Jonathan Riches (025712)
Scott Day Freeman (019784)
Parker Jackson (037844)
Scharf-Norton Center for Constitutional Litigation at the GOLDWATER INSTITUTE
500 E. Coronado Rd.
Phoenix, Arizona 85004
(602) 462-5000
litigation@goldwaterinstitute.org
Attorneys for Plaintiffs

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA**

ARIZONA CITIZENS DEFENSE LEAGUE, INC; and CHRISTOPHER M. KING,

Plaintiffs,

vs.

PIMA COUNTY, a political subdivision of the State of Arizona; REX SCOTT, MATT HEINZ, SYLVIA M. LEE, STEVE CHRISTY, and ADELITA S. GRIJALVA, in the official capacities as members of and constituting the Pima County Board of Supervisors,

Defendants,

Case No. C2024-2478

PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Public policy arguments and gun safety tips cannot excuse Defendants' effort to regulate firearms in violation of state law. Such arguments belong in the Legislature, not this Court. But the Legislature has repeatedly, broadly, and clearly reserved the authority to regulate firearms in this state. Ordinance 2024-2 ("Ordinance") is therefore unlawful.

Defendants' strained legal arguments and efforts to manufacture material factual disputes and delay this Court deciding the straightforward legal issue at hand likewise fail. For Defendants to prevail, this Court would have to read out the terms "relating to," "possession," "sale," "transfer," "purchase," and "acquisition" from Section 13-3108(A); disregard the Ordinance's prohibition against non-reporting for purposes of Section 13-3108(D); ignore Defendants' own statements tying the Ordinance to firearm possession and purchases; cast aside a persuasive Attorney General Opinion interpreting Arizona's firearm preemption statutes; depart from the legal reasoning and conclusions of multiple courts that have considered analogous preemption laws; and ignore the Supreme Court's recognition of the Legislature's intent to occupy the field of firearm-related regulations.

No genuine disputes of material fact exist, Plaintiffs are adversely affected by Ordinance 2024-2 as a matter of law, and the Ordinance is preempted on multiple grounds. The Court should grant Plaintiffs' Motion for Summary Judgment.

I. No *genuine* dispute exists as to any *material* fact.

To overcome a motion for summary judgment, Defendants must identify *specific* and *genuine* disputes of *material* fact. *Burrington v. Gila Cnty.*, 159 Ariz. 320, 325 (App. 1988). They "'must do more than simply show that there is some metaphysical doubt as to the material facts,'" or merely recite "alleged factual dispute." *Id.* (quoting *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986)). Speculation, doubt, or "dispute[s] over irrelevant or immaterial facts" aren't enough to show the existence of a triable factual issue, or defeat an adequately pleaded summary judgment motion. *Orme Sch. v. Reeves*, 166 Ariz. 301, 311 (1990).

Defendants do not dispute 31 of the 47 paragraphs in Plaintiffs' Statement of Facts.[1] As to 10 others, Defendants "controvert" them by objecting to "inferences" or "implication[s]" that might be made from Plaintiffs' "quotation[s]"[2] and word choices.[3] But Defendants fail to identify any inferences in those paragraphs that they contest,[4] or errors in any quotations, that would be material to this dispute. In reality, Defendants dispute the application of the law to the undisputed facts in those paragraphs. But that's a *legal* matter, and militates in *favor* of summary judgment.

Two paragraphs quibble about the level of coordination among Board members and other officials. DCSOF ¶¶ 19, 21; *see also id.* ¶ 20. Similarly, Defendants contest Plaintiffs' characterization of statements made in County Attorney Conover's letter to the Board as "inconsistent." *Id.* ¶ 27. These "disputes" have no material effect on the preemption analysis. The only *fact* characterized as "[d]isputed" concerns a press release antedating the Ordinance's passage. *Compare* Pls' Statement of Facts ("PSOF") ¶ 20 & Ex. 5 *with* DCSOF ¶ 20 & Ex. C. But the substance of the draft and final versions of that press release are substantially similar—and, again, don't affect the legal analysis.

