

1 David R. Duringer – SBN 143911
2 Email: INFO@LAWNEWS.TV
3 Protective Law Corporation
4 895 Napa Ave Ste B-4
5 Morro Bay, CA 93442
6 Phone (805) 225-5105

7 *Attorney in Pro Per*
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11 UNITED STATES DISTRICT COURT
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13 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
14

15 DAVID R. DURINGER,
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17 Plaintiff,

18 vs.

19 CITY OF MORRO BAY; JOSEPH
20 COX, A/K/A JODY COX; AMY
21 WATKINS; AND DOES 1-10.

22 Defendants

Case No.: 2:25-cv-00073

42 USC §1983 COMPLAINT FOR
VIOLATION OF FIRST, SECOND,
AND FOURTEENTH,
AMENDMENTS TO THE UNITED
STATES CONSTITUTION

23 Plaintiff David R. Duringer alleges for his Complaint against
24 Defendants City of Morro Bay; Joseph Cox, a/k/a Jody Cox, the former
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1 Chief of the Morro Bay Police Department; Amy Watkins, current Chief of
2 the Morro Bay Police Department; and Does 1 through 10, as follows:

3
4 **INTRODUCTION**

5 1. Plaintiff's cause of action is primarily based on the Second
6 Amendment as it applies to the states by the Fourteenth Amendment and
7 the United States Supreme Court's holding in *New York State Rifle & Pistol*
8 *Association, Inc. v. Kevin V. Bruen*, 597 U. S. ____, 142 S.Ct. 2111, 2126
9 (2022) ("*Bruen*").
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12 2. Plaintiff was denied a Carry Concealed Weapons license
13 (hereinafter "CCW") by Defendant Joseph Cox, a/k/a Jody Cox ("Chief
14 Cox") as the former Chief of the Morro Bay Police Department ("MBPD"),
15 acting separately and in concert with Defendant City of Morro Bay and also
16 Defendant Amy Watkins, Commander, then later Chief of MBPD ("Chief
17 Watkins") for lack of proof of Good Moral character, in violation of Plaintiff's
18 Second Amendment rights. Additionally, Defendants provided no avenue to
19 appeal their denial, and otherwise violated Plaintiff's Fourteenth
20 Amendment right to Due Process.
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25 3. On information and belief, Plaintiff alleges that Defendant Chief
26 Cox and Defendant Chief Watkins conspired with Defendant City of Morro
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1 Bay through certain Morro Bay city council members and city staff
2 members and members of the public to effectuate a policy of the City of
3 Morro Bay amounting to a deliberate indifference to Plaintiff's federally
4 protected constitutional rights and that the policy is the moving force behind
5 the constitutional violations depriving Plaintiff of his Second Amendment
6 right to bear arms, in retaliation against Plaintiff's political speech as a
7 political candidate for a seat on Morro Bay's city council, in violation of
8 Plaintiff's First Amendment rights to political speech and political
9 association, and also in retaliation against Plaintiff's offer of firearm training
10 to the community, in violation of Plaintiff's right to offer firearm training
11 under the Second Amendment [*Ezell v. City of Chicago* ("Ezell I"), 651 F.3d
12 684 (7th Cir. 2011); *Ezell v. City of Chicago* ("Ezell II"), 846 F.3d 888 (7th
13 Cir. 2017)]. In *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978)
14 [Footnote 56], the U.S. Supreme Court noted that such policies need not be
15 officially promulgated: "See also Mr. Justice Frankfurter's statement for the
16 Court in *Nashville, C. & St. L. R. Co. v. Browning*, 310 U. S. 362, 310 U. S.
17 369 (1940): 'It would be a narrow conception of jurisprudence to confine the
18 notion of 'laws' to what is found written on the statute books, and to
19 disregard the gloss which life has written upon it. Settled state practice . . .
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1 can establish what is state law. The Equal Protection Clause did not write
2 an empty formalism into the Constitution. Deeply embedded traditional
3 ways of carrying out state policy, such as those of which petitioner
4 complains, are often tougher and truer law than the dead words of the
5 written text.”
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8 **JURISDICTION, VENUE AND INTRA-DISTRICT ASSIGNMENT**

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10 4. This Court has jurisdiction over all claims for relief pursuant to 28
11 U.S.C. §§ 1331, 1343, 2201, 2202 and 42 U.S.C. §§ 1983, 1988, as this
12 action seeks to redress the deprivation under color of the laws, statutes,
13 ordinances, regulations, customs, and usages of the State of California, of
14 the rights, privileges or immunities secured by the United States
15 Constitution.
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18 5. Venue is proper under 28 U.S.C. § 1391(b)(2) in that this is a
19 judicial district in which a substantial part of the events or omissions giving
20 rise to the claim occurred and a substantial part of the property that is the
21 subject of the action is situated.
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24 6. Intra-district assignment to the Western Division of the Central
25 District is proper under Local Rules as a substantial part of the events or
26 omissions giving rise to the claim occurred within the Western Division.
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THE PARTIES

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3 7. Plaintiff is a law-abiding United States citizen residing within the
4 incorporated limits of Defendant City of Morro Bay, within the county of San
5 Luis Obispo County, in the state of California. Plaintiff was admitted to
6 practice as an attorney before the United States District Court, Central
7 District, on October 9, 1990.
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10 8. Defendant Joseph Cox, a/k/a Jody Cox (“Chief Cox”) was Chief of
11 the Morro Bay Police Department (“MBPD”) until December 31, 2022, and
12 is sued herein in his personal capacity because Chief Cox through his own
13 individual actions violated Plaintiff’s civil and constitutional rights. Punitive
14 damages are awardable against Chief Cox because his conduct was
15 motivated by an evil motive or intent; or alternatively, because his conduct
16 involved reckless or callous indifference to Plaintiff’s federally protected
17 rights. Chief Cox was the chief law enforcement officer of the City of Morro
18 Bay (“City”), and it was his duty to ensure that California laws are uniformly
19 and adequately enforced in the City. Chief Cox was the head of the MBPD.
20 Chief Cox and the MBPD regulated and enforced state law in the City
21 related to the sale, transfer, possession, and ownership of firearms. As
22 head of the MBPD, Chief Cox was responsible for the creation,
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1 implementation, execution, and administration of the laws, regulations,
2 customs, practices, and policies of the MBPD.
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4 9. Defendant Amy Watkins (“Chief Watkins”) has been Chief of the
5 Morro Bay Police Department (“MBPD”) since December 31, 2022, and is
6 sued herein in her personal capacity because Chief Watkins through her
7 own individual actions violated Plaintiff’s civil and constitutional rights.
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9 Punitive damages are awardable against Chief Watkins because her
10 conduct was motivated by an evil motive or intent; or alternatively, because
11 her conduct involved reckless or callous indifference to Plaintiff’s federally
12 protected rights. Chief Watkins is the chief law enforcement officer of the
13 City of Morro Bay (“City”), and it is her duty to ensure that California laws
14 are uniformly and adequately enforced in the City. Chief Watkins is the
15 head of the MBPD. Chief Watkins and the MBPD regulate and enforce
16 state law in the City related to the sale, transfer, possession, and
17 ownership of firearms. As head of the MBPD, Chief Watkins is responsible
18 for the creation, implementation, execution, and administration of the laws,
19 regulations, customs, practices, and policies of the MBPD.
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25 10. Defendants “DOES 1-10” are personally and otherwise
26 responsible for formulating, executing, and administering sections of the
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1 California Penal Code, which include those related to the possession of
2 firearms, licensing, and manner of carry. Alternatively, "DOES 1-10" are
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4 Morro Bay city council members or city staff members who conspired with
5 other Defendants to deprive Plaintiff of his constitutional rights. The true
6 names or capacities of Defendants DOES 1-10, whether individual,
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8 corporate, or otherwise, are presently unknown to Plaintiff and are
9 therefore sued herein as "Does 1-10". Plaintiff reserves the right to request
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11 leave of the Court to amend this complaint to identify the true names and/or
12 capacities of one or more of Defendants Does 1-10 within a reasonable
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14 time of discovering their identities.

15 **GENERAL ALLEGATIONS**

16 11. California's firearm regime criminalizes publicly carrying a
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18 concealable firearm for self-defense; a right protected by the Second
19 Amendment of the United States Constitution, which is made applicable to
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21 the States by the Fourteenth Amendment. See California Penal Code
22 §25400(a). Carrying a concealed weapon in violation of this section is
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24 punishable as either a felony or a misdemeanor. §25400(c). "Section 25400
25 does not apply to, or affect, the carrying of a pistol, revolver, or other
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27 firearm capable of being concealed upon the person by a person who is

1 authorized to carry that weapon in a concealed manner pursuant to
2 Chapter 4 (commencing with Section 26150).” §25655. Every county
3 Sheriff is authorized to issue residents of their counties a license to carry a
4 concealed weapon (CCW) pursuant to §26150 as may every “chief or other
5 head of a municipal police department of any city or city and county to their
6 residents” pursuant to §26155. The sheriffs and chiefs have been
7 exercising broad and unfettered discretion to deny licenses to qualified
8 applicants, including Plaintiff, though they met all statutory requirements.
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12 12. Plaintiff seeks compensatory and punitive damages and
13 declarative relief for the denial of his application for CCW based on non-
14 objective criteria impermissible after *Bruen*. Plaintiff’s CCW application was
15 denied for lack of Good Moral Character, and for failure to supply reference
16 letters acceptable to MBPD. (Declarative relief is sought to declare as
17 without basis, null, and void, the official determination that Plaintiff lacks
18 Good Moral Character; Plaintiff does not now seek to re-open the
19 application.) No opportunity was given Plaintiff to cure with acceptable
20 reference letters; nor was Plaintiff given an opportunity to appeal MBPD’s
21 determination that Plaintiff lacked Good Moral Character. Former PC
22 §26155(a)(1)’s Good Moral Character (GMC) requirement must also pass
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1 the national historical tradition test or be found unconstitutional since it
2 regulates conduct protected by the Second Amendment. If it is not
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4 consistent with the Nation’s historical tradition, the requirement may not be
5 used to regulate protected conduct. Under *Bruen*, the public carrying of a
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7 concealable weapon clearly falls within the Second Amendment’s
8 “unqualified command” and the GMC requirement should be held to be in
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10 violation of the Second Amendment. The GMC requirement also violates
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12 due process and equal protection clauses due to the lack of any statutory
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14 definition of GMC giving rise to the exercise of unfettered discretion by
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16 licensing authorities to choose what is and is not GMC. Especially where a
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18 statute burdens a Constitutionally protected right, due process and equal
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20 protection call for a statute’s definition to be determined by the Legislature.
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22 See Attorney General’s Legal Alert. Legal Alert, OAG-2022-02, Office of
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24 Attorney General (AG), California Department of Justice, p. 2 (June 24,
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26 2022), which guidance is cited as grounds in both Chief Watkins’
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28 memorandum to Chief Cox, *infra*, and Chief Cox’s denial letter which was
ratified by Chief Watkins, even though Plaintiff had emailed Chief Watkins
on July 1, 2022, prior to his application for CCW, warning her that the
advice in this AG memo failed to comply with *Bruen*: “The investigation into

1 whether an applicant satisfies the 'good moral character' requirement
2 should go beyond the determination of whether any 'firearms prohibiting
3 categories' apply, such as a mental health prohibition or prior felony
4 conviction. Those categories, which may be found to apply during the DOJ-
5 conducted background check (including the many categories pertaining to
6 an applicant's criminal history), simply determine whether the applicant is
7 even eligible to own or possess firearms under state and federal law. When
8 it comes to evaluating an applicant's moral character, however, the issue is
9 not whether the applicant meets the minimum qualifications to own or
10 possess firearms under other statutory criteria. 'Good moral character' is a
11 distinct question that requires an independent determination." Thus
12 according to the AG, GMC requires a determination derived from a highly
13 subjective evaluation. Somehow the AG managed to gloss over and ignore
14 *Bruen's* disapproval of may-issue licensing schemes, in contrast to "shall-
15 issue" licensing regimes that "appear to contain only "narrow, objective,
16 and definite standards" guiding licensing officials, *Shuttlesworth v.*
17 *Birmingham*, 394 U.S. 147, 151, 89 S.Ct. 935, 22 L.Ed.2d 162 (1969),
18 rather than requiring the "appraisal of facts, the exercise of judgment, and
19 the formation of an opinion," *Cantwell v. Connecticut*, 310 U.S. 296, 305,
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1 60 S.Ct. 900, 84 L.Ed. 1213 (1940)—features that typify proper-cause
2 standards like New York’s” may-issue regime. The AG certainly didn’t
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4 hesitate to encourage Police Chiefs and Sheriffs to exercise their unbound
5 judgment to find reasons to deny a Constitutionally protected right. The
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7 same lack of contextual definition of GMC denies similarly situated persons
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9 equal protection. A citizen residing in one jurisdiction may be denied a
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11 license while a similarly situated resident of another jurisdiction is approved
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13 for a CCW, with the only material difference being the subjective discretion
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15 of the issuing authority. Although the GMC requirement was repealed and
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17 removed from California law effective January 1, 2024, Plaintiff is entitled to
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19 damages and also declarative relief to mitigate further damages as Plaintiff
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21 may be required to disclose the adverse determination that Plaintiff lacks
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23 Good Moral Character on future license applications, bar admission for
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25 example.

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27 13. Plaintiff received MBPD’s letter denying his CCW application
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29 approximately January 15, 2023. The unsigned letter, dated December 20,
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31 2022, was ostensibly written and sent by Chief Cox and included his card.
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33 However, the postage meter impression indicates it was mailed on January
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35 6, 2023, and subsequent postmark indicates it passed through the Santa
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1 Clarita post office on January 10, 2023. (An unfortunate reality of living in
2 Morro Bay is that a letter deposited at the Morro Bay post office, addressed
3 to anyone in Morro Bay, is routed through Santa Barbara, causing much
4 delay. Yet Santa Clarita is located far inland along the I-5 freeway north of
5 Los Angeles. Plaintiff alleges, on information and belief, that the denial
6 letter was mailed, from somewhere other than Morro Bay, in such a manner
7 as to cause maximum delay of receipt.) Chief Watkins took over as Chief of
8 MBPD when Chief Cox retired on December 31, 2022. Plaintiff alleges, on
9 information and belief, that Chief Watkins fully ratified the message and
10 content of Chief Cox's denial letter as it appears the letter was not actually
11 deposited in the mail until Chief Watkins took over as chief of police. If
12 Chief Watkins had in any way disagreed with the denial or the reasons
13 stated therefor in the letter, she could have intercepted the letter and
14 changed course.

