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David Borges, and Loran Kelley

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **FOR THE COUNTY OF LOS ANGELES**

17 THE PEOPLE OF THE STATE OF CALIFORNIA,

18 Plaintiffs,

19 vs.

20  
21 POLYMER80, INC., a Nevada Corporation;  
22 DAVID BORGES, an individual; LORAN  
23 KELLEY, an individual,

24 Defendants.  
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**Case No. 21STCV06257**

[Related to Case No. 21STCV29196]

*[Assigned for all purposes to the Hon. Daniel  
S. Murphy, Department 32]*

**DEFENDANTS' NOTICE OF MOTION  
AND MOTION FOR SUMMARY  
JUDGMENT OR, IN THE  
ALTERNATIVE, FOR SUMMARY  
ADJUDICATION**

Date: June 5, 2023  
Time: 8:30 a.m.  
Department: 32  
Reservation ID: 428792836008

Complaint Filed: February 17, 2021  
Trial Date: May 30, 2023

1 NOTICE OF MOTION AND MOTION

2 **TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD**

3 **PLEASE TAKE NOTICE** that on June 5, 2023 at 8:30 a.m., or as soon thereafter as the matter  
4 may be heard before the Honorable Daniel S. Murphy of the Superior Court of the State of California  
5 for the County of Los Angeles, located at Stanley Mosk Courthouse, 111 North Hill Street, Los  
6 Angeles, California 90012, Defendants Polymer80, Inc., David Borges, and Loran Kelley  
7 (collectively, “Defendants”), will and hereby do move the Court for summary judgment or, in the  
8 alternative, for summary adjudication in their favor and against Plaintiff The People of the State of  
9 California.

10 This motion for summary judgment is made under section 437c of the California Code of Civil  
11 Procedure on the grounds that this lawsuit is preempted by the Protection of Lawful Commerce in  
12 Arms Act, 15 U.S.C. § 7901 *et seq.*, and that Plaintiff cannot raise a triable issue of material fact  
13 demonstrating causation between Defendants’ conduct and Plaintiff’s alleged injuries.

14 If for any reason this Court is unable to grant summary judgment, Defendants move, in the  
15 alternative, for summary adjudication under section 437c(f) of the California Code of Civil Procedure.  
16 In that instance, Defendants respectfully move this Court for an order summarily adjudicating: (1) each  
17 of Plaintiff’s causes of action as individually preempted by PLCAA; (2) each of Plaintiff’s causes of  
18 action as individually barred by Plaintiff’s failure to establish causation; and (3) Plaintiff’s public-  
19 nuisance claim (Count II) as barred by Plaintiff’s failure to demonstrate a cognizable public right.

20 This motion is based upon this Notice of Motion and the accompanying Memorandum of  
21 Points and Authorities, Statement of Undisputed Facts, Declaration of Michael Marron (and  
22 accompanying evidentiary submissions), Compendium of Evidence, and [Proposed] Order filed  
23 herewith, as well as the pleadings, records, and files herein, and on such other oral or documentary  
24 evidence as may be presented at the hearing of this motion.

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DATED: March 16, 2023

GREENSPOON MARDER LLP



By: \_\_\_\_\_  
MICHAEL MARRON

Attorney for Defendants Polymer80, Inc., David  
Borges, and Loran Kelley

1 **PROOF OF SERVICE**

2 *The People of The State of California vs. Polymer80, Inc., David Borges, Loran Kelley*  
3 Case No. 21STCV06257

4 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
5 **FOR THE COUNTY OF LOS ANGELES**

6 I am employed in the County of Jefferson, State of Alabama. I am over the age of eighteen  
7 years and not a party to this action. My business address is 1819 5th Avenue N, Birmingham, AL  
8 35203. On March 16, 2023, I served true and correct copies of the following document(s) described  
9 as **DEFENDANTS’ NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT**  
10 **OR, IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION** on the interested parties in  
11 this action as follows:

12 **SEE ATTACHED SERVICE LIST**

13 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an  
14 agreement of the parties to accept service by e-mail or electronic transmission, I caused the  
15 document(s) to be sent from e-mail address clamar@bradley.com to the persons at the e-mail addresses  
16 listed in the Service List. I did not receive, within a reasonable time after the transmission, any  
17 electronic message or other indication that the transmission unsuccessful.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing  
19 is true and correct.

20 Executed on March 16, 2023, at Birmingham, Alabama.

21 */s/ W. Chadwick Lamar, Jr.*  
22 \_\_\_\_\_  
23 W. Chadwick Lamar, Jr.

1 **SERVICE LIST**

2 *The People of The State of California vs. Polymer80, Inc., David Borges, Loran Kelley*  
3 *Case No. 21STCV06257*

4 **OFFICE OF THE LOS ANGELES CITY**  
5 **ATTORNEY**

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