Ultimately, Defendants' Response relies on only one "disputed question of material fact that precludes summary judgment": whether Plaintiffs are adversely affected by the Ordinance. Resp. at 4; *see also* DCSOF ¶¶ 46–47. However, this is not a *factual* question, but a legal one, as discussed *infra*. Defendants also mischaracterize Plaintiffs' allegations in this regard. Plaintiffs allege that "[t]he Ordinance *adversely affects* members of AzCDL," and that "[t]he Ordinance *adversely affects* Plaintiff King's rights to transport, possess, carry, sell, transfer, purchase, acquire, give, devise, store, license, register, discharge, or use firearms." PSOF ¶¶ 46–47 (emphasis added). Defendants say that "[n]one of [AzCDL's] members have been *penalized for not complying* with the

[1] Defs'Contr. State. of Facts ("DCSOF") ¶¶ 1–12, 14–15, 17, 22, 28–29, 32, 34–45.
[2] DCSOF ¶¶ 13, 16, 18, 23–24, 26, 30–31; *see also id.* ¶ 27.
[3] DCSOF ¶¶ 25, 33.
[4] For example, Defendants contest an inference regarding whether the Ordinance was passed "in knowing defiance of state law." *Compare* MSJ at 3, *with* Resp. at 4–5 n.3. But this inference is not material, in part because Plaintiffs do not seek a civil sanction.

Ordinance" and that "Plaintiffs have failed to show that the Ordinance has in any way *restricted* Plaintiff King *in his ability to* transport, sell, transfer, purchase, acquire, give, devise, store, license, register, discharge, or use any firearm." DCSOF ¶¶ 46–47 (emphasis added). But Plaintiffs are not required to be penalized for non-compliance before challenging the Ordinance. *Steffel v. Thompson*, 415 U.S. 452, 459 (1974) (exposure to actual arrest or prosecution not required before challenging statute deterring exercise of constitutional rights); *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 128–129 (2007) (exposure to liability not required before challenging basis for threatened government action); *Brush & Nib Studio v. City of Phoenix*, 247 Ariz. 269, 280 ¶¶ 36, 39 (2019) (same). The Ordinance adversely affects Plaintiffs because it imposes new legal regulations on them in Pima County, with associated penalties, *as gun owners*.[5] This "chill[ing]" of "their constitutional rights" is an actual injury. *Id*. ¶ 36.

Defendants' non-party declarants also raise no material factual dispute. *See* Defendants' Separate Statement of Facts ("DSSOF") ¶¶ 9–10. None of the declarations or exhibits Defendants submitted have material bearing on the *purely legal question* of whether the Ordinance is preempted—whatever merit the County sees in these statements as a matter of policy. In short, nothing in Defendants' Response, Controverting or Separate Statements of Facts, or exhibits raises a genuine issue of material fact precluding summary judgment on the pure question of law Plaintiffs' motion presents.

II. Plaintiffs are adversely affected by the Ordinance as a matter of law.

As more fully explained in Plaintiffs' Response to Defendants' Motion to Dismiss, Plaintiffs are adversely affected by the Ordinance because it imposes a new duty on gun owners with penalties for noncompliance. Firearms owners and relevant organizations to which they belong are entities whose interests fall squarely "within the zone of interests to be protected or regulated by the statute." *Welch v. Cochise Cnty. Bd. of Supervisors*, 251

[5] The Ordinance does restrict Plaintiffs' rights and activities, *see Firearm Owners Against Crime v. City of Harrisburg*, 218 A.3d 497, 506 (Pa. Cmwlth. 2019), *aff'd*, 261 A.3d 467 (Pa. 2021) (citing "chilling effect" on "rights to engage in constitutionally protected activities with respect to firearms" of similar "Lost/Stolen Ordinance"), but that is not a required factual finding for them to prevail.