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21 14. Upon Plaintiff's request for public records, the city clerk of Morro
22 Bay produced on or about July 24, 2024, what is purported to be a copy of
23 Chief Cox's denial letter dated December 20, 2022, which differs materially
24 and substantially from the letter actually received by Plaintiff. The first page
25 appears to be almost the same, however in quoting *Bruen*, Chief Cox
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1 misspelled the word “definite” as “define” in the letter that was actually
2 mailed to Plaintiff. The fact that the spelling was corrected to “definite” in
3 the version produced as public record tends to indicate rather strongly,
4 along with other changes made to the second page, that the produced
5 version is not an antecedent draft but is in fact a subsequent revision of the
6 letter actually mailed, and may indicate tampering or spoliation of evidence.
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8 Even more significant changes were made to the second page, and it is
9 patently clear the changes are not redactions, but are actual edits made
10 after the fact to alter the original, as is the case with the first page. The only
11 redaction block is a small redaction box covering a small portion of a single
12 line in the first paragraph which in the original contains no information that
13 could be deemed sensitive; elsewhere in the first paragraph there was an
14 edit to clean up Chief Cox’s redundant language “and the Morro Bay
15 Community”. The entire second paragraph of the second page, which
16 contained significant detail of Plaintiff’s meeting with Chief Cox and his
17 thought process in judging Plaintiff’s character, was deleted completely,
18 and the small third paragraph (“These actions were and are viewed as
19 irresponsible actions of a potential CCW carrier which brings negative
20 attention to themselves”) was moved up and appended to the end of the
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1 first paragraph, after editing out the words “which brings negative attention
2 to themselves”, which words in fact bring negative attention to Chief Cox
3 because mere negative attention is insufficient to negate Plaintiff’s
4 constitutional rights. Plaintiff only recently, while preparing this complaint,
5 noticed that the letter was altered. The inability of MBPD to produce an
6 accurate copy of its own letter is further evidence of the carelessness,
7 disorganization, inferior judgment, bad faith, and possible criminal behavior
8 plaguing the department. Since Plaintiff remains in possession of the
9 original December 20, 2022, letter, with its envelope postmarked in mid-
10 January of the following year, the apparent falsification of this document will
11 not succeed in obfuscating the original in Plaintiff’s case, though it might
12 have because if Plaintiff had not recently checked the original to see what
13 was within the small redaction box, he would not have noticed the other
14 substantial differences. On information and belief, Plaintiff alleges that the
15 apparent falsification of the public record was done to avoid liability in other
16 potential cases that might make use of Chief Cox’s damaging statements.
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23 15. After denial of his CCW for lack of Good Moral Character, Plaintiff
24 experienced a period of significant mental and emotional anguish for
25 several months which, though never medically diagnosed or treated,
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1 resulted in significant weight gain and severely diminished his productivity
2 as he contemplated a situation he had never experienced before, an official
3 determination that he lacked Good Moral Character, and reflected on
4 whether he had done anything wrong and what his rights might be. In
5 addition to the severe emotional distress resulting from the denial, Plaintiff
6 had to inform several students, clients, and prospective clients, of the
7 denial. Plaintiff had to inform these people of the denial because in the
8 course of giving handgun instruction or counseling gun owners on estate
9 planning for their guns, it is very common for Plaintiff to be asked whether
10 he has a CCW and what the application process is like. Plaintiff has seldom
11 been without a CCW other than an occasional brief interlude, and the
12 practically obligatory negative answer to the question whether he had a
13 CCW naturally resulted in some doubt as to his abilities as handgun
14 instructor and gun planning attorney, in addition to the negative implications
15 an apparent lack of Good Moral Character has for an attorney seeking
16 clients. On information and belief, Plaintiff alleges he lost significant
17 revenue due to prospective estate planning clients not engaging during this
18 dark period. Damages continue to this day in the form of reputational injury
19 due to Chief Cox's false and defamatory statements concerning Plaintiff.
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1 For example, during a recent December 3, 2024, hour long radio
2 appearance on KVEC 920AM's Dave Congalton Show, Plaintiff received a
3 call from a citizen concerned about Plaintiff's display of the red gun; on
4 information and belief, Plaintiff alleges that the false and defamatory emails
5 and other statements made by Chief Cox regarding the incident were re-
6 published widely on social media, and that a conspiracy between
7 Defendants and others on city council and city staff and among the public
8 politically opposed to Plaintiff intended the republication of these
9 defamatory remarks. Plaintiff also lost significant revenue due to the time
10 necessarily expended to research legal issues relating to deprivation of his
11 constitutional rights.

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16 16. Plaintiff's research of the issues involved led to his May 11, 2023,
17 letter to Chief Cox and Chief Watkins, responding to their denial and
18 explaining his rights. In that letter, Plaintiff offered to settle the matter at no
19 cost, despite suffering great damages, if they would simply reopen his
20 application for CCW and reverse the determination of lack of Good Moral
21 Character. Time expended by Plaintiff for this research negatively impacted
22 revenue from his law practice.
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1 17. Plaintiff was later able to receive a CCW from the County of San
2 Luis Obispo Sheriff's Office ("SLO Sheriff"), issued November 16, 2023.
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4 Having received no response from MBPD to his letter of May 11, 2023,
5 responding to the denial, Plaintiff diligently applied for this CCW on July 14,
6 2023, paying the required fee to start the application again, this time with
7 SLO Sheriff. The additional expenditure of time to apply and repeatedly
8 follow up with SLO Sheriff, and the additional burdensome travel costs and
9 travel time for several required visits to SLO Sheriff headquarters, all made
10 necessary by MBPD's denial, negatively impacted revenue from Plaintiff's
11 law practice. Due to delay in DOJ processing, approval by SLO Sheriff took
12 much longer, close to double, the two months SLO Sheriff originally
13 estimated to Plaintiff. SLO Sheriff informed Plaintiff that the only reason
14 given by DOJ for the delay was that personnel at DOJ in Sacramento had
15 misplaced Plaintiff's file, and that SLO Sheriff was not aware of this type of
16 mishap ever happening before.

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22 18. Plaintiff has had a California CCW almost continuously since
23 2003 except for the following periods of time: roughly five years from 2009
24 to 2014, when the Orange County sheriff sharply reduced CCW issuance
25 (same sheriff who later approved Plaintiff as CCW Trainer); an eleven
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1 month gap between 2019 and 2020 due to Plaintiff's move to a different
2 county and subsequent COVID shutdown delaying issuance by Grover
3 Beach Police Department; and of course the latest gap between the
4 September 2022 expiry of the Grover Beach CCW and the November 2023
5 issuance of the current CCW by SLO Sheriff. Plaintiff had planned to be
6 without CCW for a couple of months until November 2022 as he did not
7 want to be armed while campaigning for a city council seat, but denial by
8 MBPD resulted in Plaintiff being deprived of CCW for an additional year.
9 Plaintiff submitted his CCW application to MBPD in early September 2022
10 and the CCW should have been issued by November of 2022, based on
11 normal processing times.
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16 19. Plaintiff has currently, and has had continuously since 2003, a
17 non-resident Utah Concealed Firearm Permit. Plaintiff had a non-resident
18 Nevada concealed carry permit from 2003 until 2006. Plaintiff had a non-
19 resident Florida concealed carry permit from 2003 until 2008.
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22 20. Plaintiff is a law-abiding citizen of good moral character: never
23 divorced; never committed adultery; husband to one wife for 28 years thus
24 far and no expectation of ever marrying another; father of a daughter
25 attending a top law school; homeowner and landlord; put himself through
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1 college while working full-time; earned two law degrees, JD and LL.M
2 (Tax), without assistance from any affirmative action program; member of
3 the State Bar of California in good standing since 1989 [passed the first
4 California bar exam offered after graduation, unlike his Hastings classmate
5 Kamala Harris who was not admitted to the California bar until 1990,
6 despite having unfairly benefited from special affirmative action tutorial
7 assistance and study aids available only to her and her fellow Legal
8 Education Opportunity Program (LEOP) students]; member of the
9 Washington State Bar Association in good standing since 1997; member of
10 the State Bar of Texas in good standing since 2022; member of the U.S.
11 Supreme Court bar in good standing since 2018; California licensed real
12 estate broker since 1995; California licensed notary public since
13 approximately 1999; NRA certified firearm instructor credentials maintained
14 since 2004; Utah-licensed Concealed Firearm Instructor from 2008 until
15 Plaintiff decided not to renew in 2023; California CCW Approved Trainer for
16 Orange County Sheriff's Department from 2017 through 2019 (Plaintiff
17 resigned when he relocated to San Luis Obispo County); highly active
18 student and member at Front Sight Firearms Training Institute from June
19 2002 through December 2022, when Front Sight ceased doing business;
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1 Eagle Scout; permanently banned from Facebook, LinkedIn, and NextDoor
2 (two cities), for writing things that turned out to be true. Plaintiff has never
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4 been charged or convicted of any crime, either misdemeanor or felony, and
5 over four and a half decades of driving has had only a few speeding tickets.
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7 As Plaintiff has no criminal history of any kind, his record is cleaner than
8 that of the average law enforcement officer. Plaintiff has experienced more
9 firearm training and practice than most law enforcement officers, especially
10 in defensive handgun. Though Plaintiff no longer conducts live-fire training
11 and no longer offers formal statutory CCW classes, Plaintiff continues to
12 offer clinics on a regular basis training clients and the public in advanced
13 concealed carry drills under time pressure using realistic airsoft training
14 handguns, as he has for almost twenty years. Plaintiff professionally
15 focuses on comprehensive estate planning including asset protection and
16 tax planning, and is known among colleagues for his expertise in estate
17 planning for gun owners. Plaintiff is a former Southern California Forum
18 Leader for WealthCounsel LLC, the leading national organization of estate
19 planning attorneys, and is a contributing author for the second edition of
20 their popular book, *Estate Planning Strategies*.
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1 21. While residing in Grover Beach, CA, in 2020, Plaintiff ran for a
2 seat on the city council of Grover Beach. Plaintiff ran on conservative
3 principles, including support for the Second Amendment and regular
4 firearm training. In campaigning, Plaintiff canvassed residents from door to
5 door, covering almost the entire city. A unique aspect of Plaintiff's
6 campaign was that he offered to each willing voter a very quick yet
7 comprehensive demonstration of his concealed carry training, right on their
8 porches or driveways in full view of the public, using a training aid called a
9 "red gun", which is allowed to be used in public under California Penal
10 Code §20175(m). Voters enjoyed the training and shared pictures on social
11 media, and no negative incidents resulted. With very few exceptions, yard
12 signs were only given to those who underwent this training on their porch or
13 driveway.

