresidents have no way to lawfully carry firearms in
10 California, even if they are willing to apply to a California issuing authority for a
11 permit, because California law does not permit in-state issuing authorities to issue
12 permits to nonresidents.

13 11. This is plainly unconstitutional under both *Bruen* and the precedent
14 established in *Obergefell v. Hodges*, 576 U.S. 644, 648 (2015). If California must
15 honor a broad right to marry, which is unenumerated, then it must also honor the
16 right to carry firearms, which is enumerated.

17 12. Separately from Plaintiffs' Second Amendment claim, the United
18 States Supreme Court has consistently held that regulations and classifications that
19 impose a penalty or an impermissible burden on the right to travel violate the Equal
20 Protection Clause of the Fourteenth Amendment, unless absolutely necessary to
21 promote a compelling government interest. *Saenz v. Roe*, 526 U.S. 489 (1999);
22 *Shapiro v. Thompson*, 394 U.S. 618 (1969). Accordingly, California's policy of
23 denying out-of-state residents the ability to lawfully exercise their constitutionally
24 protected right to be armed in public for self-defense inhibits the free interstate
25 passage of citizens and violates equal protection doctrines by treating Americans
26 differently merely on account of their state of residency.

27 13. Furthermore, the Privileges and Immunities Clause of Article IV, § 2
28 of the United States Constitution provides that "The Citizens of each State shall be

entitled to all privileges and immunities of Citizens in the several States.” The Privileges and Immunities Clause bars discrimination against citizens of other states based on their status as a citizen of another state. *Toomer v. Witsell*, 334 U.S. 385 (1948).

14. Plaintiffs seek to enjoin Defendants’ flagrantly unconstitutional practices and uphold Plaintiffs’ Second Amendment rights.

PARTIES

Plaintiffs

15. The individual Plaintiffs are ordinary, law-abiding, adult residents of Los Angeles County who have applied for CCW permits but have not received them, or they are residents of other states who wish to carry in California but have no legal way to do so.

16. The associational Plaintiffs are non-profit organizations dedicated to the preservation of the Second Amendment and other enumerated constitutional rights. These associational Plaintiffs use their resources and economies of scale to ensure the broadest possible protection for their members and supporters by bringing suits on behalf of individual plaintiffs — who are also members — who would otherwise lack the financial resources and litigation experience to bring cases like this themselves. The associational Plaintiffs are representing their members and supporters who: (1) already applied for a CCW permit and are faced with a lengthy wait time; or (2) have CCW permits that were issued by other states and wish to have their permits honored when they visit California. The associational Plaintiffs thus bring this action to vindicate their members’ and supporters’ Second Amendment rights to publicly bear arms for self-defense, including the rights of the members and supporters of the associational Plaintiffs, who might otherwise lack an opportunity for legal representation due to the lack of resources.

17. The associational Plaintiffs also have members and supporters in other states who have CCW permits in those states, and wish to have their permits

1 honored when they visit California. Plaintiffs thus bring this action to vindicate
2 their own Second Amendment rights to publicly bear arms for self-defense, or the
3 rights of their members and supporters to do so. While the associational Plaintiffs
4 seek general injunctions on behalf of all similarly-situated Californians the
5 challenged laws and practices affect, they also specifically seek relief on all claims
6 as to each and every one of their members and supporters who might otherwise lack
7 the litigation experience and resources of the associational Plaintiffs.

8 18. All individual Plaintiffs are natural persons and citizens of the United
9 States and are eligible to possess firearms under state and federal law, and currently
10 own at least one firearm. Each individual Plaintiff desires to carry a firearm in
11 public for lawful self-defense and would do so, but for the challenged statutes,
12 policies, and practices.

13 19. All individual Plaintiffs are members of the associational Plaintiffs
14 California Rifle & Pistol Association, Incorporated, The Second Amendment
15 Foundation, and Gun Owners of America, Inc.

16 20. Plaintiff Erick Velasquez is a resident of Los Angeles County and a
17 law-abiding citizen of the United States. Mr. Velasquez had a CCW permit issued
18 pursuant to California Penal Code Section 26150 by Los Angeles County Sheriff's
19 Department. He carried a handgun daily for two years, without any incident.

20 21. On April 10, 2023, Mr. Velasquez submitted his CCW permit renewal
21 application with Los Angeles County Sheriff's Department, expecting a simple
22 process and quick approval given there had been no issues the last two years.

23 22. Then, on May 3, 2023, Mr. Velasquez was the unfortunate victim of a
24 crime. A burglar broke into his vehicle and stole three handguns, along with other
25 valuables. The handguns were stored in a range bag in the locked trunk of the car,
26 in compliance with California Penal Code section 25610(a)(1).

27 23. Mr. Velasquez promptly called the police to report the theft. An officer
28 from the Vernon Police Department arrived at the scene and took a report, which

1 noted that Mr. Velasquez was eager to have the thief brought to justice. But as of
2 this date, the perpetrator has not been found.

3 24. On August 23, 2023, Defendant Luna denied Mr. Velasquez's renewal
4 application. As a reason for denial, the letter had the box for "other" but provided
5 no further explanation for the denial. Seeking clarity, Mr. Velasquez eventually
6 communicated with LASD Sergeant Berner, who explained that the theft of the
7 firearms was the reason for the denial. Mr. Velasquez asked how he could appeal,
8 but Sergeant Berner told him there was no appeal process. He encouraged Mr.
9 Velasquez to apply again with the City of Downey instead, as they might not have
10 similar restrictions.

11 25. While California Penal Code sections 26202(a)(5) and 26202(a)(9)
12 were not yet in effect when Mr. Velasquez's permit was denied, to the extent
13 Defendants argue that those sections prevent them from issuing him a CCW permit
14 now, he contends they are unconstitutional as applied to him.

15 26. Plaintiff Sherwin David Partowashraf is a resident of Los Angeles
16 County and a law-abiding citizen. After waiting over a year and a half on his
17 application, on October 3, 2023, the application for a CCW permit was denied by
18 LASD. Even though California law requires a reason for the denial be given, the
19 reasoning for the denial was nothing more than a checkmark next to "other".

20 27. Mr. Partowashraf would come to learn that he was denied a permit
21 because a former girlfriend had filed for a temporary restraining order against him
22 the prior year, after an attempt to extort him had failed.

23 28. At the time, Mr. Partowashraf complied with the law and turned in his
24 firearms to the police to be held while the temporary restraining order was in effect.
25 Following a hearing, the temporary restraining order was promptly dissolved and
26 the request for a restraining order was discharged.

27 29. Mr. Partowashraf then had to go through a tedious process to get his
28 firearms back, involving him submitting requests for *each* firearm to the California

1 Department of Justice for them to run background checks so he could have them
2 returned to him. After being approved, he scheduled a time to pick up the firearms
3 and received them without further trouble. The California DOJ has thus itself
4 confirmed Mr. Partowashraf is not dangerous. If law enforcement thought he was
5 still dangerous, they could have filed for a gun violence restraining order under
6 California Penal Code section 18100, but they did not do so.

7 30. Mr. Partowashraf contends that his rights should not be denied
8 because of a dissolved temporary restraining order, especially following the
9 Supreme Court's ruling in *Rahimi*.

10 31. While California Penal Code section 26202(a)(3) was not yet in effect
11 when Mr. Partowashraf's permit was denied, to the extent Defendants argue that it
12 prevents them from issuing him a CCW permit now, he contends it is
13 unconstitutional as applied to him.

14 32. Plaintiff Charles Messel is a resident of Los Angeles County and a
15 law-abiding citizen. Mr. Messel submitted his CCW permit application to LASD on
16 July 1, 2022. Having heard nothing by April 2023, he contacted the department to
17 inquire about his application.

18 33. The response he received stated: "We were several months behind in
19 opening and entering applications in our tracking system. Although you applied
20 earlier, your application wasn't entered into our tracking system until 11/2/22. We
21 are currently working on applications that went into our tracking system in July of
22 2022. Thank you for your patience."

