

SUPREME COURT COPY

SUPREME COURT
FILED

MAR 22 2018

In the Supreme Court of the State of California

Jorge Navarrete Clerk

Deputy

**NATIONAL SHOOTING SPORTS
FOUNDATION, INC., et al.,**

Plaintiffs and Appellants,

v.

STATE OF CALIFORNIA,

Defendant and Respondent.

Case No. S239397

Fifth Appellate District, Case No. F072310
Fresno County Superior Court, Case No. 14CECG00068
The Honorable Donald S. Black, Judge

**SUPPLEMENTAL BRIEF
(Cal. Rules Court, rule 8.520(d))**

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As the State noted in its opening brief, a Second Amendment challenge to California's Unsafe Handgun Act, including the microstamping requirement at issue in this appeal, is now pending in federal court. (OBM 17, fn. 11; see *Peña v. Lindley*, Ninth Circuit Case No. 15-15449.) As the State then reported, the Ninth Circuit heard oral argument in that case on March 16, 2017. (*Id.* at ECF No. 10359372.) As of the date of this brief, *Peña* remains under submission, and the Ninth Circuit has not yet issued its opinion.

Dated: March 22, 2018

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that the attached **SUPPLEMENTAL BRIEF** uses a 13-point Times New Roman font and contains 89 words, as counted by the Microsoft Word word-processing program, excluding the parts of the brief excluded by California Rules of Court, rule 8.520(c)(3).

Dated: March 22, 2018

XAVIER BECERRA
Attorney General of California

Handwritten signature of Janill L. Richards in black ink, with the initials "MSM" written in parentheses at the end.

JANILL L. RICHARDS
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **National Shooting Sports Foundation v. State of California (Cal Supreme Court)**

No.: **S239397**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On March 22, 2018, I served the attached **SUPPLEMENTAL BRIEF** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Sacramento, California, addressed as follows:

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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 22, 2018, at Sacramento, California.

Ann Cerussi

Declarant

Ann Cerussi

Signature