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19 22. While residing in Morro Bay, CA, in 2022, Plaintiff ran for a seat
20 on city council of Morro Bay. Plaintiff ran on conservative principles,
21 including opposition to fascistic COVID controls and mandates, and
22 including support for Second Amendment and regular firearm training. In
23 particular, Plaintiff opposed a Morro Bay city ordinance, passed
24 unanimously by then-existing city council, mandating locked storage of
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1 firearms within city limits. In campaigning, Plaintiff canvassed residents
2 from door to door, covering almost the entire city, despite sudden onset of
3 severe plantar fasciitis causing extreme pain while walking. A unique
4 aspect of Plaintiff's Morro Bay campaign, similar to what he did two years
5 prior in Grover Beach, was that he offered to each willing voter a very quick
6 yet comprehensive demonstration of his concealed carry training, right on
7 their porches or driveways in full view of public, using a training aid called a
8 "red gun", which is allowed to be used in public under California Penal
9 Code §20175(m). Voters enjoyed the training and shared pictures on social
10 media, no negative incidents resulted. With very few exceptions, yard signs
11 were only given to those who underwent this training on their porch or
12 driveway.
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18 23. As a political candidate for a seat on Morro Bay's city council,
19 Plaintiff on the evening of October 5, 2022, attended a candidates forum
20 sponsored by the League of Women Voters ("Forum"). In answering
21 questions from the public, Plaintiff stated his positions clearly and
22 unequivocally opposing, *inter alia*, rent control, gun control, and fascistic
23 COVID mandates and controls. In particular, he opposed an ordinance
24 passed unanimously by then-existing city council mandating locked storage
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1 of firearms within city limits. He urged the public to participate in regular
2 firearm training as the best way understand why existing and proposed gun
3 control measures lack rationality, and also as a way to be an available
4 resource to serve their county sheriff in opposing unconstitutional
5 overreach by federal, state, or local government. Plaintiff asked those
6 present to help him reach out to even more of their fellow Morro Bay voters
7 by assisting him in providing the quick yet comprehensive demonstration of
8 concealed carry training that he was already providing every day up until
9 Election Day on the porches and driveways of many voters throughout
10 Morro Bay, exactly as he had done two years prior in Grover Beach.
11 Plaintiff explained that yard signs would be given only to those who
12 completed this training on their porch or driveway. In requesting this help,
13 to illustrate better the nature of the training, Plaintiff drew from his
14 concealed holster the “red gun” he used for such trainings, which of course
15 was not a firearm and not any sort of a gun at all, but was actually a brightly
16 colored hunk of plastic shaped like a gun and thus perfectly legal to display
17 in public in a non-threatening manner. PC §20175(m). In drawing the “red
18 gun”, Plaintiff pointed the “muzzle” straight up and then immediately placed
19 the “red gun” on the table, at no time pointing the “muzzle” at anyone in any
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1 threatening manner. Chief Cox later acknowledged in writing that Plaintiff's
2 conduct was not threatening and violated no law. Despite this, several
3 people in the audience (Plaintiff heard only two), gasped momentarily in
4 surprise. Plaintiff suspects these few individuals were not at all listening to
5 Plaintiff and therefore had no idea he was talking about handgun training
6 as he displayed the training tool. Plaintiff also suspects one or more of
7 these few were intentionally trying to create drama over the incident,
8 because of political opposition to Plaintiff. The vast majority of the audience
9 was not alarmed at all, and neither was the moderator of the event. A
10 recording of the event shows that audience reaction is very mild and
11 extremely brief, dispelling completely the absolutely and demonstrably false
12 claim that many in the audience reacted in fear. Not a single person
13 screamed. Not a single person ran out of the building in terror. No one was
14 even alarmed enough to get up out of a chair. The entire audience
15 remained seated and there was absolutely no pandemonium. Many
16 attendees warmly thanked Plaintiff after the event for clearly and
17 unambiguously expressing the conservative views they shared. Not a
18 single person came up to Plaintiff afterward and told Plaintiff they were
19 placed in fear, which makes complete sense because there was absolutely
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1 nothing threatening about Plaintiff's demeanor and speech while displaying
2 the red gun.
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4 24. After the forum event, as he had done prior to it, Plaintiff
5 continued canvassing voters all over town, right up until Election Day,
6 providing red gun trainings on their porches and driveways, in full view of
7 their neighbors. There was never any attempt by MBPD to prevent Plaintiff
8 from conducting these training sessions in public. When voters
9 encountered the red gun during these trainings, they would laugh about the
10 hunk of plastic generating so much discussion on social media, and could
11 not understand how anyone could be afraid when seeing the red gun.
12 Although Plaintiff was active on social media during his 2020 campaign in
13 Grover Beach, he was in 2021 permanently banned from Facebook,
14 LinkedIn, and Nextdoor (both cities), for writing things that were true, and
15 therefore was not able to participate in social media during his 2022 Morro
16 Bay campaign, and thus was unable to correct misinformation and
17 disinformation on social media about the forum event.
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23 25. Plaintiff's main reason for running was his opposition to Morro
24 Bay's Ordinance No. 644, mandating locked storage of firearms, passed
25 unanimously by all then-sitting councilmen. His campaign was also focused
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1 on opposing unconstitutional COVID mandates including lockdowns and
2 experimental injections which were both oppressive and dangerous. In
3 particular, having a daughter in college, Plaintiff was concerned about
4 mRNA shot mandates. Efforts continue in this state to mandate injection of
5 this experimental gene serum without exemption, even for young children
6 who could not possibly benefit from these shots. This is a great crime that
7 some are calling genocide along with other aspects of COVID mandates
8 that are suspected of causing many deaths, from lockdowns to hospital
9 protocols and treatment bans. Few public officials rose to defend the
10 People against these tyrannical COVID mandates. Our Second
11 Amendment is designed to protect us in such circumstances, not through
12 individual violence contrary to just war principles, but through support of our
13 local sheriff who, despite legislative restrictions in recent years, retains the
14 ability to form voluntary posse. For the People to be of any value to our
15 sheriff in defending against gravely unconstitutional usurpations by state
16 and federal governments, the People must be trained to bear arms and use
17 them at least defensively. And so Plaintiff's campaign sought to educate
18 the People on the need for firearm training as well as protecting our right to
19 bear arms against other threats such as Ordinance No. 644. Hence,
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1 Plaintiff's requirement of participating in a short red gun training on the
2 voter's porch or driveway, in full view of neighbors, in order to obtain a yard
3 sign which would also be a sign encouraging others to undergo that same
4 training. Plaintiff had already done this type of door-to-door red gun training
5 two years prior when he ran for Council in Grover Beach. Many signs went
6 up, a social media buzz was created, and on Election Day, before final
7 mail-in ballots were added, he was only ten votes behind the first-place
8 candidate. Plaintiff proceeded with the same training-for-sign offer in Morro
9 Bay, and did manage to get several hundred signs up. A severe case of
10 plantar fasciitis slowed him down in doorknocking; despite the intense foot
11 pain, he managed to cover all but a couple precincts. In displaying the red
12 gun at the forum, he was informing voters of what he was using for
13 instruction on their neighbors' porches and driveways. He was also trying to
14 get volunteers to help in providing a basic version of such training to
15 amplify his efforts and get more yard signs up. Plaintiff's experience as an
16 instructor, and in doorknocking these communities, informs him that while
17 most gun owners consider themselves trained, very few gun owners have
18 had defensive training for speed. Plaintiff developed a short, five-minute
19 red gun drill introducing them to this type of training. Without defensive
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1 training for speed, gun owners cannot preserve gun culture and our
2 Second Amendment becomes a dead letter. Hunting is no longer common,
3 so defensive training is the only endeavor with modern potential to maintain
4 widespread, regular, practical use of firearms. Only defensive training can
5 educate voters to properly resist Marxist gun control measures designed to
6 empower criminals (for example, mandatory locked storage, magazine
7 capacity limits, corrupt CCW licensing schemes using subjective issuance
8 criteria, etc.). Only defensive training can educate voters to properly
9 address the legitimate use-of-force concerns faced by peace officers. Only
10 defensive training can make one useful to one's sheriff in a constitutional
11 crisis. So defensive training for speed is every bit as important as voting
12 when it comes to preserving law and order. That is why such training was
13 required to obtain one of Plaintiff's yard signs. Plaintiff's display of the red
14 gun at the forum meeting was political speech aimed at getting more voters
15 trained and getting more yard signs up.
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22 26. Plaintiff met with Chief Cox at MBPD on October 11, 2022, early
23 in the afternoon. Plaintiff had requested the meeting to discuss MBPD as a
24 candidate for city council endorsed by the local Republican Party and very
25 supportive of police, but Chief Cox misleadingly scheduled the meeting
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1 instead to interrogate and lecture Plaintiff regarding the forum incident
2 where he displayed a piece of plastic in public, and apparently to convince
3 Plaintiff to attend the city council meeting scheduled that very same
4 evening. There was absolutely none of the respectful dialogue, regarding
5 MBPD, Plaintiff expected between a police chief and a pro-police candidate
6 for city council. The questioning and lecturing by the unexpectedly
7 overbearing Chief Cox was demeaningly aggressive and appeared to have
8 the purpose of conveying a message to Plaintiff. In fact, the meeting
9 culminated with Chief Cox strongly suggesting to Plaintiff that Plaintiff
10 attend the city council meeting that very same evening, because he
11 expected the forum incident to be discussed by the city council and several
12 members of the public. Though at the meeting between Plaintiff and Chief
13 Cox, Chief Cox admitted to Plaintiff that Plaintiff's conduct violated no law,
14 Chief Cox expressed his view that Plaintiff's conduct was irresponsible as
15 several members of the public had contacted the city to say they were
16 frightened. Plaintiff asked how many exactly had contacted the city—two,
17 three, four, five? Chief Cox would only respond: "Several." Chief Cox stated
18 at this meeting with Plaintiff, in Chief Cox's office, that there was a high
19 level of activity and discussion between city council members and staff over
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1 “what to do” about the situation, saying that there was a great deal of
2 pressure to “do something” in response to Plaintiff’s display of the piece of
3 plastic in public. Based on these comments, Plaintiff decided he would
4 follow Chief Cox’s strong recommendation, made at the end of the meeting,
5 for Plaintiff to attend the city council meeting to be held that very same
6 evening.
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9 27. Several hours after Plaintiff’s October 11, 2022, meeting with
10 Chief Cox, that very same evening, upon the strong recommendation of
11 Chief Cox at the end of their meeting that afternoon, Plaintiff attended the
12 Morro Bay city council meeting held as usual at the Veterans Memorial
13 Building in Morro Bay. As Plaintiff approached the building upon arrival, he
14 encountered another individual also on his way to walk into the building,
15 whom Plaintiff did not then know but later came to know as Morro Bay
16 resident Timothy Crowley. As Mr Crowley approached and saw Plaintiff, Mr
17 Crowley smiled and blurted loudly, looking directly at Plaintiff: “It’s the star
18 of the show!” With Mr Crowley’s exclamation, Plaintiff suddenly realized
19 that this city council meeting would not merely mention Plaintiff in brief
20 discussion, but that for some reason Plaintiff would be showcased as a
21 major focus of the meeting. While Plaintiff attended the council meeting
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1 primarily to observe it at the urging of Chief Cox, Plaintiff also decided to
2 speak at the meeting in opposition to Morro Bay's new mandatory locked
3 gun storage ordinance, and did so. As far as Plaintiff's relevance to the
4 agenda, the council did not itself attack Plaintiff directly, but instead
5 addressed supposed widespread public concern over the lack of security at
6 the candidates forum. Chief Cox was present and stated there was never
7 any request that security be provided. Plaintiff's public display of a piece of
8 plastic at the forum, in a non-threatening manner, had, it seemed, caused
9 public concern over safety at such events and there was some discussion
10 about providing security at future events, yet no one thanked Plaintiff for
11 bringing this issue to the fore. Apparently, the council left to others the task
12 of directly attacking "the star of the show", in particular two others: the
13 above-named Timothy Crowley, and a woman named Linda Winters a/k/a
14 "Mobile Home Linda", the latter name used by her in local efforts to support
15 rent control for mobile home parks. A quick internet search for background
16 on these individuals shows their politics to be firmly left of center, in stark
17 opposition to Plaintiff's conservative politics.

18 28. As a mobile home rent control activist, Ms. Winters could not
19 have liked Plaintiff's firm opposition to all rent control. Another city council
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1 candidate, Cyndee Edwards, had stated at the October 5 forum that the city
2 had no say on mobile home rent control, but Ms Edwards was incorrect and
3 apparently did not understand there was local control of mobile home rents,
4 even under state law, and that Morro Bay could repeal its rent control
5 ordinance, as Plaintiff advocated at the Forum. Ms. Winters was so
6 dedicated to the cause of mobile home rent control in Morro Bay, for over
7 26 years, that she called herself "Mobile Home Linda" in her efforts to
8 maintain that rent control. Ms Winters had great cause to oppose Plaintiff's
9 candidacy for city council due to Plaintiff's clear opposition to rent control
10 stated at the candidates forum. Plaintiff's opposition to rent control is the
11 real cause, certainly not Plaintiff's non-threatening display of a piece of
12 plastic, for Linda Winters to claim "stark terror" made her think she was
13 going to have a heart attack, "fear such as she had never experienced in
14 her 74 years". Ms Winters whimpered masterfully at the end of her speech,
15 despite having no known acting experience, thanks to the stark terror that
16 opposition to rent control can generate in such a longtime activist.
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23 29. Timothy Crowley, on the other hand, did in fact have real acting
24 experience, apparently professional acting experience, at least for a time.
25 Crowley's voice and delivery seemed, to Plaintiff, to evidence professional
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1 actor training. Plaintiff investigated and discovered that Crowley had acted
2 locally in a Cambria production of *It's a Wonderful Life*, in 2015. Crowley
3 was active in local politics, appearing several times before Council.
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5 Crowley's politics appear left-of-center and he has a particular disdain for
6 Trump supporters like Plaintiff. In his speech at the council meeting,
7 Crowley called Plaintiff a "real life Trump chump". The depth of Crowley's
8 hatred for Trump and Trump supporters is shown by letters he previously
9 submitted to the SLO Tribune, for example a letter in which he says he
10 hopes Trump is either humbled as President, or "that the lies, hatred and
11 venom that he has spewed for nearly two years will consume the party that
12 has inflicted him upon us all". According to his speech at the council
13 meeting, Crowley did not even see Plaintiff drawing the "red gun". Crowley
14 said he was laughing after Plaintiff mentioned that yard signs were only
15 given to those who took the firearm training, then Crowley said that "the
16 room inhaled" and that when he looked up he saw Plaintiff put "a gun" on
17 the table. So by his own admission, Crowley was laughing and not even a
18 percipient witness of the drawing of the "red gun". Furthermore, Crowley
19 admits: "He said it was fake, but I don't know that, you don't know that,
20 nobody checked." Perhaps Crowley did experience surprise briefly from the
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1 gasps he heard, and several attendees did gasp audibly, but by his own
2 admission, there was absolutely nothing threatening about Plaintiff's
3 conduct and therefore any fear would not have been reasonable. Then
4 Crowley makes several curious statements that may evidence some
5 collusion with MBPD or city staff or city council: "Durringer is a lawyer, and
6 he probably figures he can get away with what he did." With this, Crowley
7 essentially admits there was no violation of law, and it appears reasonable
8 to assume that some coaching would have been necessary for him to come
9 to that realization. Next: "And I don't know if he has a license to carry a
10 concealed weapon in this town. But I do know after that stunt he pulled last
11 week if he does he shouldn't." Here again, it appears Crowley had some
12 coaching. It is too coincidental to be mere chance that Plaintiff had just met
13 several hours earlier with Chief Cox, with whom Plaintiff had a pending
14 CCW application, and that Chief Cox during his interrogation of Plaintiff had
15 used the exact same word "stunt" in leading questions to Plaintiff, and that
16 Chief Cox then strongly urged Plaintiff to attend this city council meeting
17 where he would hear Crowley's vain attempt to lay out grounds for this
18 supposed public concern. It appears that Crowley was essentially reading
19 from the City's script, as written by Defendants. It is extremely unlikely that
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1 both Chief Cox and Crowley would simultaneously jump to the same
2 illogical conclusion that lawful, non-threatening display of a red gun, for the
3 purpose of training and as political speech, is somehow conclusive
4 evidence that a person cannot responsibly carry a loaded firearm. You
5 could poll a hundred people and not get a single person to come up with
6 that conclusion, and yet both Chief Cox and Crowley came up with the
7 same identical conclusion devoid of logical reasoning, and Chief Cox
8 invited me to hear Crowley say it out loud.

12 30. Plaintiff alleges, on information and belief, that Defendants
13 engaged in a conspiracy to deprive Plaintiff of his constitutional rights,
14 including his Second Amendment right to bear arms, and to retaliate
15 against Plaintiff for exercising his constitutional rights, including his First
16 Amendment right to political speech as a candidate for political office, and
17 his Second Amendment right to offer firearm training, in collaboration with
18 certain residents of Morro Bay, certain elected Morro Bay city council
19 members, and certain Morro Bay city staff members, who are alleged to be
20 co-conspirators and named herein as Defendants, DOES 1-10. Chief Cox
21 in his October 11, 2022, meeting with Plaintiff mentioned that "several"
22 members of the public had complained about Plaintiff's political speech and
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1 demanded City response, and that there was a flurry of activity among city
2 staff as they “all abuzz” attempted to develop a response. When asked to
3 clarify whether the number of complaints was larger than two, Chief Cox
4 did not and merely repeated, “several”, implicitly admitting there were only
5 two complaints at that time, which happens to be the same number of
6 speakers who complained about Plaintiff at the city council meeting that
7 same day, which Chief Cox strongly urged Plaintiff to attend. Both speakers
8 were highly biased against Plaintiff, politically. Chief Cox at that meeting
9 used the word “stunt” to describe Plaintiff’s display of the red gun, the same
10 word used later that evening by one of those speakers, Timothy Crowley.
11 Crowley also said in his speech that Plaintiff should not have a CCW.
12 When Plaintiff arrived at the city council meeting at the same time as
13 Crowley, Crowley exclaimed: “It’s the star of the Show!” Indications are that
14 this Show was a municipal production.