23 34. As of the filing of this action, Mr. Messel had still not been issued a
24 permit or received further communications about his application's status from
25 LASD. More than 17 months had elapsed since his initial application. Following
26 the filing of this action and the filing of a preliminary injunction to compel LASD
27 to issue Mr. Messel a permit, only then did LASD finally process his application,
28 nearly two years after he had submitted his application.

1 35. Plaintiff Brian Weimer is a resident of Los Angeles County and a law-
2 abiding citizen. Mr. Weimer is employed by Los Angeles County as a firefighter on
3 Catalina Island.

4 36. Like Mr. Messel, Mr. Weimer applied for a CCW permit with LASD
5 and still has not been issued one. Mr. Weimer applied in January 2023, over a year
6 ago, but still has not been issued a permit or a denial. His constitutional right to
7 carry a firearm for self-defense has been denied to him.

8 37. Plaintiff Jung Yun is a resident of Los Angeles County and a law-
9 abiding citizen. Mr. Yun applied for his CCW permit with LASD in September of
10 2022. When he last followed up on December 6, 2023, he received a response
11 saying that his application had not even been assigned to an investigator yet, and no
12 further timeline was provided. Finally, on August 27, 2024, he received an initial
13 telephonic interview and was told he would get additional instructions in
14 approximately two months.

15 38. Plaintiff Albert Medalla is a resident of Los Angeles County and a
16 law-abiding citizen. He works the graveyard shift at Cedars-Sinai Medical Center
17 as an ultrasound technologist. Due to rising crime in his area, he desires to be able
18 to carry a firearm for self-defense. He applied for his CCW permit with LASD on
19 October 31, 2023. His initial interview is not scheduled to occur until August 11,
20 2025.

21 39. Plaintiff Zao Lin Chen is a resident of Los Angeles County and a law-
22 abiding citizen. He is a federal employee and holds an FFL-03 license, both of
23 which speak to his good standing as a citizen. He applied for a CCW permit with
24 LASD on April 3, 2025, but the earliest appointment time he could reserve for his
25 initial interview was April 9, 2026.

26 40. Plaintiff Eric Stratton is a resident of Los Angeles County and a law-
27 abiding citizen. He holds CCW permits from two other states and is a retired Los
28 Angeles firefighter. He applied for a CCW permit with LASD on May 28, 2025,

1 but the earliest appointment time he could reserve for his initial interview was June
2 2, 2026.

3 41. Plaintiff Farzad Nezam is a resident of Los Angeles County and a law-
4 abiding citizen. He is a licensed California attorney who decided to apply for a
5 CCW permit following the murder of one of his clients, which made him fear for
6 his own safety. He applied for a CCW permit with LASD on December 7, 2024, but
7 the earliest appointment time he could reserve for his initial interview was
8 December 16, 2025.

9 42. Plaintiff David Broady is a resident of Nevada and a law-abiding
10 citizen. He is a retired California prosecutor, last working as a Senior Deputy
11 District Attorney for the Placer County DA's office from 1995 to 2020. Before that,
12 he worked in the Riverside County DA's office from 1991 to 1995.

13 43. Mr. Broady had California CCW permits in Riverside County and later
14 Placer County, from the early 1990s until 2020 when he moved to Nevada. Since
15 then he has had a Nevada CCW permit, but cannot obtain a California CCW permit.
16 California does not honor his Nevada permit.

17 44. This is a problem for Mr. Broady because he still frequently visits
18 California as he owns property in this state and has family here. He also remains an
19 active member of the California Bar. He joins this lawsuit against California
20 Attorney General Rob Bonta for Mr. Bonta's enforcement of a complete prohibition
21 on the right to carry against citizens from other states.

22 45. Mr. Broady, for himself and on behalf of other nonresidents who have
23 out-of-state CCW permits, as well as on behalf of the members and supporters of
24 the associations who live outside of California, seeks to have his Nevada permit
25 honored by the State of California.

26 46. Plaintiff Stephen Hoover is a resident of Florida, and a law-abiding
27 citizen. He is a PhD candidate at the Center for Complex Systems and Brain
28 Sciences in the Charles E. Schmidt College of Science at Florida Atlantic

1 University. He owns firearms and has a Florida-issued CCW permit.

2 47. Mr. Hoover spent a significant amount of time in California in the
3 summer of 2023 and plans to return for work and leisure purposes in the near
4 future.

5 48. While he was in California, he sought to obtain a California CCW
6 permit from the Monterey County Sheriff's Department, as California would not
7 honor his Florida CCW permit, but he still desired to be able to exercise his right to
8 carry for self-defense. Yet in spite of otherwise meeting the criteria for eligibility,
9 his application was denied because he was deemed ineligible for a CCW permit
10 under Penal Code section 26150(a)(3), as he is not a resident of the county he
11 applied in, nor a resident of California.

12 49. Mr. Hoover joins this lawsuit against California Attorney General Rob
13 Bonta for Mr. Bonta's enforcement of a complete prohibition on the right to carry
14 against citizens from other states.

15 50. Plaintiff The Second Amendment Foundation ("SAF") is a non-profit
16 membership organization. It is incorporated under the laws of the state of
17 Washington and was founded in 1974. SAF has over 720,000 members and
18 supporters nationwide, including thousands of members in California. SAF is
19 dedicated to promoting a better understanding of the nation's constitutional heritage
20 and tradition of privately owning, possessing, and carrying firearms, through
21 educational and legal action programs designed to better inform the public. SAF is
22 a pioneer and innovator in defending the right to keep and bear arms, through its
23 publications and public education programs like the Gun Rights Policy Conference.
24 SAF also incurs significant expenses to sponsor public interest litigation to defend
25 its interests and to disseminate information to like-minded individuals. SAF
26 members who want CCW permits but reside in Los Angeles County are subject to
27 lengthy wait times and unconstitutionally subjective permit issuance criteria that
28 violate the U.S. Constitution. SAF's policies specifically include the dedication of

1 its resources, litigation experience, and economies of scale for the purpose of
2 representing people who would otherwise lack the means and access to resources to
3 successfully bring lawsuits to compel state and local governments to comply with
4 the Constitution, as intended by the Fourteenth Amendment, its enforcement
5 provisions, and Congressional statutes enabling the enforcement of the Constitution
6 by private actors. See: 42 U.S.C. section 1983, 1988.

7 51. Plaintiff Gun Owners of America, Inc. (“GOA”) is a California non-
8 stock corporation and a not-for-profit membership organization with its principal
9 place of business in Springfield, Virginia, and is organized and operated as a non-
10 profit membership organization that is exempt from federal income taxes under
11 Section 501(c)(4) of the Internal Revenue Code. GOA was formed in 1976 to
12 preserve and defend the Second Amendment rights of gun owners. It has more than
13 2 million members and supporters across the country, including residents within
14 this judicial district and throughout the State of California. GOA members who
15 wish to obtain CCW permits but reside in Los Angeles County are subject to
16 lengthy wait times and also unconstitutionally subjective criteria.

17 52. Plaintiff Gun Owners Foundation (“GOF”) is a Virginia non-stock
18 corporation and a not-for-profit legal defense and educational foundation with its
19 principal place of business in Springfield, Virginia and is organized and operated as
20 a non-profit legal defense and educational foundation that is exempt from federal
21 income taxes under Section 501(c)(3) of the Internal Revenue Code. GOF was
22 formed in 1983 and is supported by gun owners across the country, within this
23 judicial district, and throughout the State of California who, like the individual
24 Plaintiffs, will be irreparably harmed by the implementation and enforcement of SB
25 2. GOF supporters who wish to obtain CCW permits but reside in Los Angeles
26 County are subject to lengthy wait times and also unconstitutionally subjective
27 criteria. GOF is supported by gun owners across the country, who fund the
28 organization’s activities so that it can, *inter alia*, file litigation such as this to

1 preserve, protect, and defend their right to keep and bear arms.

2 53. Plaintiff Gun Owners of California, Inc. (“GOC”) is a non-profit
3 organization incorporated under the laws of the state of California with
4 headquarters in El Dorado Hills, California. GOC is dedicated to the restoration of
5 the Second Amendment in California. GOC members who wish to obtain CCW
6 permits but reside in Los Angeles County are subject to lengthy wait times and also
7 unconstitutionally subjective criteria.

