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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, BRYAN)
MUEHLBERGER, FRANK BLACKWELL,)
and GIFFORDS LAW CENTER TO)
PREVENT GUN VIOLENCE,)

Petitioners,

v.

BUREAU OF ALCOHOL, TOBACCO,)
FIREARMS AND EXPLOSIVES; REGINA)
LOMBARDO, in her official capacity as)
Acting Deputy Director of Bureau of Alcohol,)
Tobacco Firearms and Explosives; MICHAEL)
R. CURTIS, in his official capacity as Chief,)
Firearms Technology Industry Services)
Branch of Bureau of Alcohol, Tobacco,)
Firearms and Explosives; UNITED STATES)
DEPARTMENT OF JUSTICE; and)
WILLIAM BARR, in his official capacity as)
Attorney General of the United States,)

Defendants,

and

ZACHARY FORT; FREDERICK BARTON;)
BLACKHAWK MANUFACTURING)
GROUP, INC.; and FIREARMS POLICY)
COALITION, INC.,)

Applicants in Intervention.

Case Number: 3:20-cv-06761-EMC

**ZACHARY FORT; FREDERICK
BARTON; BLACKHAWK
MANUFACTURING GROUP, INC.; AND
FIREARMS POLICY COALITION,
INC.’S MOTION TO INTERVENE**

1 Applicants in Intervention, Zachary Fort; Frederick Barton; BlackHawk Manufacturing
2 Group, Inc., d/b/a 80% Arms; and Firearms Policy Coalition, Inc. (collectively, “Applicants”),
3 pursuant to Federal Rule of Civil Procedure 24, hereby move to intervene in the above-captioned
4 case for the purpose of defending their significant and threatened interests in the production, sale,
5 purchase, and conversion of “partially-manufactured frames,” “partially-manufactured receivers,”
6 “80% frames,” “80% receivers,” “unfinished frames,” or “unfinished receivers” (collectively,
7 “Non-Firearm Objects”). As set forth in the accompanying *Memorandum in Support of Motion to*
8 *Intervene*, Applicants seek intervention as of right, or, in the alternative, permissive intervention
9 pursuant to Federal Rules of Civil Procedure 24(a) and 24(b), respectively.

10 Applicants file concurrently herewith a *Memorandum in Support of Motion to Intervene;*
11 *Declarations of Zachary Fort, Frederick Barton, Tilden Smith, and Brandon Combs;* and a
12 *[Proposed] Answer of Applicants in Intervention.*

13 Counsel for Applicants contacted counsel for Petitioners via email on November 19, 2020.
14 Counsel for Petitioners responded the same day, indicating he would speak to his clients and relay
15 their position. Counsel for Applicants followed up by email and telephone on November 24, 2020,
16 but, at the time of filing of this Motion, counsel for Petitioners did not respond. Counsel for
17 Applicants attempted to contact counsel for Defendants via telephone, who have yet to enter an
18 appearance in this matter, but counsel for Applicants were unable to reach anyone at the U.S.
19 Attorney’s Office for the Northern District of California.

20
21 WHEREFORE, Applicants in Intervention respectfully request this Court grant their
22 *Motion to Intervene* as of right, or in the alternative, for permissive intervention.

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28 //

1 DATED this 24th day of November 2020.

2 Respectfully Submitted,

3
4 /s/ George M. Lee

5 George M. Lee [Cal. SBN 172982]

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20 *Attorneys for Applicants in Intervention*

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2020, I electronically filed the foregoing with the Clerk of the Court using this Court’s CM/ECF system, which will send notification to all counsel of record, pursuant to Fed. R. Civ. P. 5 and Civil L.R. 5-1:

Clerk of the Court
United States District Court
Northern District of California | San Francisco
Phillip Burton Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102

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1 Attorneys for Defendants have not entered an appearance in this matter with the Court's CM/ECF
2 system. Accordingly, I hereby certify that I sent a hard copy of the foregoing to Attorneys for
3 Defendants via the U.S. Postal Service at the following address:

3 Regina Lombardo U.S. Department of Justice
4 Acting Deputy Director 950 Pennsylvania Avenue, NW
5 Bureau of Alcohol, Tobacco, Firearms, and Explosives Washington, DC 20530-0001
6 U.S. Department of Justice
99 New York Avenue, Northeast
7 Washington, DC 20226

7 Michael R. Curtis The Honorable William P. Barr
8 Chief of the Firearms Technology Industry Services Attorney General of the United States
9 Branch of ATF U.S. Department of Justice
10 Bureau of Alcohol, Tobacco, Firearms, and Explosives 950 Pennsylvania Avenue, NW
11 44 Needy Road, Suite 1600 Washington, DC 20530-0001
12 Martinsburg, WV 25405

11 Civil Division
12 United States Attorney's Office
13 Federal Courthouse
14 450 Golden Gate Avenue, 11th Fl.
San Francisco, CA 94102

15
16 /s/ George M. Lee
George M. Lee