Ariz. 519, 526 ¶ 23 (2021) (cleaned up). *See also Scenic Ariz. v. Phoenix Bd. of Adjustment*, 228 Ariz. 419, 423–24 ¶¶ 9, 11, 13 & n.8 (App. 2011) (applying same "zone of interests" test to law granting standing to people "having legal rights that are adversely affected"); *City of Harrisburg*, 218 A.3d at 509 (gun owners who lived in, worked in, or regularly visited jurisdiction were "adversely affected" by "Lost/Stolen Ordinance" because they fell "within the class … on whom the ordinance imposes a duty to report").

The facts that Plaintiff King is a firearm owner, Pima County resident, concealed carry permit holder, and member of AzCDL, PSOF ¶¶ 3–5; that AzCDL is an Arizona nonprofit grassroots organization based in Pima County, dedicated to defending the right of self-defense and the rights to keep and bear arms as protected by the U.S. and Arizona constitutions, *id.* ¶ 1; and that their membership includes firearm owners who reside in Pima County, *id.* ¶ 2, are all undisputed. DCSOF ¶¶ 1–5. So are all factual allegations related to the Ordinance's actual text and operation , including that it imposes the requirement that "any person … report to a local law enforcement agency the knowing loss or theft of a firearm … within forty-eight hours of the time the person knew or reasonably should have known that the firearm had been lost or stolen," or risk being found "guilty of a petty offense" and being "subject to a penalty of up to $1,000.00 for each violation." *Id.* ¶¶ 36–45. Those undisputed facts are sufficient to show that the Ordinance adversely affects Plaintiffs under A.R.S. § 13-3108(K), as well as under traditional standing principles.[6] *See Brush & Nib*, 247 Ariz. at 280-81 ¶¶ 39–40.

III. The Ordinance is preempted on multiple legal grounds.

A. Defendants conflate express and field preemption.

Express preemption and implied preemption are distinct concepts. *See, e.g., Babe's Cabaret v. City of Scottsdale*, 197 Ariz. 98, 102 ¶ 11 (1999) (preemptive intent "can be

[6] Defendants argue that the *legal* dispute over the meaning of "adversely affected" is a genuine, material factual dispute "not only for standing, but also for reasonable attorney fees, costs, and actual damages." Resp. at 4. But the Complaint does not request damages, and attorney fees and costs are available on grounds other than A.R.S. § 13-3108(K). Because complete relief is available even without that provision, any *factual* dispute over the term "adversely affected" is not immaterial here.

either express or implied").[7] But either way, whether a statute preempts a local ordinance is a matter of statutory construction. *Id.* at 103 ¶ 14. *Cf. Estate of Ethridge v. Recovery Mgmt. Sys., Inc.*, 235 Ariz. 30, 35 (App. 2014) ("When a [federal] statute contains an express preemption clause, our 'task of statutory construction must in the first instance focus on the plain wording of the clause.'" (citation omitted)).

When a statute expressly preempts local authority, any question of field preemption should be considered separately, not in conjunction, as Defendants argue. That is because a statute could expressly preempt a relatively narrow area of local authority rather than a broad field. *See, e.g., Great W. Shows, Inc. v. Cnty. of L.A.*, 44 P.3d 120, 126 (Cal. 2002) (the California Legislature "has chosen not to broadly preempt local control of firearms but has targeted certain specific areas for preemption"). A statutory scheme might also comprehensively regulate a specified field, leaving narrow exceptions. *See, State v. Coles*, 234 Ariz. 573, 577 ¶ 17 (App. 2014) (finding field preemption even where statute preempting criminalization of intoxication contained exceptions for laws regarding drunk driving, etc.). Express preemption should also be analyzed separately from field preemption because field preemption can be inferred. *See supra* n.7.