8 54. Plaintiff CRPA is a non-profit membership and donor-supported
9 organization qualified as tax-exempt under Section 501(c)(4) of the Internal
10 Revenue Code, with its headquarters in Fullerton, California. Founded in 1875,
11 CRPA seeks to defend the civil rights of all law-abiding individuals, including the
12 enumerated right to bear firearms for lawful purposes like self-defense. CRPA
13 regularly participates as a party or amicus in litigation challenging unlawful
14 restrictions on the right to keep and bear arms. It also provides guidance to
15 California gun owners regarding their legal rights and responsibilities. CRPA
16 members include law enforcement officers, prosecutors, professionals, firearm
17 experts, and the general public. CRPA members who want CCW permits but reside
18 in Los Angeles County are subject to lengthy wait times and also unconstitutionally
19 subjective criteria.

20 **Defendants**

21 55. Defendant LASD is a local government entity created under the laws
22 of California, and it exists as an agency of Los Angeles County. LASD is a political
23 subdivision of Los Angeles County. LASD is responsible for issuing CCW permits.

24 56. Defendant Robert Luna is the elected Sheriff of Los Angeles County.
25 Defendant Luna is and, at all times relevant to this complaint, was one of the
26 ultimate policy makers for Defendant LASD, and he has authority and
27 responsibility under California Penal Code section 26150 to issue carry permits
28 within the county. He is directly responsible for promulgating, enforcing, and

1 continuing the policies of his Department, including the unlawful policies and
2 procedures complained of herein. Luna is sued solely in his official capacity.

3 57. Defendant Rob Bonta is the Attorney General of California. He is the
4 chief law enforcement officer of California. Defendant Bonta is charged by Article
5 V, section 13 of the California Constitution with the duty to see that the laws of
6 California are uniformly and adequately enforced. Defendant Bonta also has direct
7 supervision over every district attorney and sheriff in all matters pertaining to the
8 duties of those respective officers. Defendant Bonta's duties also include informing
9 the public, local prosecutors, and law enforcement regarding the meaning of the
10 laws of California.

11 58. The true names or capacities—whether individual, corporate, associate,
12 or otherwise—of the Defendants named herein as Does 1 through 10 are presently
13 unknown to Plaintiffs and are therefore sued by these fictitious names. Plaintiffs
14 pray for leave to amend this Complaint to show the true names or capacities of
15 these Defendants if and when they have been determined.

16 JURISDICTION AND VENUE

17 59. The Court has original jurisdiction of this civil action under 28 U.S.C.
18 § 1331, because the action arises under the Constitution and laws of the United
19 States, thus raising federal questions. The Court also has jurisdiction under 28
20 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983 because this action seeks to redress the
21 deprivation, under color of the laws, statutes, ordinances, regulations, customs, and
22 usages of the State of California and political subdivisions thereof, of rights,
23 privileges or immunities secured by the United States Constitution and by Acts of
24 Congress.

25 60. Plaintiffs' claims for declaratory and injunctive relief are authorized by
26 28 U.S.C. §§ 2201-2202, and their claim for attorney's fees is authorized by 42
27 U.S.C. § 1988.

28 61. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)

1 because the events or omissions giving rise to the claims occurred in this district.
2 The Los Angeles County Sheriff's Department is located within this district.

3 GENERAL ALLEGATIONS

4 62. The Supreme Court has recognized that the Second Amendment
5 protects the individual right to keep and bear arms and protects, *inter alia*, the right
6 of the people to "possess and carry weapons in case of confrontation." *District of*
7 *Columbia v. Heller*, 554 U.S. 570, 592 (2008).

8 63. The Supreme Court has also held that the Second Amendment right to
9 keep and bear arms, via Fourteenth Amendment incorporation, applies equally to
10 prohibit infringement by state and local governments. *See McDonald v. City of*
11 *Chicago*, 561 U.S. 742, 750, 778 (2010) ("it is clear that the Framers and ratifiers of
12 the Fourteenth Amendment counted the right to keep **and bear** arms among those
13 fundamental rights necessary to our system of ordered liberty") (emphasis added).

14 64. *Heller* established a "text, history, and tradition" framework for
15 analyzing Second Amendment questions. *See Bruen*, 142 S. Ct. at 2127-29, citing
16 *Heller*, 554 U.S. at 634. Under that framework, the *Heller* Court assessed historical
17 evidence to determine the prevailing understanding of the Second Amendment at
18 the time of its ratification in 1791. Based on that assessment, the Court concluded
19 that the District of Columbia statute which prohibited possession of the most
20 common type of firearm in the nation (the handgun) lacked a Revolutionary-era
21 tradition, did not comport with the historical understanding of the scope of the
22 right, and therefore violated the Second Amendment.

23 65. Most recently, the Supreme Court confirmed and reiterated *Heller's*
24 historical approach to analyzing Second Amendment questions:

25 We reiterate that the standard for applying the Second Amendment is
26 as follows: When the Second Amendment's plain text covers an
27 individual's conduct, the Constitution presumptively protects that
28 conduct. The government must then justify its regulation by
demonstrating that it is consistent with the Nation's historical tradition
of firearm regulation. Only then may a court conclude that the
individual's conduct falls outside the Second Amendment's

1 “unqualified command.”

2 *Bruen*, 142 S. Ct. at 2126 (quoting *Konigsberg v. State Bar of Cal.*, 366 U. S. 36, 50
3 n.10 (1961)).

4 66. In applying that test, the *Bruen* Court confirmed “that the Second and
5 Fourteenth Amendments protect an individual’s right to carry a handgun for self-
6 defense outside the home.” 142 S. Ct. at 2122.

7 67. In all issues presented in this lawsuit, Plaintiffs contend that their
8 proposed course of conduct is exactly the same as the proposed course of conduct
9 in *Bruen*: “carrying handguns publicly for self-defense.” *Bruen*, 597 U.S. at 32. In
10 that case, New York argued that the Second Amendment “permits a State to
11 condition handgun carrying in areas ‘frequented by the general public’ on a
12 showing of a nonspeculative need for armed self-defense in those areas”. *Id.* at 33.
13 The Supreme Court did not say that “carrying handguns publicly for self-defense
14 without a showing of nonspeculative need” was the proposed course of conduct,
15 because that “showing of nonspeculative need” was the burden on the Second
16 Amendment right. The burden is not part of the proposed course of conduct, it is
17 the law or practice that is being challenged. In the same way, Plaintiffs here need
18 not define their proposed course of conduct as, for example, “carrying handguns
19 publicly for self-defense without unreasonable wait times.” *Bruen*’s simpler
20 “carrying handguns publicly for self-defense” applies in this case.

21 **California’s Law Regarding CCW Permit Issuance**

22 68. Following the California Legislature’s enactment of SB 2, which takes
23 effect in January of 2024, California law imposes the following CCW permit
24 application requirements:

25 (a) When a person applies for a new license or license renewal to carry
26 a pistol, revolver, or other firearm capable of being concealed upon the
27 person, the sheriff of a county shall issue or renew a license to that
28 person upon proof of all of the following:

(1) The applicant is not a disqualified person to receive such a license,

1 as determined in accordance with the standards set forth in Section
26202.

2 (2) The applicant is at least 21 years of age, and presents clear
3 evidence of the person's identity and age, as defined in Section 16400.

4 (3) The applicant is a resident of the county or a city within the county,
5 or the applicant's principal place of employment or business is in the
6 county or a city within the county and the applicant spends a
7 substantial period of time in that place of employment or business.
8 Prima facie evidence of residency within the county or a city within
9 the county includes, but is not limited to, the address where the
10 applicant is registered to vote, the applicant's filing of a homeowner's
11 property tax exemption, and other acts, occurrences, or events that
12 indicate presence in the county or a city within the county is more than
13 temporary or transient. The presumption of residency in the county or
14 city within the county may be rebutted by satisfactory evidence that
15 the applicant's primary residence is in another county or city within
16 the county.

17 (4) The applicant has completed a course of training as described in
18 Section 26165.

