

1 George M. Lee (SBN 172982)
gml@seilerepstein.com
2 **SEILER EPSTEIN LLP**
3 4 Embarcadero Center, 14th Floor
San Francisco, CA 94111
4 Phone: (415) 979-0500
Fax: (415) 979-0511
5

6 Raymond M. DiGuiseppe (SBN 228457)
law.rmd@gmail.com
7 **THE DIGUISEPPE LAW FIRM, P.C.**
8 4320 Southport-Supply Road, Suite 300
Southport, North Carolina 28461
9 Phone: (910) 713-8804
Fax: (910) 672-7705

10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 WILLIAM WIESE, et al.,

14 Plaintiffs,

15 vs.

16 ROB BONTA, in his official capacity as
17 Attorney General of California, et al.,

18 Defendants.

Case No. 2:17-cv-00903-WBS-KJN

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR SUMMARY JUDGMENT**

[FRCP 56]

Date: July 10, 2023

Time: 1:30 p.m.

Courtroom 5, 14th Floor

Judge: Hon. William B. Shubb

19 TO DEFENDANTS, THROUGH THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that on **July 10, 2023**, at **1:30 p.m.**, in Courtroom 5, 14th Floor
21 of the United States District Court, Robert T. Matsui Federal Courthouse, 501 I Street,
22 Sacramento, CA 95814, plaintiffs William Wiese, Jeremiah Morris, Lance Cowley, Sherman
23 Macaston, Clifford Flores, L.Q. Dang, Frank Federau, Alan Normandy, Todd Nielsen, California
24 Gun Rights Foundation (formerly the Calguns Foundation), Firearms Policy Coalition, FPC
25

1 Action Foundation (formerly Firearms Policy Foundation), and Second Amendment Foundation
2 (“Plaintiffs”) will and hereby do move this Court for an order granting them summary judgment
3 in their favor, and against defendants Rob Bonta, in his capacity as Attorney General of the State
4 of California, and Allison Mendoza, in her capacity as Acting Director of the Bureau of Firearms
5 (“Defendants”), pursuant to Fed. Rule Civ. Pro. 56, and the order of this Court [Dkt. #120].

6 The grounds for Plaintiffs’ motion are that the portions of the law which prohibit the
7 possession, manufacture, sale or transfer of “large-capacity magazines”—as that term is defined
8 by statute—specifically, Cal. Penal Code §§ 32310, 32390, 32445, and 32450, and each of them,
9 violate the Second Amendment of the United States Constitution, that these subject laws violate
10 the Due Process and Takings Clauses of the United States Constitution and the California
11 Constitution, and that section 32445 violates the Equal Protection Clause of the United States
12 Constitution and the California Constitution. Accordingly, and in all instances, Plaintiffs are
13 entitled to summary judgment in their favor.

14 In support of this motion, Plaintiffs will rely upon this Notice of Motion, the
15 Memorandum of Points and Authorities filed herewith, the supporting declarations and exhibits,
16 all matters of which the Court may take judicial notice, and any other such evidence and
17 argument that the Court may consider upon the hearing of this matter.

18 Dated: March 31, 2023

SEILER EPSTEIN LLP

19
20 /s/ George M. Lee

21 George M. Lee

THE DIGUISEPPE LAW FIRM, P.C.

22
23 /s/ Raymond M. DiGuiseppe

24 Raymond M. DiGuiseppe

25
26 Attorneys for Plaintiffs
27
28