Defendants also gloss over key distinctions between cases involving charter cities and those concerning non-charter entities such as Pima County. State preemption cases are more frequently litigated by charter cities because Article 13, Section 2, of the state Constitution arguably gives them a measure of independence in a narrow category of cases.[8] But here the Legislature has made crystal clear—and the Supreme Court has recognized—that firearms regulation is a matter of statewide concern, *Brnovich*, 242 Ariz.

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[7] The Supreme Court has called field preemption a type of implied preemption, at least for questions involving federal law. *Varela v. FCA US LLC*, 252 Ariz. 451, 458–59 ¶¶ 8–9 (2022) (discussing express, field, and other types of federal preemption). Arizona courts have looked to federal preemption principles when interpreting state preemption issues. *See, e.g., Coconino Cnty. v. Antco, Inc.*, 214 Ariz. 82, 90 ¶ 24 (App. 2006) (noting preemption doctrine derives from federal supremacy clause).

[8] *Compare State ex rel. Brnovich v. City of Tucson*, 242 Ariz. 588, 602–03 ¶¶ 56–58 (2017) (discussing caselaw regarding concept of "purely municipal affairs" and its limitations), *with id.* at 606 ¶¶ 77–78 (Bolick, J., concurring) (calling statewide/local distinction a "blurry line").

at 601 ¶ 54, so the Ordinance would fail even if it were a charter city ordinance. Ariz. AG Op. No. I13-010. In any event, the line between statewide and local concern in the charter context should have no bearing on the preemption analysis for a *non*-charter jurisdiction. And when the Legislature enacts a statute *on point,* with *express* preemptive language, that alone is sufficient to show that the regulated subject is a matter of statewide concern.

Express preemption simply asks if there's a conflict between the local ordinance and the preempting statutory provision. That is answered by using traditional statutory construction tools. The other considerations identified by Defendants (statewide concern, and appropriated field), Resp. at 5, only apply to *field* preemption claims involving *charter cities*—not *express* preemption claims against *non*-charter jurisdictions.

B. The absence of the terms "reporting," "lost," or "stolen" from Section 13-3108(A) does not save the Ordinance, which relates to the "possession … sale, transfer, purchase, [and] acquisition" of firearms.

Defendants argue that there's no direct conflict between the Ordinance and Section 13-3108(A) because the Ordinance is not a "firearms regulation," and because the preemption statute does not expressly "address the reporting of lost or stolen firearms." Resp. at 6–7. This argument fails.

First, to the extent the term matters,[9] "[f]irearms regulat[ion]" is not so narrow as to exclude the regulated conduct here. Notably, none of the terms in Section 13-3108(A) directly regulate firearms themselves. The words "specifications," "dimensions," "materials," or similar object-specific terms do not appear.[10] Rather, each area the Legislature expressly preempted concerns firearm-related *conduct*—i.e., the actions of gun owners. *Firearms* do not "possess," "sell," "transfer," "purchase," "acquire," etc.—people perform those actions. Therefore, the term "firearms regulation" as used in the title or heading of the statute or in the Legislature's statement of intent cannot be read so

[9] "[H]eadings to sections … do not constitute part of the law," A.R.S. § 1-212, and can only be used to aid in the interpretation of a statute where an ambiguity exists. *State ex rel. Romley v. Hauser*, 209 Ariz. 539, 542 ¶ 16 (2005). They "cannot override the text." *Meyer v. State*, 246 Ariz. 188, 195 ¶ 22 (App. 2019).

[10] The terms "components or related accessories" appear, but only in expanding the scope of the preemption provision to the same extent as firearms themselves. Prohibited weapons, including object-specific terminology, are defined in A.R.S. § 13-3101.

narrowly as to effectively exclude the words "related to" from the statute. The Ordinance is preempted because it "relates to" multiple enumerated statutory terms.