19 (5) The applicant is the recorded owner, with the Department of
20 Justice, of the pistol, revolver, or other firearm for which the license
21 will be issued.

22 Cal. Penal Code § 26150(a) (West 2023); *see id.* § 26155(a) (listing the same
23 requirements for when a city's Police Department conducts permit issuance).

24 69. Under the recently revised Penal Code section 26205 operative
25 January 2024, a licensing authority:

26 shall give written notice to the applicant indicating if the license under
27 this chapter is approved or denied. The licensing authority shall give
28 this notice within 120 days of receiving the completed application for a
new license, or 30 days after receipt of the information and report from
the Department of Justice described in paragraph (2) of subdivision (a)
of Section 26185, whichever is later. The licensing authority shall give
this notice within 120 days² of receiving the completed application for
a license renewal.

70. While *Bruen* expressly forbids subjective criteria be used during a
licensure process, California law does too, at least to the extent the standard DOJ
CCW permit application does not require such information. According to Penal
Code section 26175(g), "[a]n applicant shall not be required to complete any
additional application or form for a license, except to clarify or interpret

² The 120-day time limit was 90 days prior to the passage of SB 2.

1 information provided by the applicant on the standard application form.” Thus,
2 local requirements (such as Defendant LASD’s) that an applicant produce copies of
3 past employment files or identify a need for self-defense are not within the ambit of
4 the DOJ’s standard permit application.

5 71. SB 2 also added new subsections to the Penal Code that allow issuing
6 authorities to disqualify a permit applicant due to loss or theft (being a victim of
7 crime) of a firearm. Specifically, an applicant is disqualified if: “In the 10 years
8 prior to the licensing authority receiving the completed application for a new
9 license or a license renewal, [he] has experienced the loss or theft of multiple
10 firearms due to the applicant’s lack of compliance with federal, state, or local law
11 regarding storing, transporting, or securing the firearm. For purposes of this
12 paragraph, “multiple firearms” includes a loss of more than one firearm on the same
13 occasion, or the loss of a single firearm on more than one occasion.” *See* Cal. Penal
14 Code § 26202(a)(9) (West 2023).

15 72. An applicant can also be denied if he: “[f]ailed to report a loss of a
16 firearm as required by Section 25250 or any other state, federal, or local law
17 requiring the reporting of the loss of a firearm.” *See id.* § 26202(a)(10).

18 73. SB 2, which took effect following the filing of this lawsuit, also added
19 Penal Code section 26202(a)(3), which prohibits anyone who has had a restraining
20 order issued against them from being granted a permit for five years from the date
21 the order expired. This law applies even to *temporary* restraining orders that were
22 dissolved upon a hearing, such as in Plaintiff Partowashraf’s situation.

23 74. SB 2 also added Penal Code section 26202(a)(5), which disqualifies
24 anyone who “Has engaged in an unlawful or reckless use, display, or brandishing of
25 a firearm.” In its opposition to Plaintiffs’ motion for preliminary injunction, LASD
26 argued this provision also barred Plaintiff Velasquez from getting his permit
27 renewed, even though the denial occurred prior to SB 2’s effective date.

28 75. None of these additional criteria imposed on license applicants

1 comport with the Second Amendment, as there is no broad and enduring historical
2 tradition of disarming Americans because they have been victimized by criminals,
3 or temporarily disarmed until a hearing. Thus, Plaintiffs seek to enjoin Defendant
4 Bonta from enforcing these statutory provisions.

5 76. Both Plaintiff Velasquez and Plaintiff Partowashraf had their CCW
6 permit applications denied before SB2 took effect. However, to the extent
7 Defendant LASD argues that its provisions bar it from issuing permits to these two
8 Plaintiffs, Penal Code sections 26202(a)(3), 26202(a)(5), and 26202(a)(9) should be
9 declared unconstitutional as applied to them.

10 **LASD Is Misled by the Attorney General and Does Not Address Lengthy Wait**
11 **Times Despite Several Letters from CRPA Warning of Litigation**

12 77. Following the *Bruen* ruling, CRPA sent letters to all California
13 sheriff's departments, including Los Angeles County. The first letter was sent the
14 day after the June 2022 *Bruen* ruling, and explained that the "good cause" portion
15 of California's CCW permit issuance laws was no longer enforceable.

16 78. But rather than complying with the Supreme Court's decision, the
17 Attorney General rebelled, responding to the *Bruen* ruling by claiming that local
18 sheriffs and police chiefs in fact could *add* more steps and impose *additional*
19 subjective considerations to the permit application process in light of *Bruen*. On
20 June 24, 2022, the Attorney General sent a Legal Alert to law enforcement officials
21 across California, instructing it was proper under *Bruen* to apply a heightened
22 "good moral character" requirement to the application process which included
23 subjective considerations beyond the applicant passing a criminal and mental health
24 background check.

25 79. In response to the Attorney General's malicious and intentional
26 attempt to undermine the *Bruen* ruling, CRPA sent a second letter to several
27 sheriff's departments, including LASD, reiterating that the Second Amendment, as
28 clarified by the *Bruen* ruling, will only permit "narrow, objective, and definite"

1 standards to be used in issuing permits to law-abiding citizens,³ and that they
2 should ignore the Attorney General's unlawful instruction to his subordinate law
3 enforcement agencies.

4 80. In the months following CRPA's correspondences to the county
5 sheriffs, CRPA received responses from several departments stating that they
6 would begin complying with *Bruen*. In contrast, LASD never responded. It did
7 begin to process CCW permit applications, albeit at an unlawfully slow pace, with
8 wait times routinely stretching beyond one year for many CRPA members.
9 However, CRPA abstained from litigation, believing it best to allow the law
10 enforcement authorities some time to adjust to the implied mandate of *Bruen*.

11 81. As CRPA received an ever-increasing volume of complaints about
12 waiting times from its members in the months following *Bruen*, it sent a letter to
13 newly elected Sheriff Luna on February 21, 2023. The letter advised that long wait
14 times contravene *Bruen*'s express language, violate the Second Amendment, and
15 are unlawful under California law, and promised to forbear litigation should the
16 Sheriff imminently address the long wait times at issue.

17 82. Sheriff Luna's office responded by letter dated March 9, 2023, stating
18 that LASD was "taking steps to reduce processing times and improve our overall
19 processes." That letter detailed how the adoption of new application processing
20 software (Permitium) may reduce processing times and alluded to potentially
21 increasing staffing in the CCW unit to address the backlog of applications. The
22 Sheriff stated that he hoped the situation would be much better in six months, and
23 he promised to provide regular progress updates (that never materialized).

24 83. CRPA responded on March 14, 2023 writing that, while Sheriff Luna's
25 letter was encouraging, another six months was not an acceptable timeframe, given
26 the thousands of applications lingering for a year or more. CRPA also noted that

27 _____
28 ³ Again, Plaintiffs do not concede that any mandatory permitting scheme was
found permissible by *Bruen*, as most of the states that have such objective "shall
issue" schemes also allow constitutional carry or open carry without a license.

LASD previously admitted that long wait times are unconstitutional. In a July 7, 2022, letter to the Chief of Police of San Gabriel explaining why LASD could no longer accept applications from residents of San Gabriel, the Department wrote in pertinent part:

Although the LASD can process CCW applications, as currently staffed, there will be significant delays because we do not have sufficient personnel required for the anticipated surge. As such, any unnecessary delays would violate the SCOTUS decision, thus violating the rights of the citizens of Los Angeles County and opening the LASD and other law enforcement agencies to otherwise avoidable litigation.

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84. CRPA’s March 14, 2023 letter also expressed CRPA’s view that adopting a policy of not processing permit applications from LA County residents living in non-contract municipalities was illegal. CRPA is unaware of any other California county sheriff that refuses to process CCW permit applications for that county’s residents merely because those residents live in a “non-contract city.”

85. Unfortunately, in a responsive letter dated March 24, 2023, the Sheriff only repeated his vague promise to “improve efficiency and reduce processing times,” but refused to resume accepting applications from residents of non-contract cities.