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21 31. A search of public records produced in July of 2024 several
22 documents related to Plaintiff’s appearance at the Forum. Among the
23 records produced, there is only one complaint from a member of the public
24 who actually attended the Forum, and there is a second complaint from
25 someone who only watched it on video, from lively social media discussion.
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1 Those are the only two complaints. The person who complained, claiming
2 to have attended the Forum in person, though identity is uncertain as name
3 is redacted, appears to be Linda Winters who spoke at the city council
4 meeting on October 11, 2022, as she was the only speaker who claimed to
5 have “panicked” and this was the only written complaint where complainer
6 claimed to have “panicked” (though the written complaint fails to mention
7 feeling imminent “heart attack” as did Winters, beautifully, in her
8 performance). This person also sent an email to the city manager, Scott
9 Collins, in an attempt to have the free airsoft handgun training program at
10 Plaintiff’s office shut down. In addition, there is one record of someone
11 requesting public records on any current CCW issued to Plaintiff by Morro
12 Bay; the request is dated October 11, 2022, the same date as the city
13 council meeting Chief Cox urged Plaintiff to attend, at which Crowley spoke
14 and said Plaintiff should not have a CCW. Also produced is an interesting
15 thread of emails that is of particular relevance on the question of
16 conspiracy to deprive rights, a chain including city council, staff, and
17 MBPD. The sole person who complained claiming actual attendance at the
18 Forum was responded to by city council member Jeff Heller, who emailed
19 his reply on October 9, 2022, saying: “It was definitely a concerning
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1 moment and **I look forward the City’s response. Real or fake guns**
2 **should never be allowed in public meetings.** This has never happened
3 before—and will be a future agenda item of mine at Tuesday’s meeting.”
4 (Emphasis added.) Plaintiff alleges, on information and belief, that council
5 member Jeff Heller’s email reply of October 9, 2022, expressing desire for
6 City’s response, proclaiming that no guns, whether fake or real, should ever
7 be allowed in public meetings, and promising to address all this in council
8 agenda, were overt acts in furtherance of a conspiracy to deprive Plaintiff of
9 his federally protected rights, as were his actions involving the October 11,
10 2022, city council meeting. City manager Scott Collins, copied thereon,
11 then forwarded Heller’s email to Chief Cox, whereupon Chief Cox replied
12 indicating Plaintiff had a CCW application in process with Morro Bay.
13 Plaintiff alleges, on information and belief, that this latter email thread
14 including Heller, Collins, and Chief Cox, is relevant to show a conspiracy to
15 punish Plaintiff’s exercise of his First Amendment right to engage in political
16 speech as a political candidate, and also to punish Plaintiff’s exercise of his
17 Second Amendment right to offer firearm training, by depriving Plaintiff of
18 his Second Amendment right to bear arms. As it was clear that Plaintiff did
19 not use a firearm in the incident, the only possible reason for Chief Cox to
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1 have mentioned Plaintiff's CCW status in his reply would be to propose
2 denial of Plaintiff's CCW application as the "City's response" sought by
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4 Heller. Even were Plaintiff to have displayed an actual firearm, Chief Cox's
5 mention of Plaintiff's CCW status would have been pointless because open
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7 display of a real firearm in this setting would have involved a number of
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9 violations much more serious than simple unlicensed concealed carry.
10 Therefore, Chief Cox could only have intended to offer implicitly, as Heller's
11 sought response, the denial of Plaintiff's CCW application in retaliation
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13 against Plaintiff's political speech offering firearm training and using display
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15 of a piece of plastic as part of that speech in a way that violated no law.

16 32. On October 11, 2022, the one complainer who attended the
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18 Forum and claimed to have experienced panic, whom Plaintiff alleges on
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20 information and belief to be Linda Winters a/k/a Mobile Home Linda,
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22 emailed Chief Cox a follow-up request for status on what the complainer
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24 captioned "Durringer Danger Concern", expressing additional concern
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26 regarding the free gun training Plaintiff provided in Morro Bay. The
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28 complainer, openly displaying political bias, was upset that people in town
were saying Plaintiff was an outstanding candidate for city council because
he provided free gun safety training to the community, and the complainer

1 expressed concern that Plaintiff's free gun training was some kind of bait
2 and switch for selling legal services and because Plaintiff "violated the law
3 at the Forum", his free gun classes somehow put the community at risk.

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5 The complainer also expressed concern about the lack of police presence
6 at the Forum given that Chief Cox had expressed in a conversation with
7 complainer that he had had a "heads up" about Plaintiff prior to the Forum.

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9 Chief Cox, on the same day, responded to her email in detail addressing
10 several issues. First, Chief Cox noted he has no control over Plaintiff
11 teaching classes. However, Chief Cox falsely implied that Plaintiff was not
12 a licensed firearm instructor and falsely stated in his email that Plaintiff did
13 not teach CCW classes. Chief Cox had reason to know the falsity and
14 misleading nature of his assertions because he had accepted Plaintiff's
15 CCW application over a month prior and also claimed to have reviewed it
16 thoroughly. In actual fact, Plaintiff was at that time still licensed by the state
17 of Utah as a Concealed Firearm Instructor, to provide classes for Utah's
18 non-resident permit in California. There is no license required to teach
19 concealed carry in California, and Plaintiff in fact did teach, and continues
20 to teach, CCW (concealed carry) classes training students to perform at
21 speed in advanced concealed carry drills which go far beyond what is
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1 covered in the statutory classes. Plaintiff was registered with DOJ and
2 approved by the Orange County Sheriff to teach statutory CCW classes in
3 Orange County, but resigned and let his DOJ registration lapse when he
4 relocated to San Luis Obispo County in 2019. Chief Cox's statements were
5 false and defamatory and Plaintiff alleges, on information and belief, these
6 false statements were re-published on social media by the complainer
7 along with other misinformation and disinformation. Second, in addressing
8 complainer's stated concern over lack of police presence because of a
9 "heads up" about Plaintiff prior to the event, Chief Cox stated that the
10 complainer had taken part of their conversation out of context, and that
11 Chief Cox had simply been briefed by a colleague 6-9 months prior about
12 Plaintiff seeking to obtain a new CCW because Plaintiff had moved to
13 Morro Bay from another city in the same county, and that the conversation
14 had nothing to do with Plaintiff running for Council, or regarding the Forum.
15 In addition, Chief Cox stated: "I have never received any information that
16 would indicate Mr. Durringer was a threat of any kind." Third, Chief Cox
17 addresses the complainer's false accusation that Plaintiff violated the law.
18 Chief Cox states "there was not a criminal violation that took place" and
19 further: "The training gun was not utilized or presented in a threatening
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1 manner against another subject, and this type of training tool does not
2 qualify as an "Imitation Firearm" as outlined below. Chief Cox further states
3 his agreement with complainer that Plaintiff's "actions/behavior" (i.e.,
4 political speech) "were unacceptable", but then again states "there is no
5 violation of the law". Chief Cox then sets forth PC 417.4 which requires
6 "threatening manner", but incorrectly sets forth PC 16700 as the safe
7 harbor for red guns. In actual fact, PC 16700 offers a safe harbor for red
8 guns from PC 20165's prohibition of commerce in "imitation firearms". Chief
9 Cox should have instead cited PC 20175, which includes similar language
10 providing a safe harbor for red guns from PC 20170's prohibition on display
11 of an imitation firearm in a public place. Whether the error was the fault of
12 Chief Cox or counsel for the City or both, this sloppy analysis of the
13 applicable law by MBPD further demonstrates it is MBPD, not Plaintiff, that
14 has a problem exercising judgment.

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21 33. On December 20, 2022, Chief Cox approved a memo of the same
22 date sent to him by Chief Watkins (then Commander Watkins),
23 recommending denial of Plaintiff's CCW application. In that memo, Chief
24 Watkins stated incorrectly that Plaintiff's "application was not in order on
25 submission and was missing the required three letters of recommendation".
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1 Actually, Plaintiff's application was indeed in order on submission as it did
2 in fact include the required three letters of recommendation. Plaintiff
3 actually submitted a total of five recommendation letters he had recently
4 submitted to the Grover Beach Police Department on his prior CCW
5 application with them. The only criteria listed regarding reference letters in
6 MBPD's CCW application were for the applicant to include "at least three
7 signed letters of character reference from individuals other than relatives".
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11 There was absolutely no requirement of any degree of recency stated
12 either on the application form itself, or in the application instructions.
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14 Plaintiff reasonably complied with the stated application requirement by
15 attaching the letters he submitted recently to Grover Beach. Plaintiff did not
16 want to contact these references yet again because he had contacted them
17 just a few months prior requesting reference letters for his application for
18 membership in the State Bar of Texas. The reference letter requirement is
19 a direct violation of *Bruen's* requirement that issuance of concealed carry
20 licenses be issued solely on objective criteria, not involving the use of
21 judgment by the issuing authority. By using character reference letters, an
22 issuing authority is subjectively evaluating a letter that is itself a subjective
23 evaluation of the applicant's character. Though the character reference
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1 letter requirement is constitutionally impermissible, Plaintiff nevertheless
2 complied with MBPD's own written instructions in a manner that was
3 reasonable under the circumstances faced by Plaintiff. Supplying new
4 reference letters every two years, in order to exercise a fundamental
5 constitutional right, is unconstitutionally burdensome. Considering that
6 reference letters are also required for other matters, such as applying for
7 admission to state bars, the recurring burden is even more oppressive, not
8 only on applicant, but on those providing the references. The reference
9 letter requirement is an unconstitutional harassment, imposing a significant
10 cost on applicants such as Plaintiff, in order to exercise their fundamental
11 constitutional right to bear arms. MBPD did in fact accept Plaintiff's
12 application for CCW on September 6, 2022, with those five reference
13 letters, as part of "Phase 1" of the application, which according to the
14 instructions was to have been completed within 90 days ("you will be
15 notified in writing within 90 days" if application is denied). If MBPD had
16 considered its reference letter requirement justified, and Plaintiff's attached
17 letters insufficient, after accepting Plaintiff's application it should have
18 notified Plaintiff in writing of that insufficiency as soon as possible, almost
19 immediately, certainly within the 90 days stated in the application
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1 instructions, without wasting anyone's time on any other aspects of the
2 application. Instead, MBPD kept Plaintiff's application open well past the 90
3 days (which would have been December 5, 2022), and Plaintiff never
4 received any notification, written or otherwise, to cure any defect in
5 reference letters, or that the application was denied, until receiving the
6 denial letter in mid-January, on or about January 15, 2023. Plaintiff alleges
7 that MBPD's reference letter requirement is unconstitutionally
8 impermissible; in the alternative, Plaintiff alleges that MBPD waived its
9 reference requirement as applied to Plaintiff, due to MBPD's acceptance of
10 Plaintiff's application, MBPD's continued work on the application for a full
11 four months (exceeding its own 90-day deadline), and MBPD's failure to
12 provide timely written notice to Plaintiff of any deficiency in the reference
13 letters. To hold otherwise would violate due process. As Justice Thomas
14 (joined by Justice Alito) wrote in denying cert recently in *Wilson v. Hawaii*,
15 604 U. S. ____ (2024): "Yet, the Hawaii Supreme Court ignored our holding
16 in the decision below. See 154 Haw. 8, 543 P. 3d 440 (2024). It instead
17 stated that petitioner Christopher Wilson could not invoke the Hawaii
18 regime's unconstitutionality as a defense in his criminal proceedings
19 because he had never applied for a license. That conclusion contravenes
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1 the settled principle that Americans need not engage in empty formalities
2 before they can invoke their constitutional rights, and it wrongly reduces the
3 Second Amendment to a ‘second-class right.’ *McDonald v. Chicago*, 561 U.
4 S. 742, 780 (2010) (plurality opinion). Although the interlocutory posture of
5 the petition weighs against correcting this error now, I would grant certiorari
6 in an appropriate case to reaffirm that the Second Amendment warrants the
7 same respect as any other constitutional right.”
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11 34. The remainder of Chief Watkins’ December 20, 2022, memo
12 focuses on the real impetus for MBPD’s denial of Plaintiff’s CCW
13 application, Plaintiff’s political speech at the Candidates’ Forum on October
14 5, 2022. Displaying a characteristic sloppiness, poor judgment, and
15 inattention to detail, Chief Watkins incorrectly stated that Plaintiff “enrolled
16 and ran for Morro Bay City Council” while he “was in the CCW application
17 process”. In actual fact, Plaintiff filed his candidate forms on August 10,
18 2022, and did not apply for CCW until September 6, 2022. While Chief
19 Watkins correctly stated Plaintiff “was giving his final comments regarding
20 his purpose and reasoning for running”, she fails to mention the other
21 important point that in these final comments Plaintiff was describing how
22 his campaign, as a requirement for obtaining a yard sign, required voters to
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1 participate in a few minutes of concealed carry training on their porch or
2 driveway, in full view of their neighbors. This is an important point to
3 consider in understanding why Plaintiff displayed the red gun at the Forum,
4 so the public would understand the nature of the training required to obtain
5 a yard sign; it also shows Plaintiff did not display the red gun in a
6 threatening manner, and negates any possibility of fear or apprehension
7 being a reasonable response to the display. While Chief Watkins almost
8 certainly considered this latter point in arriving at her conclusion that “the
9 actions of Mr. Durringer did not rise to the level of a crime”, it appears Chief
10 Watkins intentionally omitted these facts from her memo because they
11 would have vitiated her absolutely false claim that Plaintiff’s “actions
12 created a fearful reaction from many subjects in the audience” and that
13 Plaintiff’s “actions did create a level of fear within the event at the time”. In
14 actual fact, only a very few attendees gasped, and these were momentary
15 gasps of surprise, not fear. There was absolutely no visible panic, not a
16 single person screamed, not a single person rushed out of the room, and
17 not a single person complained at that meeting directly to Plaintiff that they
18 had felt fear. Indeed, a public records search in July of 2024 uncovered
19 only one written complaint to the City from someone at the event who
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1 *claimed* to have panicked. Plaintiff alleges, on information and belief, that
2 that person is Linda Winters a/k/a Mobile Home Linda, a rent control
3 activist opposed to Plaintiff politically, who spoke against Plaintiff at the city
4 council meeting, claiming panic. The other person who spoke against
5 Plaintiff, Timothy Crowley, did not even observe the red gun until Plaintiff
6 had already placed it on the table. There is scant evidence of any actual
7 fear among anyone, only brief surprise perhaps, and given the nature of
8 Plaintiff's speech and demeanor while displaying the red gun, any such fear
9 could not have been reasonable. The few audible gasps of surprise which
10 can be heard on the video are involuntary responses, obviously not
11 involving reason. Anyone who was actually listening heard Plaintiff say it
12 was "a red gun, a hunk of plastic" used in training, and could not
13 reasonably have experienced any fear. It is possible that those few who
14 involuntarily gasped in surprise were not paying attention to Plaintiff's
15 speech, but even for those few there was simply no time to develop any
16 reasonable fear, because Plaintiff placed the red gun on the table within a
17 second of drawing it, and never pointed it at anyone. Either Plaintiff was
18 guilty of a crime, or he was not. Chief Watkins admits Plaintiff was not guilty
19 of a crime, and that is because Plaintiff did not display the red gun in a
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1 threatening manner, and thus there was no basis for any reasonable fear.
2 Nevertheless, Chief Watkins then stated in the memo: “These actions
3 placed into question Mr. Durringer’s judgement (sic) as to the
4 appropriateness of caring for a firearm or a replica firearm”. This statement
5 itself calls into question Chief Watkins’ own judgment because she failed to
6 even mention or give any weight at all to Plaintiff’s twenty year history of
7 responsibly carrying a loaded firearm, with absolutely no incidents of
8 unjustified display or brandishing, or to Plaintiff’s twenty year history as a
9 firearm instructor, including several years as California CCW instructor for
10 the Orange County Sheriff. Chief Watkins’ own faulty judgment equates
11 caring for a firearm with caring for a replica firearm, when in actuality these
12 are two very different tools. Plaintiff has amply demonstrated proper “caring
13 for a firearm” by his long history as both CCW holder and CCW instructor.
14 “Replica firearms” (her phrase) are, at least with regard to the red gun at
15 issue, not firearms and therefore can be handled differently than firearms,
16 which makes them useful for training, but their relevance in assessing
17 Plaintiff’s character is limited to whatever they tend to show regarding
18 Plaintiff’s use of firearms, since CCW is for firearms. For example, when
19 Plaintiff provides training in his office with airsoft handguns, strict safety
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1 rules are followed, even though they are not firearms and are not in any
2 way dangerous, because the airsofts are highly realistic in form and
3 function. Solid plastic red guns, however, serve a different purpose in
4 training and some of the safety rules are relaxed, for example it is common
5 to point red guns at people in training. Although Plaintiff never pointed his
6 red gun at anyone at the Forum, they are in fact designed for lawful use
7 with that specific purpose in mind, even in public places such as the Forum.