Second, the absence of the specific terms "reporting," "lost," and "stolen" doesn't shield the Ordinance from preemption. The *Coles* court rejected a similar argument by the City of Scottsdale that the absence of the word "drinking" from a statute decriminalizing alcohol-related conditions meant the City could enact regulations of drinking or being under the influence—even though the statute prohibited ordinances that regulated "being intoxicated." 234 Ariz. at 576 ¶ 15. "In an intoxicated condition" was *technically* different than "under the influence," but the court looked to the statute's "focus" and the "class of persons" it sought to protect, concluding that the difference in terms did *not* mean the ordinance was allowed. *Id.* at 575–77 ¶¶ 11, 15–17. In other words, the absence of "magic words" does not overcome statutory preemption.

Similarly here, the Ordinance is preempted because it falls within the focus of the firearm preemption statute, and adversely affects the class of persons that the statute seeks to protect. The Ordinance isn't "only 'related to' firearms in some general way," Resp. at 7, it's directly connected to multiple concepts and actions on which the preemption statute focuses. **Defendants said so themselves in the Ordinance**, which repeatedly discusses and refers to prohibited possessors, straw purchases, and related acts of buying, selling, transferring, and obtaining firearms. PSOF ¶ 38 & Ex. 13. And they made numerous other statements regarding the Ordinance's direct connection to those terms. MSJ at 4 & n.2. Defendants' "[m]ere commonality of some aspect of subject matter" argument is therefore deficient. *See* Resp. at 5. The Ordinance does not just share the common element of firearms with the class of ordinances that state law prohibits—it also shares multiple other common elements: possession, purchase, sale, transfer, and acquisition, at a minimum. Defendants' hyper-formalistic focus on specific words cannot, therefore, get the Ordinance out from under the statutory preemption.

Defendants try to swap "relate to" with "affects." Resp. at 7. But that would rewrite the statute, and of course, the Court cannot do that. *Tucson Unified Sch. Dist. v. Borek ex*

rel. Cnty. of Pima, 234 Ariz. 364, 368 ¶ 11 (App. 2014). A regulation need not directly *affect* possession to *relate to* possession. The latter is all that's required for preemption here. And Defendants concede that "the Ordinance may ***impact*** *illegal* sales, transfers, purchases, or acquisitions." Resp. at 8 (emphasis added).[11] Naturally, "impact" on sales means "relate to" sales—and that shows the Ordinance is preempted—because the statute preempts local ordinances related to *any* sale, transfer, purchase, acquisition, etc.

C. Defendants' reading of Section 13-3108(D) must be rejected because the Ordinance relates to firearms, is more prohibitive—i.e., restrictive—than state law, and has a penalty greater than any state-law penalty for non-reporting.

Defendants concede that the phrase "related to firearms" would warrant a broad interpretation of Section 13-3108(A). Resp. at 7. If so, the same is true of "relates to firearms" in Section 13-3108(D). *See* MSJ at 7 & n.4 (discussing definitions).

Section 13-3108(D) contains two related sentences. The first says: "A political subdivision of this state shall not enact any rule or ordinance that relates to firearms and is more prohibitive than or that has a penalty that is greater than any state law penalty." If any ambiguity exists whether the term "prohibitive" applies to the term "penalty" or to the term "state law," *see* Resp. at 10–11 n.9, the second sentence covers the perceived gap: "A political subdivision's rule or ordinance that relates to firearms and that is inconsistent with or *more restrictive than state law* … is null and void." A.R.S. § 13-3108(D).

Thus, even if Defendants' reading[12] of the first sentence is correct, the Ordinance is still covered by the second sentence because it is both related to firearms and "more restrictive than state law." A.R.S. § 13-3108(D). Defendants cleverly insert the article "a" before "state law," again rewriting the statute, which enables them to also add the word

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[11] Section 13-3108 doesn't contain the words "legal" or "illegal" either—because only the Legislature gets to say what is legal and illegal with respect to firearms.