86. As of the filing of this lawsuit, the wait times for LASD permit applicants have fluctuated wildly, at first growing worse, with CRPA members complaining of wait times in excess of 15 months, and as the case has dragged on, some limited progress has been made. Nevertheless, the LASD wait times still far exceed the statutory requirement of 120 days, and the constitutional requirements normally associated with regulating a fundamental right that requires a license or permit. Some individuals who submitted applications at the time of the *Bruen* ruling in June 2022 have not even been contacted for their initial interview, as of November 2023.

1 87. LASD does not deny that its wait times are absurdly long. In response
2 to a Public Records Act request by Attorney Jason Davis, the Department
3 confirmed that applicants could expect wait times of, “from application entry to
4 issuance . . . a year to a year and a half.”

5 88. CRPA sent a final letter to the Sheriff on September 14, 2023, warning
6 that litigation was imminent if no immediate changes to accelerate application
7 processing were made. A response was received from the Sheriff on November 1,
8 2023, making the same vague promises as before, however, no concrete steps to
9 implement these purported fixes or timelines for doing so were identified.

10 **California Must Honor CCW Permits Issued by Other States⁴**

11 89. A number of states issue permits to nonresidents. Most states require
12 no permit at all for nonresidents to carry within their borders. Others allow open
13 carry. Although California does not honor any other states’ CCW permits, dozens
14 of states do honor each other’s permits. For example, a Utah CCW permit is valid
15 in Nevada, Idaho, Montana, Washington, and 32 other states.

16 90. In addition to a lack of any reciprocity for other states’ permits, there
17 is no process for nonresidents like Plaintiff Hoover and Plaintiff Broady to get a
18 California CCW permit, even if they were willing to put up with the time and
19 expense such a process would likely involve. In other words, if you are visiting
20 California from another state, or if you need to cross into the state regularly for
21 work, you check your federally enumerated right to carry for self-defense at
22 California’s border.

23 91. California also does not honor nonresident permits even if they are
24 held by its own residents.

25 92. California has no more authority to deny nonresidents’ rights to public
26

27 ⁴ The issue of non-residents obtaining a license to carry is the subject of an
28 existing Preliminary Injunction Order (ECF Doc # 81, filed Jan. 1, 2025), and
pending settlement discussions with the State Defendants, including a possible bill
to address this issue.

1 carry than it does to deny their rights to speak within its borders. On the contrary,
2 the Second Amendment’s reference to “‘the people[]’ ... unambiguously refers to
3 all members of the political community, not an unspecified subset.” *Heller*, 554
4 U.S. at 580.

5 93. Our historical tradition of firearm regulation supports the idea that
6 States may not impose their firearm carry requirements on nonresidents who are
7 otherwise legally allowed to own and carry firearms in their home states.
8 Specifically, many carry laws in the 19th century had exceptions for those traveling
9 in the state, called “traveler’s exceptions”. These included, but were not limited to,
10 an 1831 Indiana law, an 1841 Alabama law, an 1820 Arkansas law, an 1813
11 Kentucky law, an 1878 Tennessee law, an 1878 Mississippi law, an 1867 Nevada
12 law, and an 1864 California law.

13 94. An analogous issue was already decided in 2015. Because Ohio would
14 not allow for same sex marriages, James Obergefell and John Arthur decided to
15 marry in Maryland. After learning that Ohio would not recognize their marriage,
16 they filed a lawsuit. The Supreme Court ultimately held, in pertinent part, that
17 “[t]he Fourteenth Amendment requires a State . . . to recognize a marriage between
18 two people of the same sex when their marriage was lawfully licensed and
19 performed out-of-State.” *Obergefell v. Hodges*, 576 U.S. 644, 644 (2015). In
20 reaching this conclusion, the Court explained that:

21 For some couples, even an ordinary drive into a neighboring State to
22 visit family or friends risks causing severe hardship in the event of a
23 spouse’s hospitalization while across state lines. In light of the fact that
24 many States already allow same-sex marriage—and hundreds of
25 thousands of these marriages already have occurred—the disruption
26 caused by the recognition bans is significant and ever-growing. As
counsel for the respondents acknowledged at argument, if States are
required by the Constitution to issue marriage licenses to same-sex
couples, the justifications for refusing to recognize those marriages
performed elsewhere are undermined.

27 *Id.* at 680-681.

28 95. This holding and its logic, with respect to an unenumerated right,

1 apply just as much to the enumerated right to bear arms, and thus applies equally to
2 CCW permits issued by other states as the Supreme Court instructs that it does to
3 marriage licenses issued by other states. California may not completely deny
4 Americans the right to carry for self-defense within California's borders just
5 because they are not California residents.

6 96. In the free speech context, an individual "faced with such an
7 unconstitutional licensing law may ignore it and engage with impunity in the
8 exercise of the right of free expression for which the law purports to require a
9 license." *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 151 (1969). Similarly,
10 if a non-resident's permit is not honored in California, and there is no way for them
11 to get a California CCW permit, their only avenue to exercise their right to carry in
12 defiance of California law.

13 **PLAINTIFFS SEEK DECLARATORY AND INJUNCTIVE RELIEF**

14 97. Under *Bruen*, Defendants bear the burden of proving their policies
15 comply with the Second Amendment. They will fail to do so, because their
16 practices are entirely atextual and ahistorical, novel schemes developed in recent
17 years or decades, and completely without any historical analogue.

18 98. Accordingly, Plaintiffs seek declaratory relief confirming that Los
19 Angeles County Sheriff's Department's current CCW permit application regime
20 violates the Second Amendment, imposing extraordinary delays and including
21 forbidden suitability determinations. LASD's wait times also violate California
22 Penal Code section 26205 because they exceed the 90 days (or 120 days after
23 January 1, 2024) permitted by statute.⁵ LASD's practice of exceeding this statutory
24 time limit is facially unconstitutional, as even a mere wait time of 30 days was
25 already deemed an unconstitutional delay on acquiring additional firearms after an
26 additional purchase. *See Nguyen v. Bonta*, No. 320CV02470WQHMP, 2024 WL
27

28 ⁵ Plaintiffs do not concede that either of these time periods is a permissible
impediment to the exercise of an enumerated right.

1 1057241, at *11 (S.D. Cal. Mar. 11, 2024). At minimum though, it is at least
2 unconstitutional as applied to each of the individual Plaintiffs and the members and
3 supporters of the associational Plaintiffs who have waited more than 120 days for
4 their permits since submitting their applications.⁶ These Plaintiffs seek declaratory
5 relief that their rights were violated beginning on the 121st day following their
6 respective applications being submitted.

7 99. Plaintiff Messel, who recently received his CCW permit, seeks
8 declaratory relief and nominal damages confirming his rights were violated
9 beginning on the 121st day following his application being submitted, and
10 continuing until his permit was finally issued in May of 2024.

11 100. LASD also violates California Penal Code section 26150 by refusing
12 to accept applications from all residents of Los Angeles County.

13 101. Plaintiffs seek a declaration that *all* “the people” have the right to bear
14 arms in public and, because of that, California must honor CCW permits issued by
15 other states and allow residents of other states to apply for California CCW
16 permits.⁷

17 102. To the extent that the Los Angeles County Defendants contend they
18 will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due to SB 2’s
19 changes to the Penal Code even though those changes came after their permits were
20 denied, Plaintiffs seek a declaration that Penal Code sections 26202(a)(3),
21

22 ⁶ Contrary to representations made by Defendants at the hearing on
23 preliminary injunction, once an applicant submits the application to LASD, there is
24 no additional task the applicant needs to complete for LASD to start processing the
25 application or start the running of the statutory 120-day deadline to process the
26 application. *See* Cal. Penal Code §§ 26150, 26170. Following submission of the
27 application, the only additional tasks an applicant must complete are dependent on
28 LASD timely handling the application and informing the applicant that, e.g., the
applicant has been preliminarily approved so he or she can now take the firearms
training course required under Section 26155. Contrary to LASD’s representations,
nothing of LASD’s unconstitutional and statutorily impermissible delay is caused
by inaction by these Plaintiffs or any similarly-situated applicants.