8 Red guns are specifically designed under California law to be used in
9 public places, for training. Plaintiff used his red gun for a brief second to
10 train attendees of the Forum on what a red gun looks like, to prepare them
11 to participate further in training with the red gun on their porches and
12 driveways, in order to obtain a yard sign. None of this could possibly have
13 even the slightest tendency to show that Plaintiff would ever unjustifiably
14 display an actual firearm, especially given Plaintiff's twenty year history of
15 responsible concealed carry, and his twenty year history as a firearm
16 instructor (not to mention being an attorney licensed in three states).

17 Indeed, the purpose of having a red gun is to avoid using a real firearm in
18 drills where that would be unsafe, or where drills are to be performed in
19 public. The final part of Chief Watkins' memo (a portion was redacted as
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1 “deliberative process”) cites *Bruen* and claims that the required element of
2 proving Good Moral Character remained enforceable because the Attorney
3 General only deigned to remove the Good Cause element post-*Bruen*. (The
4 Good Moral Character requirement was subsequently removed by a
5 change to California law on CCW issuance effective January 1, 2024.)
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7 Chief Watkins was already on notice that California’s Good Moral
8 Character requirement violated *Bruen* because Plaintiff had already
9 emailed her on July 1, 2022, a link to Plaintiff’s highly-circulated blog article
10 on this exact subject, warning that even Attorney General Bonta’s own
11 guidance letter, while erroneously promoting use of Good Moral Character
12 requirement to deny issuance, also advised issuing authorities to carefully
13 review *Bruen* and consult with their own counsel to comply with the federal
14 constitution.

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19 35. Plaintiff’s letter of May 11, 2022, responding to Chief Cox’s denial
20 letter dated December 20, 2022, pointed out numerous defects in the
21 denial, which are described in the following paragraphs. The many lies and
22 half-truths, including intentional misrepresentation of applicable law and
23 false and defamatory mischaracterization of Plaintiff’s conduct, as well as
24 the exercise of poor judgment, or any judgment for that matter, evident in
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1 that letter, are a basis for punitive damages against Defendants as they
2 show Defendants were aware they were depriving Plaintiff of his rights in
3 violation of clear legal authority, the existence of which was known to them.

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5 36. Chief Cox's denial letter contains the following highly deceptive
6 language, bolded portions of which (emphasis added) are carefully crafted
7 in chillingly Orwellian fashion to mislead and distort the *Bruen* ruling: "For
8 purposes of my issuing a CCW, **good moral character, under *Bruen*,**
9 States can still constitutionally enforce requirements for residents to obtain
10 a public-carry license. The Court emphasized that **licensing schemes that**
11 **'require applicants to undergo a background check or pass a firearms**
12 **course'** were acceptable, because such requirements were **'narrow,**
13 **objective, and define (sic) standards'** designed to ensure **that only** 'law-
14 abiding, responsible citizens' could obtain a public-carry license."
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19 37. *Bruen* held in relevant part as follows (emphasis added): "To be
20 clear, nothing in our analysis should be interpreted to suggest the
21 unconstitutionality of the **43 States' "shall-issue" licensing regimes,**
22 under which "a general desire for self-defense is sufficient to obtain a
23 [permit]." Because **these licensing regimes** do not require applicants
24 to show an atypical need for armed self-defense, they do not necessarily
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1 prevent “law-abiding, responsible citizens” from exercising their Second
2 Amendment right to public carry. Rather, it appears that **these shall-**
3 **issue regimes, which often require applicants to undergo a**
4 **background check or pass a firearms safety course**, are designed to
5 ensure **only that** those bearing arms in the jurisdiction are, in fact, “law-
6 abiding, responsible citizens.” And they likewise appear to **contain only**
7 **“narrow, objective, and definite standards”** guiding licensing officials,
8 **...., rather than requiring the “appraisal of facts, the exercise of**
9 **judgment, and the formation of an opinion,”** ...—features that typify
10 proper-cause standards like New York’s. That said, because any permitting
11 scheme can be put toward abusive ends, we do not rule out constitutional
12 challenges to shall-issue regimes where, for example, lengthy wait times in
13 processing license applications or exorbitant fees deny ordinary citizens
14 their right to public carry.” *Bruen*, 142 S.Ct. at 2329, Slip 20, n. 9.

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21 38. Chief Cox’s denial letter deceptively inserts the phrase “good
22 moral character, under *Bruen*” in a manner as grammatically strange as it is
23 cognitively dissonant, in order to imply, however weakly, that a requirement
24 of Good Moral Character is allowed under *Bruen*. The *Bruen* decision in no
25 way supports a subjective determination of Good Moral Character, and to
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1 suggest otherwise is a lie, a misrepresentation of the law. Punitive
2 damages should be awarded as Defendants' attempts to misrepresent and
3 obfuscate clear legal authority prove their knowledge of it at the time they
4 deprived Plaintiff of his rights.
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7 39. Chief Cox's denial letter deceptively refers to "licensing schemes
8 that 'require applicants to undergo a background check or pass a firearms
9 course'" as being acceptable, whereas *Bruen* clearly referred only to shall-
10 issue regimes as it discussed the merits and acceptability of shall-issue
11 licensing, accepting that shall-issue regimes often required background
12 check or firearm safety course; *Bruen* also noted that even shall-issue
13 regimes may be abused and subject to constitutional challenge. California
14 was certainly not a shall-issue regime, not even after removal of the Good
15 Cause requirement, nor even after the SB2 changes effective January 1,
16 2024, which removed the constitutionally offensive Good Moral Character
17 requirement but added other onerous requirements. Chief Cox's language
18 conflating California's may-issue scheme with the shall-issue regimes
19 allowed under *Bruen* is a deceptive lie misrepresenting applicable law.
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22 Punitive damages should be awarded as Defendants' attempts to
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1 misrepresent and obfuscate clear legal authority prove their knowledge of it
2 at the time they deprived Plaintiff of his rights.
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4 40. Chief Cox's denial letter deceptively quotes from *Bruen* the
5 phrase "narrow, objective, and define (sic) standards" while omitting the
6 complete language: "contain only 'narrow, objective, and definite standards'
7 guiding licensing officials, ..., rather than requiring the 'appraisal of facts,
8 the exercise of judgment, and the formation of an opinion'". Even the partial
9 quote in the denial letter is sufficient to serve as an express admission by
10 Chief Cox (and by Chief Watkins, through ratification) of knowledge of clear
11 legal authority in *Bruen*'s requirement of narrow, objective and definite
12 standards. *Bruen* quite clearly disapproved of any use of subjective criteria
13 in CCW permit issuance, and Chief Cox in his denial letter and other
14 correspondence repeatedly refers to his exercise of judgment regarding
15 Plaintiff's conduct. This boneheaded attempt by Defendants to conflate
16 their subjective review under a may-issue law with the objective review
17 under shall-issue regimes described in the language they pull from *Bruen*,
18 is particularly reprehensible. Punitive damages should be awarded as
19 Defendants' attempts to misrepresent and obfuscate clear legal authority
20 prove their knowledge of it at the time they deprived Plaintiff of his rights.
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1 41. Chief Cox's denial letter deceptively transposes the words "only
2 that" to "that only" which, read in context, has the effect of misleading one
3 to believe the Court was blessing a more subjective rigor in gleaning only
4 the most law-abiding and most responsible, when in fact the court
5 proscribed use of any subjective criteria. Punitive damages should be
6 awarded as Defendants' attempts to misrepresent and obfuscate clear
7 legal authority prove their knowledge of it at the time they deprived Plaintiff
8 of his rights.
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12 42. Chief Cox's denial letter states that the Attorney General advised
13 local officials to continue to enforce the Good Moral Character requirement,
14 yet fails to point out that in that same guidance letter sent to local officials,
15 the Attorney General expressly warned local officials to consult their own
16 legal counsel and to comply with *Bruen*. Of course, the unconstitutional
17 Good Moral Character requirement has been removed under the current
18 law, but the prior existence of the language in the statute does not excuse
19 Defendants from liability for punitive damages, especially given the express
20 admission by Chief Cox, within the four corners of the denial letter, of
21 *Bruen's* requirement of objectivity, and considering that Plaintiff had
22 previously warned Chief Watkins about this exact issue, by email dated
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1 July 1, 2022, which included a link to Plaintiff's widely circulated article
2 criticizing AG Bonta's guidance letter.
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4 43. Chief Cox's denial letter deceptively states that Plaintiff "did not
5 complete the required elements of the application process". This statement
6 is not true, for all of the reasons previously alleged in regard to Chief
7 Watkins' memo of the same date. MBPD's application instructions did not
8 specify that reference letters were required to be addressed to MBPD, nor
9 was there any requirement of recency. The application instructions did
10 specify that MBPD was to provide written notice of acceptance or denial
11 within ninety days. As verified from public records, multiple emails from
12 Chief Cox, Chief Watkins, and MBPD staffer Bonnie Johnson all confirm
13 that MBPD accepted Plaintiff's application for processing rather than
14 rejecting it, and instead of notifying Plaintiff immediately in writing of any
15 deficiency with regard to reference letters, MBPD waived any such
16 deficiency by failing to provide timely written notice of deficiency or denial,
17 and by maintaining the file for active processing and analysis of other
18 issues for over four months, well in excess of the ninety day deadline
19 imposed by its own procedures as specified in its own application. Plaintiff
20 would have quickly cured any deficiency upon proper notice, and such
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1 timely notice was required under due process in order to deprive Plaintiff of
2 a fundamental right.

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4 44. Chief Cox's denial letter deceptively states: "Your actions created
5 a fearful reaction from many subjects in the audience which can been (sic)
6 heard during the recorded meeting. The police department received several
7 complaints from community members regarding your actions, many
8 deemed as unsafe and inappropriate." While Plaintiff's actions may have
9 been momentarily startling to a few, it is patently false and defamatory to
10 say that many "subjects" in the audience reacted with fear. Only a couple of
11 unreasonable people gasped audibly and the recording actually shows that
12 apart from the momentary surprise of a few in the audience, which quickly
13 subsided, there was absolutely no visible or audible sign of actual fear.
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15 There was absolutely no screaming. There was no pandemonium or visible
16 panic. No one got up and ran for their lives. No one got up at all. And after
17 the event Plaintiff remained at the table taking questions from many
18 attendees and not a single person ever told him they were in fear. There is
19 no evidence that many community members deemed Plaintiff's actions
20 unsafe and inappropriate. None of this hearsay evidence is relevant to
21 show Plaintiff's ability to carry a firearm safely, but such expressions of
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1 opinion, to the extent they actually occurred, would indeed be relevant to
2 show the willingness of MBPD to bend to public pressure, or the pressure
3 of a few, in a conspiracy to deprive Plaintiff of his rights. If so many were
4 concerned, it is strange they did not complain, manifesting their concern by
5 email. A search of public records found a written complaint by only one
6 attendee who was actually present at the forum. A second written
7 complaint was by a person who did not even attend the event. Those were
8 the only two written complaints submitted. Similarly, only two persons
9 spoke out against Plaintiff at the Council meeting--one said she panicked,
10 the other did not even see the red gun until Plaintiff had set it down on the
11 table. Both of these speakers exhibited, and had a history of, a high degree
12 of political bias. Yet to Chief Cox (and Chief Watkins by ratification), these
13 few complaints by political operatives outweighed twenty years of perfect
14 licensed concealed carry experience, twenty years of perfect firearm
15 instructor experience, and ample other evidence of perfect moral character,
16 far exceeding law enforcement standards.