[12] *See Nicaise v. Sundaram*, 245 Ariz. 566, 568 ¶ 11 (2019) ("A cardinal principle of statutory interpretation is to give meaning, if possible, to every word and provision so that no word or provision is rendered superfluous." (citation omitted)). The problem with applying the qualifier "more prohibitive" to "state law *penalty*" is that the rest of the sentence already covers penalties that are "greater than" state-law penalties. There's no meaningful difference between "more prohibitive than" and "greater than." A $1,000 penalty is both "greater than" and "more prohibitive than" no penalty.

"non-existent," because there is no *specific* state law penalizing non-reporting after a firearm is lost or stolen. Resp. at 8:17. But **the Ordinance's prohibition *is* more restrictive than *state law*, which doesn't restrict or penalize non-reporting** in this context. That makes the Ordinance preempted.

The level-of-generality problem also extends to Defendants' treatment of the penalty prong. The Legislature used the "expansive," "indiscriminate[]," "broadly inclusive" term "any" to refer to the state law penalties that preempt local penalties. *See, e.g., City of Phoenix v. Glenayre Electronics, Inc.*, 242 Ariz. 139, 144 ¶ 17 (2017). Both state and federal courts read the word "any" naturally, and it means "all" when referring to other laws. *Id.* (citations omitted). Here, Section 13-3108(D) prohibits "any rule or ordinance that relates to firearms and … that has a penalty that is greater than any state law penalty," which naturally means that local ordinances are broadly limited by the scheme of state law penalties. Put another way, **the Legislature sets the ceiling for penalties associated with firearms-related conduct, and political subdivisions can't penalize further**. The Legislature isn't required to nominally penalize *all* conduct for this prohibition to have force. Nor need it enact statutory language formalistically creating penalties for non-prohibited conduct and setting them at zero. Where the Legislature chooses *not* to enact penalties—i.e., where the (collective) state-law penalty is zero—counties cannot come in, say there's a loophole, and set new ones—i.e., penalties greater than zero. That would render preemption meaningless.

Section 13-3108(D)'s plain language requires preemption because the Ordinance is more restrictive than state law and contains a penalty for non-reporting that is greater than any state law penalty. The Court should therefore reject Defendants' tortured reading.

It should also reject Defendants' invitation to turn the "clear" "policy of preemption" requirement into a legal presumption against preemption. Resp. at 8–9. The statute should be construed as written, not with a thumb on the scale against preemption. Such a presumption may still exist for *federal* preemption, but not at the state level. The difference is federalism. When *Congress* legislates in a field traditionally occupied by

States, the States' "police powers" are "not to be superseded … unless that [is] the clear and manifest purpose of Congress." *Wyeth v. Levine*, 555 U.S. 555, 565 (2009) (cleaned up). That reasoning in no way applies here, because counties aren't sovereigns as states are. They have no inherent police powers—they may only exercise the powers delegated to them by the State. *Sw. Gas Corp. v. Mohave Cnty.*, 188 Ariz. 506, 508 (App. 1997). Nor do counties traditionally occupy the field of firearm-related regulations. If anything, due to the state's inherent police powers, when the Legislature expresses its intent to preempt local regulations, those preemptions should be broadly construed, and exceptions construed narrowly and in favor of preemption. *Cf. Commonwealth of P.R. v. Franklin Cal. Tax-free Trust*, 579 U.S. 115, 125 (preemption inquiry should end with the language of the statute itself).

D. The legislature occupies the field of firearms-related regulations.

Section 13-3108 and other firearms-related statutes create a comprehensive regulatory scheme, occupying the field on which the Ordinance encroaches.

