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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CODY JAY BROWNSTEIN,

Plaintiff,

V.

**ORANGE COUNTY SHERIFF'S
DEPARTMENT and ROB BONTA,
in his official capacity as Attorney
General of the State of California,**

Defendants.

8:24-cv-00970-SSS-AS

**DEFENDANT ROB BONTA'S
ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF,
DECLARATORY RELIEF, AND
COMPENSATORY DAMAGES**

Judge: The Honorable Sunshine
Sykes
Trial Date: None set
Action Filed: May 6, 2024

Defendant Rob Bonta, in his official capacity as Attorney General of the State of California, answers Plaintiff Brownstein's first amended complaint (FAC) as follows:

1. To the extent the allegations in paragraph 1 are Plaintiff's characterization of his case and his summary and conclusions of law, no answer is required. To the extent paragraph 1 contains any factual allegations, the Attorney General lacks sufficient information to form a belief as to the truth of those allegations, and on that basis denies the allegations in paragraph 1. Except as

1 specifically admitted, the Attorney General denies the allegations in paragraph 1.

2 2. The Attorney General admits that he is generally responsible for
3 enforcing the laws of the State of California, including Penal Code section
4 26202(a)(3). The Attorney General further admits that he is sued only in his
5 official capacity. Except as specifically admitted, the Attorney General denies the
6 allegations in paragraph 2.

7 3. The Attorney General lacks sufficient information to form a belief as to
8 the truth of the allegations in paragraph 3, and on that basis denies the allegations in
9 paragraph 3.

10 4. The Attorney General lacks sufficient information to form a belief as to
11 the truth of the allegations in paragraph 4, and on that basis denies the allegations in
12 paragraph 4.

13 5. To the extent the allegations in paragraph 5 are Plaintiff's conclusions of
14 law, no answer is required. The Attorney General admits that Plaintiff submitted
15 his fingerprints to the Department of Justice via Live Scan on February 5, 2024.
16 Except as specifically admitted, the Attorney General denies the allegations in
17 paragraph 5.

18 6. To the extent the allegations in paragraph 6 are Plaintiff's
19 characterization of his case and conclusions of law, no answer is required. To the
20 extent paragraph 6 contains any factual allegations, Attorney General lacks
21 sufficient information to form a belief as to the truth of the allegations in paragraph
22 6, and on that basis denies the allegations in paragraph 6. Except as specifically
23 admitted, the Attorney general denies the allegations in paragraph 6.

24 7. The Attorney General lacks sufficient information to form a belief as to
25 the truth of the allegations in paragraph 7, and on that basis denies the allegations in
26 paragraph 7.

27 8. The Attorney General lacks sufficient information to form a belief as to
28 the truth of the allegations in paragraph 8, and on that basis denies the allegations in

1 paragraph 8.

2 9. The Attorney General lacks sufficient information to form a belief as to
3 the truth of the allegations in paragraph 9, and on that basis denies the allegations in
4 paragraph 9.

5 10. To the extent the allegations in paragraph 10 are Plaintiff's
6 characterization of his case and conclusions of law, no answer is required. To the
7 extent paragraph 10 contains any factual allegations, the Attorney General lacks
8 sufficient information to form a belief as to the truth of those allegations, and on
9 that basis denies the allegations in paragraph 10. Except as specifically admitted,
10 the Attorney General denies the allegations in paragraph 10.

11 11. To the extent the allegations in paragraph 11 are Plaintiff's
12 characterization of his case and conclusions of law, no answer is required. To the
13 extent paragraph 11 contains any factual allegations, the Attorney General lacks
14 sufficient information to form a belief as to the truth of those allegations, and on
15 that basis denies the allegations in paragraph 11. Except as specifically admitted,
16 the Attorney general denies the allegations in paragraph 11.

17 12. The Attorney General lacks sufficient information to form a belief as to
18 the truth of the allegations in paragraph 12, and on that basis denies the allegations
19 in paragraph 12.

20 13. The Attorney General lacks sufficient information to form a belief as to
21 the truth of the allegations in paragraph 13, and on that basis denies the allegations
22 in paragraph 13.

23 14. The Attorney General lacks sufficient information to form a belief as to
24 the truth of the allegations in paragraph 14, and on that basis denies the allegations
25 in paragraph 14.

26 15. The Attorney General lacks sufficient information to form a belief as to
27 the truth of the allegations in paragraph 15, and on that basis denies the allegations
28 in paragraph 15.

1 16. The Attorney General lacks sufficient information to form a belief as to
2 the truth of the allegations in paragraph 16, and on that basis denies the allegations
3 in paragraph 16.

4 17. The Attorney General admits that the docket in this matter reflects that
5 Plaintiff's original complaint was filed on May 6, 2024, and the FAC was filed on
6 August 18, 2024. Except as specifically admitted, the Attorney General denies the
7 allegations in paragraph 17.

8 18. The Attorney General admits that the California Department of Justice
9 was served with Plaintiff's original complaint and summons on May 15, 2024, and
10 the Attorney General's counsel received electronic notification that the FAC was
11 filed on August 18, 2024. Except as specifically admitted, the Attorney General
12 denies the allegations in paragraph 18.

13 19. The Attorney General lacks sufficient information to form a belief as to
14 the truth of the allegations in paragraph 19, and on that basis denies the allegations
15 in paragraph 19.

16 20. To the extent the allegations in paragraph 20 are Plaintiff's
17 characterization of his case and conclusions of law, no answer is required. The
18 Attorney General lacks sufficient information to form a belief as to the truth of the
19 allegations in paragraph 20, and on that basis denies the allegations in paragraph 20.
20 Except as specifically admitted, the Attorney General denies the allegations in
21 paragraph 20.