⁷ Again, Plaintiffs do not concede that permitting itself is constitutional, as
there is no broad and enduring historical tradition of government licensure to bear
arms in public.

1 26202(a)(5), and 26202(a)(9) are unconstitutional as applied to Plaintiffs Velasquez
2 and Partowashraf, respectively.

3 103. Finally, Plaintiffs seek preliminary and permanent injunctive relief to
4 compel Defendants to comply with the Second Amendment as clarified by *Bruen*
5 and California law by correcting the violations listed above.

6 104. As discussed previously, for each of these claims, each and every
7 Plaintiff contends, and each member of an associational Plaintiff contends, that
8 their proposed course of conduct is, as in *Bruen*, carrying handguns publicly for
9 self-defense. To the extent that such a proposed course of conduct is deemed to be
10 too general or otherwise insufficient for purposes of adjudication of their rights,
11 Plaintiffs alternatively allege and describe more specifically their proposed courses
12 of conduct as follows:

13 a. On the issue of LASD's lengthy wait times, Plaintiffs Messel's,
14 Weimer's, Yun's, Chen's, Stratton's, and Nezam's more specific proposed
15 course of conduct, and the members and supporters of the associational
16 Plaintiffs' more specific proposed course of conduct, is lawfully carrying
17 firearms publicly for self-defense without an unreasonable wait time to
18 receive a permit to lawfully carry, which Plaintiffs define here as at least a
19 wait time exceeding the 120 days allowed by State law. Plaintiffs allege that
20 a wait time in excess of at least the state law's requirements for issuing a
21 permit violates the Second Amendment. Plaintiffs further allege that they are
22 not aware of a historical tradition of laws or regulations from the applicable
23 historical period conditioning the exercise of the right to carry for self-
24 defense on waiting in excess of 120 days for a permit in order to lawfully
25 carry.

26 b. On the issue of nonresident carry, Plaintiffs Broady's and
27 Hoover's more specific proposed course of conduct, and the members and
28 supporters of the associational Plaintiffs' more specific proposed course of

1 conduct is lawfully carrying firearms publicly for self-defense in California,
2 primarily by having California honor the permits of other states under the
3 Second Amendment, and Privileges and Immunities and Equal Protection
4 clauses of the Fifth and Fourteenth Amendments. Plaintiffs allege that not
5 honoring their out-of-state permits, which were obtained under the same or
6 similar requirements or burdens that California law imposes on its
7 permittees, or which, in the alternative, have sufficient background checks
8 and other processes that are both constitutionally sound and adequately
9 reflect the reasons similar historical laws and regulations from the applicable
10 historical period allowed restrictions on public carry, violates Plaintiffs’
11 rights under the Second Amendment, and Privileges and Immunities and
12 Equal Protection clauses. Plaintiffs further allege that they are not aware of a
13 historical tradition of laws or regulations from the applicable historical period
14 conditioning the exercise of the right to carry for self-defense—either
15 generally or for the specific purposes cited above—on being a resident of the
16 state in which the carry is to occur.

17 c. On the issue of nonresident carry, Plaintiffs Broady’s and
18 Hoover’s more specific proposed course of conduct, and the members and
19 supporters of the associational Plaintiffs’ more specific proposed course of
20 conduct is lawfully carrying firearms publicly for self-defense in California
21 by alternatively allowing nonresidents to obtain California CCW permits in a
22 manner that is constitutionally sound as to both the timing and the cost for
23 obtaining those California permits. Plaintiffs further allege that timeliness for
24 purposes of complying with the Second Amendment, and Privileges and
25 Immunities, Due Process, and Equal Protection clauses, is the same amount
26 of time, or sooner, that a resident of California would receive such a permit.
27 Plaintiffs further allege that appropriate cost for purposes of complying with
28 the Second Amendment, and Due Process and Equal Protection clauses, is

1 the same cost for a permit, or less, than a resident of California would pay to
2 receive such a permit. Plaintiffs allege that not allowing nonresidents to carry
3 in California with a California permit issued with the same costs and within
4 the same timeframe residents receive their permits, violates Plaintiffs' rights
5 under the Second Amendment, and Privileges and Immunities and Equal
6 Protection clauses. Plaintiffs further allege that they are not aware of a
7 historical tradition of laws or regulations from the applicable historical period
8 conditioning the exercise of the right to carry for self-defense—either
9 generally or for the specific purposes cited above—on being a resident of the
10 state in which the carry is to occur.

11 d. Plaintiff Velasquez's more specific proposed course of conduct
12 is lawfully carrying firearms publicly for self-defense without being
13 prevented from doing so because he had firearms stolen from his locked
14 vehicle. Plaintiff alleges that disqualifying a person from lawfully carrying
15 for self-defense, where there was no charged crime, no charged crime
16 involving dangerousness, or no court or other adversarial proceeding,
17 violates his Second Amendment and due process rights. Plaintiff alleges that
18 he is not aware of a single law or regulation, much less a historical tradition
19 of such laws or regulations, from the applicable period which held that a
20 citizen forfeits his or her right to carry for self-defense if they had firearms
21 stolen from them, nor is Plaintiff aware of a single law or regulation, much
22 less a historical tradition of such laws or regulations, from the applicable
23 period which held that a disqualifying condition for carrying a firearm for
24 self-defense could include the allegation committing a crime of recklessness
25 in possessing a firearm where such crime was never charged nor adjudicated
26 by a neutral magistrate.

27 e. Plaintiff Partowashraf's more specific proposed course of
28 conduct is lawfully carrying firearms publicly for self-defense without being

1 prevented from doing so due to a dissolved temporary restraining order that
2 was issued against him. Plaintiff alleges that disqualifying a person from
3 lawfully carrying for self-defense, where there was no adversarial proceeding
4 adjudicating that person as dangerous, violates his Second Amendment and
5 due process rights. Plaintiff alleges that he is not aware of a single law or
6 regulation, much less a historical tradition of such laws or regulations, from
7 the applicable period which held that a citizen forfeits his or her right to carry
8 for self-defense if they were charged in a non-adversarial, non-criminal
9 proceeding with a crime of violence, but, upon receipt of due process in the
10 form of a noticed hearing in front of a judge or magistrate, were determined
11 to have not committed such a crime nor be subject to a further prohibition on
12 their possession or ownership of firearms.

13 **FIRST CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
14 **U.S. CONST. AMENDS. II, XIV**
15 **RIGHT TO BEAR ARMS**
16 **42 U.S.C. § 1983**
17 **AGAINST DEFENDANTS LOS ANGELES COUNTY SHERIFF'S**
18 **DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10**

17 105. Plaintiffs hereby re-allege and incorporate by reference the allegations
18 in the foregoing paragraphs as if set forth fully herein.

19 106. As described previously, LASD violated and continues to violate the
20 rights of CCW permit applicants by taking over a year to process applications and
21 by engaging in forbidden suitability determinations.

22 107. To the extent that the Los Angeles County Defendants contend they
23 will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due to the
24 prohibitions in Penal Code sections 26202(a)(3), 26202(a)(5), and 26202(a)(9),
25 such provisions are unconstitutional both facially and as applied to Plaintiffs
26 Velasquez and Partowashraf, and are not a constitutionally-permissible basis for
27 denying a permit to carry for self-defense.

28 108. As a result, Plaintiffs' Second Amendment rights, as incorporated

1 under the Fourteenth Amendment, as well as the rights of the associational
2 Plaintiffs' members and supporters, are violated.

3 109. Defendants are propagating customs, policies, and practices that
4 deprive or delay California residents, including Plaintiffs, of their constitutional
5 right to bear arms outside the home for self-defense "in case of confrontation," as
6 guaranteed by the Second and Fourteenth Amendments.

7 110. Defendants cannot meet their burden to justify these customs, policies,
8 and practices that preclude Plaintiffs from exercising their enumerated rights.

9 111. Plaintiffs are thus entitled to declaratory and injunctive relief against
10 such unconstitutional customs, policies, and practices.

11
12 **SECOND CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
13 **U.S. CONST. AMENDS. II, XIV**
14 **RIGHT TO BEAR ARMS**
42 U.S.C. § 1983

15 **AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10**

16 112. Plaintiffs hereby re-allege and incorporate by reference the allegations
17 in the foregoing paragraphs as if set forth fully herein.