Defendants claim the Ordinance merely addresses "[u]naccounted-for firearms in a populated urban center," claiming this a matter of local concern. But *all* firearms regulation (or firearms-*related* regulation, incorporating an actual term from the statute) is of statewide concern. *Brnovich*, 242 Ariz. at 591 ¶ 2, 598 ¶ 38.[13]

Defendants take cover in the word "applicable" from *Brnovich* because they say Section 13-3108 is inapplicable to the Ordinance. Resp. at 13. But the statute *is* applicable because it preempts regulations relating to firearm possession, purchase, sale, etc., and the Ordinance imposes a new legal obligation and penalties when someone's firearm possession, etc., has been affected by loss or theft. That's more than "mere commonality to guns"—there are many overlapping commonalities, including possession, transfer, etc., that render statutory preemption applicable. *Id.*

Defendants' reliance on three charter cities' unchallenged firearm-related regulations is also misplaced. Resp. at 13–14. The legality of those provisions is not at

[13] The constitutional interests are also matters of statewide concern. *See* MSJ at 5, 12–13.

issue here, and the legal analysis may differ in the charter city context. Public policy arguments and general gun safety tips are also simply irrelevant.

Tellingly, Defendants ignore the Attorney General's finding that firearm loss or theft reporting ordinances are preempted both because they actually conflict with Sections 13-3108(A) and (D), and because they "govern subjects in a field that state law already fully occupies." Ariz. AG Op. No. I13-010 at *3. That includes not only firearms themselves, but firearm *possession*. *Id.* at *4. The AG explained that the broad terms "relating," "relates," and "any," in Section 13-3108 support the conclusion that the Legislature "developed a comprehensive statutory scheme regarding firearm regulation, thus adopting a clear preemptive policy." *Id.* The phrases "[f]irearms regulated by state" and "state preemption" in the heading also evince the Legislature's preemptive intent. *Id.* And the statement of intent adopted by the legislature "reflects a preemptive policy." *Id.* "Although the Legislature could have conclusively demonstrated its intent to preempt cities from regulating firearms with more explicit and unequivocal language, it nevertheless appears to have effectively preempted the field." *Id.*

The plain text of the firearm preemption statute, the existence of other firearms-related statutes, the text of the Ordinance, the legislative history, guidance from the Arizona Supreme Court, an on-point Attorney General Opinion, and the decisions of other courts considering nearly identical issues[14] all point towards preemption.

CONCLUSION

Plaintiffs' Motion for Summary Judgment should be *granted*.

[14] Defendants ignore the persuasive Pennsylvania, Ohio, and Washington cases that directly support Plaintiffs' position, *see* MSJ at 9–10 & nn. 9–11, and instead double-down on a less-relevant federal trial court decision out of California that addressed a drastically different statutory scheme as applied to an ordinance that did not concern the reporting of lost or stolen firearms. Resp. at 11 (citing *Nat'l Ass'n for Gun Rights, Inc. v. City of San Jose*, 632 F.Supp.3d 1088, 1099–100 (N.D. Cal. 2022)).

RESPECTFULLY SUBMITTED this 10th day of January 2025.

GOLDWATER INSTITUTE

/s/ Parker Jackson
Jonathan Riches (025712)
Scott Day Freeman (019784)
Parker Jackson (037844)
Scharf-Norton Center for
Constitutional Litigation at the
GOLDWATER INSTITUTE
500 E. Coronado Rd.
Phoenix, Arizona 85004

CERTIFICATE OF SERVICE

ORIGINAL E-FILED this 10th day of January 2025, with a copy delivered via the ECF system to:

Samuel Emiliano Brown
Jonathan Pinkney
PIMA COUNTY ATTORNEY'S OFFICE
Sam.brown@pcao.pima.gov
Jonathan.pinkney@pcao.pima.gov
Stefanie.gillie@pcao.pima.gov
Victoria.chavarria@pcao.pima.gov

Diego Rodriguez
RODRIGUEZ LAW OFFICE PLLC
330 N. 2nd Ave.
Phoenix, AZ 85003
diego@rlopllc.com

/s/ *Kris Schlott*
Kris Schlott, Paralegal