23 45. Chief Cox's denial letter deceptively states that his October 11,
24 2022, meeting with Plaintiff was scheduled by Chief Cox to address
25 concerns that Chief Cox and members of the community had about the
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1 forum incident. No doubt, Chief Cox had formed the specific intent at that
2 meeting to deprive Plaintiff of his rights at the behest of those community
3 members, in concert with city staff and city council. Yet Plaintiff was the
4 one who initiated scheduling of the meeting, requesting it as a law
5 enforcement friendly city council candidate endorsed by the local
6 Republican Party, in order to discuss local law enforcement issues as a
7 candidate, as Plaintiff was invited to do during candidate training. Rather
8 than respecting the time Plaintiff carved out as a busy candidate for public
9 office, Chief Cox concealed his true agenda and turned the meeting into an
10 interrogation on the forum incident.
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15 46. Chief Cox's denial letter deceptively states that Plaintiff "failed to
16 recognize the seriousness of the incident, or the fear it created within our
17 community and amongst our community leaders". On the contrary, Plaintiff
18 told Chief Cox that if he had known a couple of unreasonable people would
19 gasp audibly the way they did, out of momentary surprise, he would have
20 tried to figure out a different way of getting his political message across.
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22 Note however, that instead of citing fear at the actual forum meeting, which
23 has absolutely no evidentiary basis, Chief Cox instead cites "the fear it
24 created within our community and amongst our community leaders" and
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1 thus tips his hand as to the real objective of the meeting and the city
2 council meeting that same evening, to deprive Plaintiff of his rights at the
3 behest of those community members, in concert with city staff and city
4 council. While the supposed fear at the forum was completely
5 manufactured, the political fear in the community was real, certainly among
6 community leaders and their activist allies. In addition to the general fear
7 held by some at Plaintiff's conservative positions gaining traction in the
8 community, a backlash was building against MBPD's failing to be present
9 for security against that plastic thing displayed by Plaintiff. The plastic thing
10 exposed, their invisible police juxtaposed, their vaunted gun control
11 rendered a farce.

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16 47. Chief Cox's denial letter deceptively states: "Your insistence was
17 that it was not a real gun, and people did not have any reason to be fearful.
18 I explained to you that most people did not immediately recognize the
19 weapon as a training gun (as firearms are made in a multitude of colors
20 and designs) and that many police officers have been forced into shooting
21 situations (unfortunately some of these incidents resulting in death or
22 injury) based on subjects brandishing or displaying an imitation or replica
23 firearm. I believe this to be a serious reflection of your judgement (sic) on
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1 carrying a firearm in public....These actions were and are viewed as
2 irresponsible actions of a potential CCW carrier which brings negative
3 attention to themselves.” Although the first sentence is true, Plaintiff notes
4 that during the interview Chief Cox strangely and repeatedly, over and
5 over, attempted to gaslight Plaintiff by insisting that the red gun is in fact a
6 gun, which obviously it is not because it is just a solid piece of plastic with
7 no moving parts and no ability to expel a projectile (as in the case of a
8 firearm or airsoft handgun, for example). Chief Cox’s statement that “most
9 people” did not immediately recognize “the weapon” as a training gun is
10 demonstrably false and highly defamatory, as the video shows there was
11 no panic at all, no pandemonium, no screaming. Plaintiff heard only a
12 couple of gasps of surprise by several unreasonable attendees who may
13 have been half-asleep when Plaintiff announced, as he pulled out the red
14 gun, that it was a hunk of plastic, all in the context of describing the gun
15 training he required of voters to obtain a yard sign, using the same red gun
16 on their porches and driveways in full view of their neighbors. “Most people”
17 do not expect a firearm to be red, and this was a plastic “red gun” actually
18 designed for use in public settings. Yes, peace officers should be prepared
19 to respond to any color because, as Chief Cox stated in the meeting while
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1 sporting a pink breast cancer awareness pin, guns can potentially be any
2 color, either by manufacture, or through some kind of modification such as
3 being wrapped in tape. But those potentialities bear little or no relevance on
4 the question of how the public responds to color. The whole rationale of the
5 statute allowing display of red guns (imitation firearms) in public, even in
6 public forums as is the case here, is that real firearms are usually not red.
7 Plaintiff has never seen a real firearm that is red. Someone could make one
8 red in various ways, but that would be very unusual. Plaintiff never
9 brandished the red gun and never gave anyone reasonable cause to fear
10 harm. Plaintiff was reading a written speech about his training requirement
11 for getting a yard sign, and how this training could be done on the voter's
12 porch or driveway with this red gun, a hunk of plastic. Plaintiff drew the red
13 gun very quickly, and never pointed it at anyone, only straight up, and the
14 red gun was laid down on the table very quickly, well within any reaction
15 time should some poorly trained CCW have misinterpreted Plaintiff's
16 actions as a threat. Of course, anyone that bad at threat assessment is not
17 likely to be quick at all. But even a quick person would not have gotten
18 hand on gun before it was on the table, given minimal reaction time. Chief
19 Cox's statement that many police officers have been forced into shooting
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1 situations based on subjects “brandishing or displaying” imitation firearms
2 and that this is a “serious reflection” of Plaintiff’s “judgement” (sic) on
3 carrying a firearm in public, and that these actions “were and are viewed as
4 irresponsible actions of a potential CCW carrier which brings negative
5 attention to themselves”, is highly deceptive and misleading. In multiple
6 emails and memoranda, Defendants admit that Plaintiff was not in any way
7 brandishing, only displaying, and that no crime occurred because public
8 display of red guns is allowed under our penal code, and because Plaintiff’s
9 manner of display was not threatening. Hence, by Defendants’ own
10 admission, there was no brandishing and Plaintiff’s display of the red gun
11 was not the kind of threatening display that has caused “many police
12 officers” to “have been forced into shooting situations”. If MBPD officers are
13 so poorly trained that they might shoot people for merely displaying a red
14 gun, as has happened in other communities with garden hose nozzles, for
15 example, that is a “serious reflection” of their training, not Plaintiff’s
16 judgment. If Defendants were truly concerned about Plaintiff’s public
17 display of the red gun causing fear in the community, Defendants should
18 have stopped Plaintiff’s red gun trainings on voters’ porches and driveways
19 all over town, which Plaintiff provided for several months, almost every day
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1 of the election season, both before and after the forum event, right up until
2 Election Day. Neither Defendants nor Morro Bay's City Attorney ever
3 attempted to stop these red gun trainings, because no one was ever
4 actually placed in fear, either on the street or at the forum event. Finally,
5 Chief Cox's statement is deceptively misleading in that Plaintiff's lawful
6 display of the red gun, as political speech protected by the First
7 Amendment, and as training speech protected by the Second Amendment,
8 can have absolutely no relevance or tendency to show "irresponsible
9 actions of a potential CCW carrier which brings negative attention to
10 themselves", whatever that means.

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15 **FIRST CLAIM FOR RELIEF**

16 **Violation of the Second and Fourteenth Amendments (42 U.S.C. 1983)**

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18 **Denial of Right to Bear Arms**

19 48. Plaintiff incorporates by reference each paragraph set forth
20 above.
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22 49. The Second Amendment of the United States Constitution
23 guarantees "the right of the people to keep and bear arms" and that right
24 "shall not be infringed." U.S. CONST., amend. II.
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1 50. “When the Second Amendment’s plain text covers an individual’s
2 conduct, the Constitution presumptively protects that conduct. The
3 government must then justify its regulation by demonstrating that it is
4 consistent with the Nation’s historical tradition of firearm regulation. Only
5 then may a court conclude that the individual’s conduct falls outside the
6 Second Amendment’s ‘unqualified command.’ *Konigsberg*, 366 U.S. at 50,
7 n. 10, 81 S.Ct. 997.” *Bruen*, 142 S.Ct. at 2126.

11 51. The plain text of the Second Amendment covers carrying a pistol
12 in public for self-defense, which is the conduct denied Plaintiff by
13 Defendants under color of state law—specifically, the Good Moral
14 Character requirement for CCW—in violation of Plaintiff’s Second
15 Amendment right clearly established under *Bruen* and made applicable to
16 states and localities under the Fourteenth Amendment.

19 52. Although the Second Amendment guarantees the fundamental
20 individual right to carry a defensive firearm openly as well as concealed,
21 and Plaintiff cannot and will not waive his inalienable individual right to bear
22 defensive arms openly, Plaintiff at this time merely seeks damages from
23 Defendants for denial of his right to carry a firearm concealed, not openly.
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1 53. Defendants have not and cannot justify their presumptive violation
2 of the United States Constitution under the Nation's historic tradition.
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4 54. Defendant Joseph Cox, a/k/a Jody Cox ("Chief Cox") violated
5 Plaintiff's Second Amendment right to bear arms. In reviewing and denying
6 Plaintiff's CCW application, Chief Cox violated the *Bruen* standard by failing
7 to limit his analysis to "narrow, objective, and definite standards", and by
8 engaging in the "appraisal of facts, the exercise of judgment, and the
9 formation of an opinion" on whether Plaintiff lacks Good Moral Character.
10 Moreover, while engaging in impermissible appraisal of facts, exercise of
11 judgment, formation of opinion, using non-objective standards, Chief Cox
12 did so in an arbitrary and capricious and oppressive manner completely
13 disregarding facts favorable to Plaintiff, intentionally mischaracterizing
14 actual events, and denying CCW solely on grounds with zero logical
15 relevance to Plaintiff's capacity for safe and lawful carry of a firearm. In
16 reviewing and denying Plaintiff's CCW application, Chief Cox claimed to be
17 doing so under the "statutory discretion" given him under Penal Code
18 §26155, specifically in assessing Good Moral Character, and thus acted
19 under color of state law. Chief Cox in his denial also cited the Attorney
20 General's guidance letter on state law regarding the Good Moral Character
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1 requirement as a basis for the denial. Chief Cox's denial of Plaintiff's CCW
2 application was an intentional, or alternatively, reckless, denial of a clearly
3 established constitutional right, such that punitive damages should be
4 awarded against Chief Cox. Prior to his CCW application, Plaintiff on July
5 1, 2022, had already emailed Chief Watkins and MBPD a widely-circulated
6 article written by Plaintiff explaining in detail why the Attorney General's
7 guidance letter erred in urging expanded use of the unconstitutional Good
8 Moral Character requirement. Moreover, Chief Cox's own language used in
9 his denial letter shows he had knowledge at that time of *Bruen's*
10 requirement of using objective standards. Furthermore, Chief Cox's denial
11 letter distorts the language from *Bruen* in such a way, actually to the point
12 of misquoting it, repeatedly, that it manifestly shows intent to evade *Bruen*.
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14 Punitive damages should be awarded as Chief Cox's attempts to
15 misrepresent and obfuscate clear legal authority prove his knowledge of it
16 at the time he deprived Plaintiff of his rights. Punitive damages are
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18 awardable against Chief Cox because his conduct was motivated by an evil
19 motive or intent; or alternatively, because his conduct involved reckless or
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21 callous indifference to Plaintiff's federally protected rights.
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1 55. Defendant Amy Watkins (“Chief Watkins”) violated Plaintiff’s
2 Second Amendment right to bear arms. Chief Watkins intentionally ratified
3 Chief Cox’s denial letter by depositing it in the mail to Plaintiff after Chief
4 Watkins took over as Chief of MBPD, and did so with full knowledge that
5 she was acting under color of state law as she was intimately involved with
6 preparing that same denial letter while Chief Cox was still Chief of MBPD.
7 Therefore, she is fully liable for the unconstitutional denial of Plaintiff’s right
8 to bear arms. Prior to promotion to Chief, Chief Watkins (as Commander
9 Watkins) materially assisted Chief Cox in handling Plaintiff’s CCW
10 application. In doing so, Chief Watkins intentionally mischaracterized the
11 events involving Plaintiff. In reviewing and denying (by ratification) Plaintiff’s
12 CCW application, Chief Watkins violated the *Bruen* standard by engaging
13 in and later ratifying an analysis not limited to “narrow, objective, and
14 definite standards”, and which resulted from the “appraisal of facts, the
15 exercise of judgment, and the formation of an opinion” on whether Plaintiff
16 lacks Good Moral Character. Moreover, while engaging in and ratifying
17 impermissible appraisal of facts, exercise of judgment, formation of opinion,
18 using non-objective standards, Chief Watkins did so in an arbitrary and
19 capricious and oppressive manner completely disregarding facts favorable
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1 to Plaintiff, intentionally misportraying actual events, and denying CCW
2 solely on grounds with zero logical relevance to Plaintiff's capacity for safe
3 and lawful carry of a firearm. In reviewing and denying (via ratification)
4 Plaintiff's CCW application, Chief Watkins claimed to be doing so under
5 "statutory discretion" per Penal Code §26155, specifically in evaluating
6 Good Moral Character, and thus acted under color of state law. Chief
7 Watkins in her denial (via ratification) also cited the Attorney General's
8 guidance letter on state law regarding the Good Moral Character
9 requirement as a basis for the denial. Chief Watkins' denial (via ratification)
10 of Plaintiff's CCW application was an intentional, or alternatively reckless,
11 denial of a clearly established constitutional right, such that punitive
12 damages should be awarded against Chief Watkins. Prior to his CCW
13 application, Plaintiff on July 1, 2022, had already emailed Chief Watkins
14 and MBPD a widely-circulated article written by Plaintiff explaining in detail
15 why the Attorney General's guidance letter erred in urging expanded use of
16 the unconstitutional Good Moral Character requirement. Moreover, the
17 language used in the denial letter, ratified by Chief Watkins, shows she had
18 knowledge at that time of *Bruen's* requirement of using objective standards.
19 Furthermore, the denial letter ratified by Chief Watkins distorts the
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1 language from *Bruen* in such a way, actually to the point of misquoting it,
2 repeatedly, that it manifestly shows intent to evade *Bruen* and misrepresent
3 the law. Punitive damages should be awarded as Chief Watkins' attempts
4 to misrepresent and obfuscate clear legal authority prove her knowledge of
5 it at the time she deprived Plaintiff of his rights. Punitive damages are
6 awardable against Chief Watkins because her conduct was motivated by
7 an evil motive or intent; or alternatively, because her conduct involved
8 reckless or callous indifference to Plaintiff's federally protected rights.