18 113. The Supreme Court has explained that permitting regimes which deny
19 licenses based on a "perceived lack of need or suitability" are unconstitutional.
20 *Bruen*, 142 S. Ct. at 2123.

21 114. As described previously, California violates the right of CCW permit
22 applicants by allowing issuing authorities to demand psychological exams at their
23 discretion under California Penal Code section 26190(g).

24 115. California also refuses to recognize CCW permits issued by other
25 states, whether they are held by residents or nonresidents. California also refuses to
26 grant CCW permits to non-residents, thus providing no way for nonresidents to
27 exercise their right to carry within its borders.

28 116. As a result, Plaintiffs' Second Amendment rights, as incorporated
under the Fourteenth Amendment, as well as the rights of the associational

1 Plaintiffs' members and supporters, are violated.

2 117. To the extent that the Los Angeles County Defendants contend they
3 will not issue CCW permits to Plaintiffs Velasquez and Partowashraf due to SB 2's
4 changes to the Penal Code even though those changes came after their permits were
5 denied, Plaintiffs allege that Penal Code sections 26202(a)(3), 26202(a)(5), and
6 26202(a)(9) are unconstitutional as applied to Plaintiffs Velasquez and
7 Partowashraf, respectively.

8 118. The Attorney General is thus enforcing laws that violate the
9 constitutional right to bear arms outside the home for self-defense "in case of
10 confrontation," as guaranteed by the Second and Fourteenth Amendments.

11 119. Plaintiffs are entitled to declaratory and injunctive relief against such
12 unconstitutional laws, customs, policies, and practices.

13
14 **THIRD CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
15 **VIOLATIONS OF CALIFORNIA PENAL CODE § 26205**
16 **CAL. GOV'T CODE § 815.6**
17 **AGAINST DEFENDANTS LOS ANGELES COUNTY SHERIFF'S**
18 **DEPARTMENT, SHERIFF ROBERT LUNA, AND DOES 1-10**

19 120. Plaintiffs hereby re-allege and incorporate by reference the allegations
20 in the foregoing paragraphs as if set forth fully herein.

21 121. Under California Government Code section 815.6, if "a public entity is
22 under a mandatory duty imposed by an enactment that is designed to protect against
23 the risk of a particular kind of injury, the public entity is liable for an injury of that
24 kind proximately caused by its failure to discharge the duty unless the public entity
25 establishes that it exercised reasonable diligence to discharge the duty."

26 122. California Penal Code section 26205(a) imposes a mandatory duty on
27 concealed carry permit licensing authorities to "give written notice to the [CCW]
28 applicant indicating if the license under this chapter is approved or denied . . .
within 120 days of receiving the completed application for a new license, or 30
days after receipt of the information and report from the Department of Justice

1 described in paragraph (2) of subdivision (a) of Section 26185, whichever is later.”

2 123. California Penal Code section 26205(a) also imposes a mandatory duty
3 on concealed carry permit licensing authorities to “give this notice within 120 days
4 of receiving the completed application for a license renewal.”

5 124. The revival of the Second Amendment began in *District of Columbia*
6 *v. Heller*, 554 U.S. 570 (2008), and its application to state action through the
7 Fourteenth Amendment was confirmed in *McDonald v. Chicago*, 561 U.S. 742
8 (2010). Policymakers in state and local governments have thus had more than a
9 decade to review weapons policies associated with the regulation of the “right to
10 keep and bear arms,” while the specific issues raised in this case were addressed by
11 the Supreme Court in *N.Y. State Rifle & Pistol Assoc. v. Bruen*, 597 U.S. 1 (2022).
12 The complaint in this case was filed in December 2023 – a year and five months
13 after the *Bruen* decision, which included the following language:

14 “[B]ecause any permitting scheme can be put toward abusive ends, we do not
15 rule out constitutional challenges to shall-issue regimes where, for example,
16 **lengthy wait times in processing license applications** or exorbitant fees
17 deny ordinary citizens their right to public carry.”

18 *Id.* at 38-39, fn. 9. Furthermore, post-*McDonald*, but pre-*Bruen* litigation here in
19 California put state and local governments on notice that these licensing issues
20 would continue to be brought by individuals and associational plaintiffs to right the
21 decades of abuse in California’s onerous firearm/self-defense laws. *See e.g.*,
22 *Richards v. County of Yolo*, 821 F. Supp. 2d 1169 (E.D. Cal. 2011), *rev’d sub nom.*
23 *Richards v. Prieto*, 560 F. App’x 681 (9th Cir. 2014), *aff’d on reh’g en banc sub*
24 *nom. Peruta v. County of San Diego*, 824 F.3d 919 (9th Cir. 2016) (resulting in both
25 San Diego and Sacramento Counties becoming de facto “shall issue” jurisdictions
26 in spite of the Ninth Circuit’s – ultimately abrogated – holdings on whether the
27 Second Amendment included a right to be armed in public.)

28 125. California Penal Code section 26205(a)’s clear statutory limit,

1 especially when read in conjunction with *Bruen*'s admonition that a lengthy wait
2 time to obtain a CCW is an actionable violation of the Second Amendment,
3 establishes that exceeding 120 days to process a CCW application and notify the
4 applicant is the "particular kind of injury" for which a "public entity is liable" when
5 "an injury of that kind [is] proximately caused by its failure to discharge the duty."
6 Cal. Gov't Code § 815.6.

7 126. Further, given the pre-existing (though developing) case law on the
8 Second Amendment, and the lapse of time since *McDonald* was decided in 2010
9 and the *Bruen* decision in 2022, Defendants LASD and Sheriff Robert Luna, cannot
10 seek refuge in a "reasonable diligence" defense for their failure to discharge their
11 statutory duties under both California law and the U.S. Constitution.

12 127. By taking over a year to process CCW permit applications and notify
13 applicants whether their application is approved or denied, Defendants LASD and
14 Sheriff Robert Luna are violating their mandatory duty to process CCW
15 applications and notify applicants whether their application is approved or denied
16 within 120 days under California Penal Code section 26205(a) and their
17 constitutional duty under the Second Amendment.

18 128. Plaintiffs are entitled to declaratory and injunctive relief against these
19 illegal customs, policies, and practices.

20 **FOURTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
21 **U.S. CONST. AMEND. XIV**
22 **EQUAL PROTECTION**
23 **42 U.S.C. § 1983**

24 **AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10**

25 129. Plaintiffs hereby re-allege and incorporate by reference the allegations
26 in the foregoing paragraphs as if set forth fully herein.

27 130. Plaintiff Steven Hoover is a Florida resident. He does not have
28 residency in California, and thus cannot obtain a California identification card or
driver's license. Plaintiff Broady is a former California resident who previously
held California CCW permits, but now lives in Nevada.

1 131. Both Plaintiffs often visit California and desire to be able to lawfully
2 conceal-carry a firearm when visiting the State.

3 132. Plaintiff Hoover applied to the Monterey County Sheriff for a CCW
4 permit but the Sheriff rejected his application because he is not a California
5 resident. Plaintiff Broady did not attempt to apply, realizing it would be futile to do
6 so and he would be rejected as Plaintiff Hoover was.

7 133. Indeed, California law does not allow a resident of another state to
8 apply for and obtain a CCW permit whatsoever.

9 134. This policy violates Plaintiffs' right to equal protection of the law as
10 guaranteed and protected under the Equal Protection Clause of the Fourteenth
11 Amendment to the United States Constitution because it favors California residents
12 and discriminates against non-California residents like Hoover and Broady. The
13 policy also violates the Equal Protection Clause because California refuses to honor
14 permits issued by other states, including Florida or Nevada, the home states of
15 Plaintiffs Hoover and Broady, respectively.

