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Plaintiff, pro se

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CODY JAY BROWNSTEIN,
Plaintiff,
vs.
ORANGE COUNTY SHERI
DEPARTMENT *et al.*,
Defendants.

Case No. 8:24-cv-00970-SSS-AS
**PLAINTIFF'S CASE
MANAGEMENT REPORT**

A. Factual / legal issues

The facts of this case are essentially undisputed: Plaintiff applied to the Orange County Sheriff's Department for a CCW license. Defendants denied his application, based on California Penal Code section 26202 (Penal Code § 26202), because Plaintiff had a temporary restraining order (TRO) issued against him in the past. Plaintiff was given no notice that a TRO was being sought and was afforded no opportunity to be heard before the TRO was issued. The TRO expired and after a hearing, the court that issued the TRO found that "there is insufficient evidence to substantiate by a preponderance

1 of the evidence that domestic violence has occurred" (ECF No. 22-4,
2 at p. 2) and accordingly didn't issue a permanent restraining order.

3 Plaintiff claims that he has a constitutional right to carry a
4 handgun outside of his home for the purpose of self-defense and that
5 Defendants' refusal to issue him a CCW license, based on Penal Code
6 § 26202, violates that right guaranteed under the Second and
7 Fourteenth Amendments. He claims that there's no "historical
8 tradition" of prohibiting an individual from carrying a handgun
9 outside of their home for the purpose of self-defense in a manner
10 "relevantly similar" to Penal Code § 26202. *Baird v. Bonta*, 81 F.4th
11 1036, 1043 (2023) (quoting *N.Y. State Rifle & Pistol Ass'n v. Bruen*,
12 597 U.S. 1 (2022)).

13 **B. Discovery plans**

14 Plaintiff anticipates that discovery by all parties will be minimal
15 and straightforward. He's propounded a limited number of
16 interrogatories and requests for admission. He anticipates that he'll
17 be taking the depositions of expert witnesses that Defendants might
18 produce. Defendants haven't propounded any discovery yet.

19 **C. Anticipated motions**

20 Plaintiff has filed a motion for a preliminary injunction
21 prohibiting Defendants from enforcing Penal Code § 26202 against
22 him. (ECF No. 22.) His motion is set for hearing on January 7, 2025.
23 At this time he doesn't anticipate filing any other motions. Defendants
24 are expected to file motions for summary judgment.

25 **D. Witnesses / expert witness testimony**

26 Plaintiff anticipates that he'll be testifying on his own behalf and
27 won't be calling any witnesses, including expert witnesses. Plaintiff
28

1 anticipates that Defendants will be calling expert witnesses to attempt
2 to prove that Penal Code § 26202 is constitutional under *Bruen*.

3 **E. Trial / time estimate**

4 Plaintiff requests a bench trial and estimates that the trial will
5 conclude in less than one day. His understanding is that Defendants
6 will also be requesting a bench trial.

7 **F. Settlement / mediation**

8 Plaintiff's understanding is that since this case concerns the
9 constitutionality of a statute, Defendants have no authority to settle.
10 However, he's willing to participate in any settlement or mediation
11 methods that the Court or Defendants believe might be worthwhile.

12 **G. Other information**

13 Plaintiff has no other information to bring to the Court's
14 attention at this time.

15 Dated this 30th day of November,
16 2024

17 /s/ Cody Jay
18 Brownstein

19 Cody Jay Brownstein,
Plaintiff, pro se