12 56. Defendant City of Morro Bay ("City") violated Plaintiff's Second
13 Amendment right to bear arms through denial of Plaintiff's right to bear
14 arms under color of state law using the blatantly unconstitutional and since-
15 repealed Good Moral Character requirement of PC §26155 in violation of
16 the clear legal standard set forth in *Bruen* prohibiting use of subjective
17 analysis in CCW issuance. On information and belief, Plaintiff alleges that
18 Defendant Chief Cox and Defendant Chief Watkins conspired with
19 Defendant City of Morro Bay through certain Morro Bay city council
20 members and city staff members and members of the public to effectuate a
21 policy of the City of Morro Bay amounting to a deliberate indifference to
22 Plaintiff's federally protected constitutional rights and that the policy is the

1 moving force behind the constitutional violations depriving Plaintiff of his
2 Second Amendment right to bear arms, in retaliation against Plaintiff's
3 political speech as a political candidate for a seat on Morro Bay's city
4 council, in violation of Plaintiff's First Amendment rights to political speech
5 and political association, and also in retaliation against Plaintiff's offer of
6 firearm training to the community, in violation of Plaintiff's right to offer
7 firearm training under the Second Amendment [*Ezell v. City of Chicago*
8 ("Ezell I"), 651 F.3d 684 (7th Cir. 2011); *Ezell v. City of Chicago* ("Ezell II"),
9 846 F.3d 888 (7th Cir. 2017)].
10
11
12

13 **SECOND CLAIM FOR RELIEF**

14 **Violation of the Second and Fourteenth Amendments (42 U.S.C. 1983)**

15 **Retaliation Against Offer of Firearm Training by Political Candidate**

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17
18 57. Plaintiff incorporates by reference each paragraph set forth
19 above.

20
21 58. In addition to guaranteeing the right of the people to bear arms,
22 the Second Amendment necessarily also guarantees the right to seek and
23 the right to offer training in the proper defensive use of arms.
24

25 59. Plaintiff sought to offer firearm training as part of his political
26 campaign, as a required condition to obtain a yard sign.
27

1 60. Plaintiff's brief demonstrative display of the red gun was part of an
2 offer of firearm training by a political candidate, necessary to show the
3 nature of the training tool used, and thus protected under the Second
4 Amendment to the US Constitution, made applicable to the States under
5 the Fourteenth Amendment.
6
7

8 61. Defendants' denial of Plaintiff's right to bear arms was expressly
9 in retaliation against Plaintiff's offer of firearm training, as demanded by city
10 council members and city staff and members of the public politically
11 opposed to Plaintiff.
12

13 62. Denial of a CCW permit is an act that would chill a firearm
14 instructor of ordinary firmness from offering protected firearm training.
15

16 63. Denial of a CCW also reduces the demand for, and therefore the
17 economic viability of, a firearm instructor's training, disincentivizing and
18 further chilling a firearm instructor of ordinary firmness from engaging in
19 protected firearm training.
20
21

22 64. Defendant Joseph Cox, a/k/a Jody Cox ("Chief Cox") violated
23 Plaintiff's Second Amendment rights by retaliating against Plaintiff's offer of
24 firearm training. On information and belief, Plaintiff alleges that Chief Cox
25 unreasonably and maliciously retaliated against Plaintiff's offer of firearm
26
27

1 training in response to and in concert with community members and city
2 council members and city staff opposed to firearm training and concerned
3 specifically about the growing popularity of firearm training by Plaintiff,
4 several of whom demanded that the City shut down completely the
5 program of free handgun training offered by Plaintiff at his office. In
6 communicating with community members, Defendant Chief Cox
7 misrepresented Plaintiff's background as a firearm instructor, falsely and
8 defamatorily implying that Plaintiff was not a licensed firearm instructor and
9 did not teach concealed carry classes, despite contrary information
10 available to Chief Cox on Plaintiff's website and in the CCW application
11 submitted by Plaintiff, thoroughly reviewed by Chief Cox, documenting
12 Plaintiff's twenty years of experience as a firearm instructor. As a result of
13 Chief Cox's defamation against Plaintiff regarding his supposed lack of
14 firearm training credentials, and supposed lack of the good judgment and
15 moral character that would be expected of a good firearm instructor, and
16 specifically as a result of Chief Cox's denial of Plaintiff's right to bear arms
17 under color of state law using the blatantly unconstitutional and since-
18 repealed Good Moral Character requirement of PC §26155 in violation of
19 the clear legal standard set forth in *Bruen* prohibiting use of subjective
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1 analysis in CCW issuance, Plaintiff suffered diminished interest in his
2 firearm training program, and consequently also suffered diminished
3 interest in the specialized estate planning he offers professionally to gun
4 owners, who often seek, among other things, help in obtaining the very
5 CCW permit Plaintiff was denied.
6
7

8 65. Defendant Amy Watkins (“Chief Watkins”) violated Plaintiff’s
9 Second Amendment rights by retaliating against Plaintiff’s offer of firearm
10 training, and by ratifying the same retaliation by Chief Cox. On information
11 and belief, Plaintiff alleges that Chief Watkins unreasonably and maliciously
12 retaliated against Plaintiff’s offer of firearm training in response to and in
13 concert with community members and city council members and city staff
14 opposed to firearm training and concerned specifically about the growing
15 popularity of firearm training by Plaintiff, several of whom demanded that
16 the City shut down completely the program of free handgun training offered
17 by Plaintiff at his office. As a result of Chief Watkins’ defamation against
18 Plaintiff regarding his supposed lack of the good judgment and moral
19 character that would be expected of a good firearm instructor, and
20 specifically as a result of Chief Watkins’ denial of Plaintiff’s right to bear
21 arms under color of state law using the blatantly unconstitutional and since-
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1 repealed Good Moral Character requirement of PC §26155 in violation of
2 the clear legal standard set forth in *Bruen* prohibiting use of subjective
3 analysis in CCW issuance, Plaintiff suffered diminished interest in his
4 firearm training program, and consequently also suffered diminished
5 interest in the specialized estate planning he offers professionally to gun
6 owners, who often seek, among other things, help in obtaining the very
7 CCW permit Plaintiff was denied.
8
9
10

11 66. Defendant City of Morro Bay (“City”) violated Plaintiff’s Second
12 Amendment rights by retaliating against Plaintiff’s offer of firearm training
13 through denial of Plaintiff’s right to bear arms under color of state law using
14 the blatantly unconstitutional and since-repealed Good Moral Character
15 requirement of PC §26155 in violation of the clear legal standard set forth
16 in *Bruen* prohibiting use of subjective analysis in CCW issuance. On
17 information and belief, Plaintiff alleges that Defendant Chief Cox and
18 Defendant Chief Watkins conspired with Defendant City of Morro Bay
19 through certain Morro Bay city council members and city staff members
20 and members of the public to effectuate a policy of the City of Morro Bay
21 amounting to a deliberate indifference to Plaintiff’s federally protected
22 constitutional rights and that the policy is the moving force behind the
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1 constitutional violations depriving Plaintiff of his Second Amendment right
2 to bear arms, in retaliation against Plaintiff's offer of firearm training to the
3 community, in violation of Plaintiff's right to offer firearm training under the
4 Second Amendment [*Ezell v. City of Chicago* ("Ezell I"), 651 F.3d 684 (7th
5 Cir. 2011); *Ezell v. City of Chicago* ("Ezell II"), 846 F.3d 888 (7th Cir.
6 2017)].

7 8 9 **THIRD CLAIM FOR RELIEF**

10 **Violation of the First and Fourteenth Amendments (42 U.S.C. 1983)**

11 **Retaliation Against Political Speech by Political Candidate**

12
13
14 67. Plaintiff incorporates by reference each paragraph set forth
15 above.

16
17 68. Plaintiff's demonstrative display of the red gun was political
18 speech by a political candidate, necessary to describe the training tool
19 materially important to his campaign in gaining supporters with yard signs
20 and educated on gun rights, and thus was protected speech under the First
21 Amendment to the US Constitution, made applicable to the States under
22 the Fourteenth Amendment.

23
24
25 69. Denial of a CCW permit is an act that would chill a person of
26 ordinary firmness from engaging in protected speech.
27

1 70. Plaintiff suffered actual damages as a result of Defendants'
2 retaliation against his political speech.
3

4 71. Plaintiff stated in a December 3, 2024, appearance on a popular
5 local radio show, the Dave Congalton Show on KVEC 920AM, that he has
6 no interest in running for political office again due to the retaliatory harm he
7 suffered from Morro Bay officials.
8

9 72. Defendant Joseph Cox, a/k/a Jody Cox ("Chief Cox") violated
10 Plaintiff's First Amendment rights by retaliating against Plaintiff's political
11 speech through denial of Plaintiff's right to bear arms under color of state
12 law using the blatantly unconstitutional and since-repealed Good Moral
13 Character requirement of PC §26155 in violation of the clear legal standard
14 set forth in *Bruen* prohibiting use of subjective analysis in CCW issuance.
15 Chief Cox's denial of Plaintiff's right to bear arms was expressly in
16 retaliation against Plaintiff's political speech, as demanded by city council
17 members and city staff and members of the public politically opposed to
18 Plaintiff. Based on certain comments by Chief Cox, which are tantamount
19 to terroristic threats of political violence, Plaintiff fears he might be the
20 target of violent response by poorly-trained police exercising poor judgment
21 should Plaintiff ever again attempt such political speech, even under
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1 exactly the same circumstances under which Chief Cox admitted Plaintiff
2 acted lawfully. Plaintiff also fears the demonstrated propensity of Chief
3 Cox, and those acting in concert with him, to spread disinformation about
4 Plaintiff throughout the community, stoking undeserved hatred of Plaintiff
5 and potentially exposing Plaintiff to violence and threats of violence.
6
7 Deprived of a CCW by Chief Cox and fearing the potential for violence,
8 Plaintiff has avoided engaging in political speech in Morro Bay and
9 continues to avoid political speech in Morro Bay even after obtaining a
10 CCW from SLO Sheriff.

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13
14 73. Defendant Amy Watkins (“Chief Watkins”) violated Plaintiff’s First
15 Amendment rights by retaliating against Plaintiff’s political speech through
16 denial of Plaintiff’s right to bear arms under color of state law using the
17 blatantly unconstitutional and since-repealed Good Moral Character
18 requirement of PC §26155 in violation of the clear legal standard set forth
19 in *Bruen* prohibiting use of subjective analysis in CCW issuance, and by
20 ratifying the same retaliation by Chief Cox. Chief Watkins’ denial of
21 Plaintiff’s right to bear arms was expressly in retaliation against Plaintiff’s
22 political speech, as demanded by city council members and city staff and
23 members of the public politically opposed to Plaintiff. Based on certain
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1 comments by Chief Watkins, which are tantamount to terroristic threats of
2 political violence, Plaintiff fears he might be the target of violent response
3 by poorly-trained police exercising poor judgment should Plaintiff ever
4 again attempt such political speech, even under exactly the same
5 circumstances under which Chief Watkins admitted Plaintiff acted lawfully.
6
7 Plaintiff also fears the demonstrated propensity of Chief Watkins, and those
8 acting in concert with her, to spread disinformation about Plaintiff
9 throughout the community, stoking undeserved hatred of Plaintiff and
10 potentially exposing Plaintiff to violence and threats of violence. Deprived of
11 a CCW by Chief Watkins and fearing the potential for violence, Plaintiff has
12 avoided engaging in political speech in Morro Bay and continues to avoid
13 political speech in Morro Bay even after obtaining a CCW from SLO Sheriff.
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18 74. Defendant City of Morro Bay ("City") violated Plaintiff's First
19 Amendment rights by retaliating against Plaintiff's political speech through
20 denial of Plaintiff's right to bear arms under color of state law using the
21 blatantly unconstitutional and since-repealed Good Moral Character
22 requirement of PC §26155 in violation of the clear legal standard set forth
23 in *Bruen* prohibiting use of subjective analysis in CCW issuance. On
24 information and belief, Plaintiff alleges that Defendant Chief Cox and
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1 Defendant Chief Watkins conspired with Defendant City of Morro Bay
2 through certain Morro Bay city council members and city staff members
3 and members of the public to effectuate a policy of the City of Morro Bay
4 amounting to a deliberate indifference to Plaintiff's federally protected
5 constitutional rights and that the policy is the moving force behind the
6 constitutional violations depriving Plaintiff of his Second Amendment right
7 to bear arms, in retaliation against Plaintiff's political speech as a political
8 candidate for a seat on Morro Bay's city council, in violation of Plaintiff's
9 First Amendment rights to political speech and political association.
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13 **FOURTH CLAIM FOR RELIEF**

14 **Violation of the Fourteenth Amendment (42 U.S.C. 1983)**

15 **Denial of Right to Procedural Due Process**

16
17
18 75. Plaintiff incorporates by reference each paragraph set forth
19 above.
20

21 76. Defendant Joseph Cox, a/k/a Jody Cox ("Chief Cox") violated
22 Plaintiff's Fourteenth Amendment rights by denying Plaintiff's right to
23 procedural due process through denial of Plaintiff's right to bear arms under
24 color of state law using the blatantly unconstitutional and since-repealed
25 Good Moral Character requirement of PC §26155 in violation of the clear
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1 legal standard set forth in *Bruen* prohibiting use of subjective analysis in
2 CCW issuance. Chief Cox after accepting Plaintiff's CCW application, failed
3 to notify Plaintiff in writing, within a reasonable time, or indeed at any time
4 prior to outright denial of Plaintiff's application, of any particular objections
5 to the form of Plaintiff's submitted reference letters, depriving Plaintiff of the
6 chance to cure these objections; therefore, these objections are waived.
7