16 135. This policy is especially egregious because here California's policy
17 prevents Plaintiff Hoover from exercising the constitutionally protected right to be
18 armed in public recognized in *Bruen*. It also violates the constitutionally protected
19 right to travel under the Equal Protection Clause of the Fourteenth Amendment, and
20 forces Hoover to choose between exercising his Second Amendment right to be
21 armed and his constitutional right to travel. *Harper v. Virginia State Bd. of*
22 *Elections*, 383 U.S. 663 (1966); *United States v. Guest*, 383 U.S. 745 (1966);
23 *Shapiro v. Thompson*, 394 U.S. 618 (1969); and *Zobel v. Williams*, 457 U.S. 55
24 (1981).

25 ///

26 ///

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FIFTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF
U.S. CONST. ART. IV, § 2
PRIVILEGES AND IMMUNITIES CLAUSE
42 U.S.C. § 1983

AGAINST ATTORNEY GENERAL ROB BONTA, AND DOES 1-10

136. Plaintiffs hereby re-allege and incorporate by reference the allegations in the foregoing paragraphs as if set forth fully herein.

137. The Privileges and Immunities Clause of Article IV, § 2 of the United States Constitution provides that “the Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several states.” This Constitutional provision removes “from the citizens of each State the disabilities of alienage in the other States.” *Saenz v. Roe*, 526 U.S. 489 (1999) (quoting *Paul v. Virginia*, 8 Wall. 168, 180 (1868)). The Privileges and Immunities Clause bars discrimination against citizens of other states based on their status as a citizen of another state. *Toomer v. Witsell*, 334 U.S. 385 (1948).

138. Plaintiff Steven Hoover is a Florida resident who desires to lawfully conceal-carry a firearm when visiting California. Plaintiff Broady is a former California resident who previously held California CCW permits, but now lives in Nevada.

139. These Plaintiffs do not have residency in California, and thus cannot obtain a California identification card or driver’s license.

140. Hoover applied for a CCW with the Monterey County Sheriff but was denied because of his Florida Residency. Plaintiff Broady did not attempt to apply, realizing it would be futile to do so and he would be rejected as Plaintiff Hoover was.

141. California’s law of refusing to accept CCW applications from citizens of other states, like Plaintiff Hoover, violates this constitutional provision because California’s policy discriminates against out of state residents solely because they are out-of-state residents. This policy does not even offer a non-resident a chance at applying for a permit. This policy denies a non-resident the ability to exercise the

1 enumerated right to be armed in public, and thus violates the privilege and
2 immunities clause.

3 142. The law also violates the Privileges and Immunities Clause by refusing
4 to recognize the permits issued by other states, such as Florida and Nevada.

5
6 **SIXTH CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**
7 **U.S. CONST. AMENDMENT XIV**
8 **DUE PROCESS OF LAW**
9 **42 U.S.C. § 1983**

10 **AGAINST LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, SHERIFF**
11 **ROBERT LUNA, ATTORNEY GENERAL ROB BONTA, AND DOES 1-10**

12 143. To the extent that the Los Angeles County Defendants contend they
13 will not issue a CCW permit to Plaintiff Velasquez due to the theft of his firearms
14 or alleged reckless use of a firearm, which they contend constituted a Penal Code
15 violation, such denial, without a process for adjudicating or an actual adjudication
16 of Velasquez having committed a crime, is unconstitutional as a violation of
17 Velasquez's due process rights.

18 144. To the extent that the Los Angeles County Defendants contend they
19 will not issue a CCW permit to Plaintiff Partowashraf due to Plaintiff having been
20 the subject of an ex parte restraining order which was dissolved upon adjudication
21 in an adversarial setting, without a process for adjudicating or an actual
22 adjudication of Velasquez being dangerous such that he should be denied his right
23 to carry for self-defense, is as a violation of Partowashraf's due process rights. To
24 the extent the Los Angeles County Defendants rely as a basis for denying Plaintiff a
25 permit upon SB 2's prohibition on issuing a CCW to a person like Plaintiff who
26 was the subject of an ex parte restraining order without an adversarial proceeding or
27 adjudication of dangerousness in such an adversarial proceeding, such law, as set
28 forth above, violates due process and the Second Amendment, and reliance by
Defendants upon that law to deny a permit to lawfully carry, absent some other
process that affords Partowashraf adequate process, further violates Plaintiff's due
process rights.

PRAYER

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against Defendants as follows:

1. A declaration that LASD taking over 120 days to process permits violates the constitutional right to carry;
2. A declaration that these delays also violate California Penal Code section 26205;
3. A declaration that LASD's denial of Plaintiff Velasquez's CCW permit renewal application violates his constitutional right to carry;
4. A declaration that the Attorney General must honor CCW permits issued by other states, whether the permit holder is a resident of California or not, and/or a declaration that the Attorney General must permit residents of other states to acquire CCW permits in California;
5. A declaration that Penal Code sections 26202(a)(3), 26202(a)(5), and 26202(a)(9), as applied to Plaintiffs Partowashraf and Velasquez, violate the Second Amendment and violate the Due Process Clause;
6. A declaration that the associational Plaintiffs' resources and litigation experience are necessary to vindicate the Second Amendment rights of individual Plaintiffs who lack the means and capacity to challenge the constitutionality of the practices of LASD and the Sheriff, and of the non-resident prohibition on carry and psychological examination requirements of California law.
7. An order preliminarily and permanently enjoining Los Angeles LASD, and Sheriff Luna in his official capacity, from refusing to process or issue a CCW Permit to any qualified applicant 120 days after submission of such applicant's initial application for a new license or a license renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later;

1 8. An order preliminarily and permanently enjoining LASD, and Sheriff
2 Luna in his official capacity, from requiring more information from applicants in
3 the CCW permitting process that are not based on “narrow, objective, and definite”
4 standards;

5 9. An order permanently enjoining all Defendants and all other officers,
6 agents, servants, employees, and persons under the authority of the State, from
7 enforcing all laws prohibiting concealed carry if the person accused of that crime
8 has an otherwise-valid CCW permit issued by any state, and is not otherwise
9 prohibited from owning firearms;

10 10. An order declaring that California’s policy of not accepting
11 applications or issuing permits to out of state residents violates the Equal Protection
12 Clause;

13 11. An order declaring that California’s policy of not accepting
14 applications or issuing permits to out of state residents violates the Privileges and
15 Immunities Clause;

16 12. Costs of suit, including attorney’s fees and costs pursuant to 42 U.S.C.
17 § 1988;

18 13. Nominal damages; and

19 14. All other relief the court deems appropriate.

20 Respectfully Submitted,

21 Dated: August 11, 2025

MICHEL & ASSOCIATES, P.C.

/s/ C. D. Michel

22 C. D. Michel
23 Counsel for Plaintiffs California Rifle &
24 Pistol Association, Incorporated, Gun
25 Owners of America, Inc., Gun Owners
26 Foundation, Gun Owners of California, Inc.,
27 Erick Velasquez, Sherwin David
28 Partowashraf, Charles Messel, Brian
Weimer, Jung Yun, Albert Medalla, Zhao
Lin Chen, Eric Stratton, Farzad Nezam,
David Broady, and Stephen Hoover

1 Dated: August 11, 2025

LAW OFFICES OF DON KILMER

2 /s/ Don Kilmer

3 Don Kilmer

4 Counsel for Plaintiff The Second Amendment
Foundation

5
6 **ATTESTATION OF E-FILED SIGNATURES**

7 I, C. D. Michel, am the ECF User whose ID and password are being used to
8 file this SECOND AMENDED AND SUPPLEMENTAL COMPLAINT FOR
9 DECLARATORY AND INJUNCTIVE RELIEF. In compliance with Central
10 District of California L.R. 5-4.3.4, I attest that all signatories are registered
11 CM/ECF filers and have concurred in this filing.

12 Dated: August 11, 2025

/s/ C. D. Michel

13 C. D. Michel
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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *California Rifle and Pistol Association, et al., v. Los Angeles County
Sheriff's Dept., et al.*
Case No.: 2:23-cv-10169-SPG (ADSx)

IT IS HEREBY CERTIFIED THAT:

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

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

**SECOND AMENDED AND SUPPLEMENTAL COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

on the following parties, as follows:

See attached Service List.

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

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 11, 2025, in Long Beach, California.



Laura Fera

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