22 21. To the extent the allegations in paragraph 21 are Plaintiff's
23 characterization of his case and conclusions of law, no answer is required. To the
24 extent paragraph 21 contains any factual allegations, the Attorney General lacks
25 sufficient information to form a belief as to the truth of those allegations, and on
26 that basis denies the allegations in paragraph 21. Except as specifically admitted,
27 the Attorney General denies the allegations in paragraph 21.

28 22. The Attorney General admits that the Superior Court of California,

1 County of Orange issued a minute order on August 6, 2024, with respect to *People*
2 *of the State of California vs. Brownstein*, case number 30-2024-01403673-CU-JR-
3 C-JC, and the order states that the case was initiated on June 4, 2024. To the extent
4 paragraph 22 contains any factual allegations, the Attorney General lacks sufficient
5 information to form a belief as to the truth of those allegations, and on that basis
6 denies the allegations in paragraph 22. Except as specifically admitted, the
7 Attorney General denies the allegations in paragraph 22.

8 23. The Attorney General lacks sufficient information to form a belief as to
9 the truth of the allegations in paragraph 23, and on that basis denies the allegations
10 in paragraph 23.

11 24. The Attorney General admits that the Superior Court of California,
12 County of Orange issued a minute order on August 6, 2024, with respect to *People*
13 *of the State of California vs. Brownstein*, case number 30-2024-01403673-CU-JR-
14 C-JC. The Attorney General further admits that the minute order states in part that
15 “[t]he People have met their burden by a preponderance of the evidence that the
16 applicant is a disqualified person in accordance with Section 26202 of the Penal
17 Code.” To the extent paragraph 24 contains any factual allegations, the Attorney
18 General lacks sufficient information to form a belief as to the truth of those
19 allegations, and on that basis denies the allegations in paragraph 24. Except as
20 specifically admitted, the Attorney General denies the allegations in paragraph 24.

21 25. To the extent the allegations in paragraph 25 are Plaintiff’s
22 characterization of his case and conclusions of law, no answer is required. To the
23 extent paragraph 25 contains any factual allegations, the Attorney General lacks
24 sufficient information to form a belief as to the truth of those allegations, and on
25 that basis denies the allegations in paragraph 25. Except as specifically admitted,
26 the Attorney General denies the allegations in paragraph 25.

27 26. The Attorney General denies that Plaintiff is entitled to any of the relief
28 requested on page 6, lines 19-28, or page 7, lines 1-2, or any relief whatsoever. To

1 the extent Plaintiff's Prayer for Relief contains any allegations to which a response
2 is required, the Attorney General denies them.

3 **AFFIRMATIVE DEFENSES**

4 In addition to the foregoing responses to the FAC, and without admitting any
5 allegations therein, the Attorney General asserts the following affirmative defenses
6 based on information and belief:

7 **FIRST AFFIRMATIVE DEFENSE**

8 The FAC, and each claim for relief alleged in the FAC, fails to state facts
9 sufficient to constitute a cause of action against the Attorney General.

10 **SECOND AFFIRMATIVE DEFENSE**

11 Plaintiff fails to satisfy his burden of proof to support a facial constitutional
12 challenge to California state law.

13 **THIRD AFFIRMATIVE DEFENSE**

14 Plaintiff's claims are barred because he lacks standing to bring them.

15 **FOURTH AFFIRMATIVE DEFENSE**

16 The FAC, and each cause of action alleged in the FAC, is improper because
17 Plaintiff has an adequate remedy at law.

18 **FIFTH AFFIRMATIVE DEFENSE**

19 The FAC, and each cause of action alleged in the FAC, is barred by the
20 equitable doctrines of estoppel, laches, unclean hands, and/or waiver.

21 **SIXTH AFFIRMATIVE DEFENSE**

22 To the extent the Attorney General has undertaken any conduct with regard to
23 the subjects and events underlying the FAC, such conduct was, at all times material
24 to this case, undertaken in good faith and in reasonable reliance on existing law.

25 **SEVENTH AFFIRMATIVE DEFENSE**

26 The Attorney General has not knowingly or intentionally waived any
27 applicable affirmative defense. The Attorney General reserves the right to assert
28 and reply upon other such affirmative defenses as may become available or

1 apparent during discovery proceedings or as may be raised or asserted by others in
2 this case, and to amend the Answer or affirmative defenses accordingly. The
3 Attorney General further reserves the right to amend the Answer to delete
4 affirmative defenses that he determines are not applicable after subsequent
5 discovery.

6 **PRAYER FOR RELIEF**

7 Defendant respectfully requests that:

- 8 1. Plaintiff takes nothing by the FAC;
- 9 2. Judgment be entered in favor of the Attorney General;
- 10 3. The Attorney General be awarded costs incurred in defending this action;

11 and

- 12 4. The Attorney General be awarded such further relief that the Court may
13 deem just and proper.

14 Dated: September 20, 2024

15 Respectfully submitted,

16 ROB BONTA
17 Attorney General of California
18 R. MATTHEW WISE
19 Supervising Deputy Attorney General

20 */s/ Iram Hasan*
21 IRAM HASAN
22 Deputy Attorney General
23 *Attorneys for Defendant Rob Bonta,*
24 *in his official capacity as California*
25 *Attorney General*

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CERTIFICATE OF SERVICE

Case Name: ***Brownstein v. Orange County Sheriff's Department, et al.***
Case No. **8:24-cv-00970-SSS-AS**

I hereby certify that on September 20, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANT ROB BONTA'S ANSWER TO PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF, AND
COMPENSATORY DAMAGES**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 20, 2024, at San Francisco, California.

B. Chung
Declarant

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Signature