8
9 Chief Cox failed to provide written notice of denial of Plaintiff's CCW
10 application within ninety days of submission, as required by MBPD
11 procedure and state law. The denial letter was not received until
12 approximately four and a half months after Plaintiff submitted his CCW
13 application, well past the ninety day deadline for denial. Chief Cox denied
14 Plaintiff's CCW application in part based on formal requirements for
15 reference letters which, in addition to being constitutionally impermissible
16 under *Bruen*, were at variance with Chief Cox's own MBPD CCW
17 application instructions. Chief Cox denied Plaintiff's CCW application in part
18 based on putative evidence of a lack of Good Moral Character, without any
19 sort of analysis weighing that putative evidence against much more
20 substantial, much more credible, and much more logically relevant
21 evidence of Plaintiff's actual and objectively provable Good Moral
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1 Character. Although *Bruen* precludes use of any such weighing process as
2 an unconstitutionally impermissible subjective formation of opinion or
3 judgment, if such a process is used it must be used consistently with
4 procedural Due Process. Chief Cox denied Plaintiff a right to appeal the
5 denial of his CCW application.
6
7

8 77. Defendant Amy Watkins (“Chief Watkins”), by her own individual
9 actions and decisions and by her ratification of the actions and decisions of
10 Chief Cox, violated Plaintiff’s Fourteenth Amendment rights in denying
11 Plaintiff’s right to procedural due process through denial of Plaintiff’s right to
12 bear arms under color of state law using the blatantly unconstitutional and
13 since-repealed Good Moral Character requirement of PC §26155 in
14 violation of the clear legal standard set forth in *Bruen* prohibiting use of
15 subjective analysis in CCW issuance. Chief Watkins after accepting
16 Plaintiff’s CCW application, failed to notify Plaintiff in writing, within a
17 reasonable time, or indeed at any time prior to outright denial of Plaintiff’s
18 application, of any particular objections to the form of Plaintiff’s submitted
19 reference letters, depriving Plaintiff of the chance to cure these objections;
20 therefore, these objections are waived. Chief Watkins failed to provide
21 written notice of denial of Plaintiff’s CCW application within ninety days of
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1 submission, as required by MBPD procedure and state law. The denial
2 letter was not received until approximately four and a half months after
3
4 Plaintiff submitted his CCW application, well after the ninety day deadline
5 for denial. Chief Watkins denied Plaintiff's CCW application in part based
6 on formal requirements for reference letters which, in addition to being
7 constitutionally impermissible under *Bruen*, were at variance with Chief
8 Watkins' own MBPD CCW application instructions. Chief Watkins denied
9 Plaintiff's CCW application in part based on putative evidence of a lack of
10 Good Moral Character, without any sort of analysis weighing that putative
11 evidence against much more substantial, much more credible, and much
12 more logically relevant evidence of Plaintiff's actual and objectively
13 provable Good Moral Character. Although *Bruen* precludes use of any such
14 weighing process as an unconstitutionally impermissible subjective
15 formation of opinion or judgment, if such a process is used it must be used
16 consistently with procedural Due Process. Chief Watkins denied Plaintiff a
17 right to appeal the denial of his CCW application.
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23 78. Plaintiff alleges on information and belief that Defendant Amy
24 Watkins ("Chief Watkins") materially falsified in the public records the letter
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1 sent to Plaintiff informing him of the denial of his CCW application, thus
2 violating Plaintiff's Due Process rights under the Fourteenth Amendment.
3

4 79. Defendant City of Morro Bay ("City") violated Plaintiff's Fourteenth
5 Amendment rights by denying Plaintiff's right to procedural due process
6 through denial of Plaintiff's right to bear arms under color of state law using
7 the blatantly unconstitutional and since-repealed Good Moral Character
8 requirement of PC §26155 in violation of the clear legal standard set forth
9 in *Bruen* prohibiting use of subjective analysis in CCW issuance. On
10 information and belief, Plaintiff alleges that Defendant Chief Cox and
11 Defendant Chief Watkins conspired with Defendant City of Morro Bay
12 through certain Morro Bay city council members and city staff members
13 and members of the public to effectuate a policy of the City of Morro Bay
14 amounting to a deliberate indifference to Plaintiff's federally protected
15 constitutional rights and that the policy is the moving force behind the
16 constitutional violations depriving Plaintiff of his Fourteenth Amendment
17 right to Procedural Due Process.
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23 **FIFTH CLAIM FOR RELIEF**

24 **Violation of the Fourteenth Amendment (42 U.S.C. 1983)**

25 **Denial of Right to Equal Protection of the Laws**
26
27

1 80. Plaintiff incorporates by reference each paragraph set forth
2 above.

3
4 81. California's process for CCW issuance, in particular the now-
5 repealed Good Moral Character requirement at-issue in this case, violates
6 the Equal Protection clause of the Fourteenth Amendment, as it is vague
7 and overbroad and subjectively enforced with no clear administrative
8 guidelines to ensure uniformity between jurisdictions, or between issuing
9 authorities within the same jurisdiction, or even with regard to applicants
10 under the same issuing authority.
11

12
13 82. Plaintiff alleges, on information and belief, that he possesses a
14 higher degree of Good Moral Character than Chief Cox or Chief Watkins or
15 any of the other Defendants, and that each of said Defendants was issued
16 a California CCW despite possessing a lower degree of Good Moral
17 Character than Plaintiff, or, alternatively, no Good Moral Character at all.
18
19

20
21 83. Plaintiff further alleges, on information and belief, that any
22 Defendants who were issued CCW's despite evidence of bad moral
23 character, benefited from a weighing process, to consider alternate
24 evidence of good moral character, during exercise of discretion in favor of
25 issuance. Plaintiff alleges that in the administration of Plaintiff's own CCW
26
27

1 application, there was absolutely no use of any process to weigh evidence
2 of good moral character (for example Plaintiff's long history of concealed
3 carry without incident, and Plaintiff's lengthy firearm instructor experience)
4 against any putative evidence of bad moral character. Although *Bruen*
5 precludes use of any such weighing process as an unconstitutionally
6 impermissible subjective formation of opinion or judgment, if such a
7 process is used it must be used consistently with Equal Protection of the
8 Laws.
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12 84. Plaintiff, as a member of the broad class within California of
13 civilian CCW applicants who are neither currently serving as law
14 enforcement officers, nor have any prior experience serving in law
15 enforcement (which class Plaintiff alleges, on information and belief, has a
16 lower rate of CCW issuance than the class within California of civilian CCW
17 applicants who are either retired from law enforcement or are currently
18 serving as law enforcement officers), has, due to arbitrary, unequal and
19 discriminatory enforcement of the California CCW regime's Good Moral
20 Character requirement, been denied Equal Protection of the Laws, as
21 guaranteed by the Fourteenth Amendment.
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1 85. Plaintiff, as a member of the somewhat less broad class within
2 California of civilian CCW applicants who are neither currently serving as
3 law enforcement officers, nor have any prior experience serving in law
4 enforcement, but who are married and have never been divorced, and have
5 never been charged or convicted of any crime, and possess at least two
6 law degrees, and maintain concurrent membership in good standing with at
7 least three state bars plus the U.S. Supreme Court bar, and have
8 maintained NRA-certified firearm instructor credentials for over twenty
9 years, and have taught concealed carry classes for over sixteen years, and
10 have actively engaged in firearm training as a student for over twenty
11 years, and have been licensed to carry a concealed firearm for over twenty
12 years, and have habitually carried a concealed firearm as often as legally
13 practicable for over twenty years, and are Eagle Scouts (which class
14 Plaintiff alleges, on information and belief, has a lower rate of CCW
15 issuance than the class within California of civilian CCW applicants who are
16 either retired from law enforcement or are currently serving as law
17 enforcement officers), has, due to arbitrary, unequal and discriminatory
18 enforcement of the California CCW regime's Good Moral Character
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1 requirement, been denied Equal Protection of the Laws, as guaranteed by
2 the Fourteenth Amendment.

3
4 86. Plaintiff, as a class of one individual (which class Plaintiff alleges,
5 on information and belief, has a lower rate of CCW issuance than the class
6 within California of civilian CCW applicants who are either retired from law
7 enforcement or are currently serving as law enforcement officers), has, due
8 to arbitrary, unequal and discriminatory enforcement of the California CCW
9 regime's Good Moral Character requirement, been denied Equal Protection
10 of the Laws, as guaranteed by the Fourteenth Amendment.

11
12
13 87. Defendant Joseph Cox, a/k/a Jody Cox ("Chief Cox") violated
14 Plaintiff's Fourteenth Amendment rights by denying Plaintiff's right to Equal
15 Protection of the Laws through denial of Plaintiff's right to bear arms under
16 color of state law using the blatantly unconstitutional and since-repealed
17 Good Moral Character requirement of PC §26155 in violation of the clear
18 legal standard set forth in *Bruen* prohibiting use of subjective analysis in
19 CCW issuance.

20
21
22 88. Defendant Amy Watkins ("Chief Watkins"), by her own individual
23 actions and decisions and by her ratification of the actions and decisions of
24 Chief Cox, violated Plaintiff's Fourteenth Amendment rights by denying
25
26
27

1 Plaintiff's right to Equal Protection of the Laws through denial of Plaintiff's
2 right to bear arms under color of state law using the blatantly
3
4 unconstitutional and since-repealed Good Moral Character requirement of
5 PC §26155 in violation of the clear legal standard set forth in *Bruen*
6
7 prohibiting use of subjective analysis in CCW issuance.

8 89. Defendant City of Morro Bay ("City") violated Plaintiff's Fourteenth
9
10 Amendment rights by denying Plaintiff's right to Equal Protection of the
11
12 Laws through denial of Plaintiff's right to bear arms under color of state law
13
14 using the blatantly unconstitutional and since-repealed Good Moral
15
16 Character requirement of PC §26155 in violation of the clear legal standard
17
18 set forth in *Bruen* prohibiting use of subjective analysis in CCW issuance.

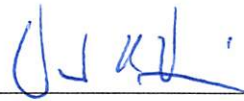
19 On information and belief, Plaintiff alleges that Defendant Chief Cox and
20
21 Defendant Chief Watkins conspired with Defendant City of Morro Bay
22
23 through certain Morro Bay city council members and city staff members
24
25 and members of the public to effectuate a policy of the City of Morro Bay
26
27 amounting to a deliberate indifference to Plaintiff's federally protected
28
constitutional rights and that the policy is the moving force behind the
constitutional violations depriving Plaintiff of his Fourteenth Amendment
right to Equal Protection of the Laws.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for the following:

1. A judgment that Defendants have violated Plaintiff's civil and constitutional rights under color of law (42 USC §1983);
2. Declaratory Relief in the form of an order declaring that Defendants' administrative finding that Plaintiff lacks good moral character is without basis, null, and void (this is not a prayer for reopening the application and Plaintiff requests that the denial stay in place so as not to interfere with his current Sheriff-issued CCW);
3. Nominal damages according to proof;
4. Actual damages according to proof;
5. Punitive damages, in the amount of \$1,000,000;
6. Costs and attorneys' fees pursuant to 42 U.S.C. § 1988, according to proof, including Plaintiff's own time expended as attorney in pro per, as well as expense for assisting counsel;
7. Such other and further relief as this Court deems fair and appropriate.

1 Dated this 3rd day of January, 2025.

2
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4 

5 _____
6 David R. Duringer, Plaintiff
7

8 JURY DEMAND

9 Pursuant to Federal Rule of Civil Procedure 38, Plaintiff David R. Duringer
10 hereby demands a trial by jury on all claims and issues so triable.
11
12

13 

14 _____
15 David R. Duringer, Plaintiff
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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/>) DAVID R. DURINGER	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) CITY OF MORRO BAY; JOSEPH COX, A/K/A JODY COX; AMY WATKINS; AND DOES 1-10.
(b) County of Residence of First Listed Plaintiff <u>San Luis Obispo</u> (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>San Luis Obispo</u> (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. David R. Durringer – SBN 143911, Attorney in Pro Per Protective Law Corporation, 895 Napa Ave Ste B-4, Morro Bay, CA 93442 Phone (805) 225-5105	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:5%;">PTF</td> <td style="width:5%;">DEF</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:5%;">PTF</td> <td style="width:5%;">DEF</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF	<input type="checkbox"/>	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																																
<input type="checkbox"/>	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 4																																
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																

IV. ORIGIN (Place an X in one box only.)

1. Original Proceeding
 2. Removed from State Court
 3. Remanded from Appellate Court
 4. Reinstated or Reopened
 5. Transferred from Another District (Specify)
 6. Multidistrict Litigation - Transfer
 8. Multidistrict Litigation - Direct File

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ 1,000,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 42 USC §1983 COMPLAINT FOR VIOLATION OF FIRST, SECOND, AND FOURTEENTH, AMENDMENTS TO THE UNITED STATES CONSTITUTION

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">REAL PROPERTY</div> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">TORTS</div> <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">PERSONAL INJURY</div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">TORTS</div> <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">PERSONAL PROPERTY</div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">BANKRUPTCY</div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">CIVIL RIGHTS</div> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	<div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">Habeas Corpus:</div> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">Other:</div> <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">FORFEITURE/PENALTY</div> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">LABOR</div> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA) <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">SOCIAL SECURITY</div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) <div style="background-color: #e0e0e0; text-align: center; font-weight: bold; margin-top: 5px;">FEDERAL TAX SUITS</div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<p>QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.</p>	<p align="center">STATE CASE WAS PENDING IN THE COUNTY OF:</p> <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	<p align="center">INITIAL DIVISION IN CACD IS:</p> Western Southern Eastern
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<p>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "no," skip to Question C. If "yes," answer Question B.1, at right.</p>	<p>B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? check one of the boxes to the right →</p> <p>B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) check one of the boxes to the right →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input checked="" type="checkbox"/> NO. Continue to Question B.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input checked="" type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
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<p>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "no," skip to Question D. If "yes," answer Question C.1, at right.</p>	<p>C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? check one of the boxes to the right →</p> <p>C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) check one of the boxes to the right →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input checked="" type="checkbox"/> NO. Continue to Question C.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input checked="" type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
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QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →</p>	<p>D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓</p>
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QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	WESTERN Ⓢ

QUESTION F: Northern Counties?

Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? Yes No

