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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 VIRGINIA DUNCAN, RICHARD  
11 LEWIS, PATRICK LOVETTE, DAVID  
MARGUGLIO, CHRISTOPHER  
12 WADDELL, CALIFORNIA RIFLE &  
PISTOL ASSOCIATION,  
13 INCORPORATED, a California  
corporation,

14 Plaintiffs,

15 v.

16 XAVIER BECERRA, in his official  
17 capacity as Attorney General of the State  
of California; and DOES 1-10,

18 Defendant.

Case No: 17-cv-1017-BEN-JLB

**EX PARTE APPLICATION FOR  
ORDER SHORTENING TIME TO  
HEAR PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Date:  
Time:  
Dept: 5A  
Judge: Hon. Roger T. Benitez

**TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS  
OF RECORD:**

Notice is hereby given that on May 25, 2017, counsel for Plaintiffs Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, and California Rifle & Pistol Association, Incorporated, will apply to this Court for an order to shorten time on Plaintiffs' Motion for Preliminary Injunction. Specifically, Plaintiffs will ask this Court to hear their motion for preliminary injunction on June 12, 2017, upon 14 days' notice to Defendant. Plaintiffs will also seek an order that any opposition be due on or before June 5, 2017, and any reply be due on or before June 9, 2017.

At 2:53 p.m. on May 24, 2017, Plaintiffs' counsel contacted attorneys at the Office of the Attorney General to provide notice that Plaintiffs' intended to file this ex parte application for order shortening time. Barvir Decl. ¶ 2; Ex. A at 3. Plaintiffs' counsel was subsequently directed to Deputy Attorneys General Alexandra Robert Gordon and Anthony O'Brien, counsel assigned to represent Defendant Attorney General Xavier Becerra in this matter. Barvir Decl. ¶ 3; Ex. A at 2. Plaintiffs' counsel then reached out to Ms. Robert Gordon and Mr. O'Brien to provide more-detailed notice of this application and to attempt meet and confer efforts. Barvir Decl. ¶ 4; Ex. A at 1. Defendant's counsel has said that his client would oppose Plaintiffs' request for an order shortening time. Barvir Decl. ¶ 5; Ex. B at 1.

Plaintiffs bring this application for good cause on the grounds that they require an order on their motion for preliminary injunction before July 1, 2017, when the amendments to California Penal Code section 32310 take effect, requiring Plaintiffs (and potentially hundreds of thousands of law-abiding Californians) in lawful possession of magazines over 10 rounds to permanently dispossess themselves of their property or face criminal prosecution. If Plaintiffs cannot have their motion for preliminary injunction heard and granted before July 1st, they will suffer irreparable harm.

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1 This application is based on the memorandum of points and authorities and the  
2 declarations of Anna M. Barvir and Sean A. Brady filed simultaneously herewith, as well  
3 as all the records currently on file and any oral argument that this Court may authorize.

4 Date: May 25, 2017

MICHEL & ASSOCIATES, P.C.

5  
6 s/C.D. Michel  
7 C.D. Michel  
8 Email: cmichel@michellawyers.com  
9 *Counsel for Plaintiffs Duncan, Lewis*  
10 *Lovette, Marguglio, Waddell, and*  
11 *California Rifle & Pistol Association,*  
12 *Incorporated*  
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13 capacity as Attorney General of the State  
14 of California; and DOES 1-10,

15 Defendant.

Case No: 17-cv-1017-BEN-JLB

**CERTIFICATE OF SERVICE**

16 IT IS HEREBY CERTIFIED THAT:

17 I, the undersigned, am a citizen of the United States and am at least 18 years of  
18 age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, California  
19 90802. I am not a party to the above-entitled action.

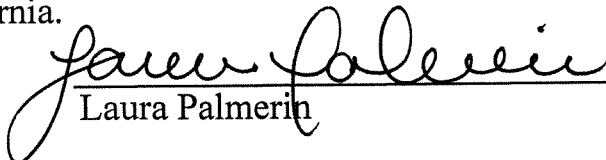
20 I have cause service of the following documents, described as:

21 **EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO**  
22 **HEAR PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

23 on all parties by email with return receipt requested and by overnight mail, with postage  
24 fully prepaid, for each address named below and depositing each in the U.S. Mail at Long  
25 Beach, California, on May 25, 2017.

26 Ms. Alexandra Robert Gordon  
27 [alexandra.robertgordon@doj.ca.gov](mailto:alexandra.robertgordon@doj.ca.gov)  
28 Mr. Anthony P. O'Brien  
[anthony.obrien@doj.ca.gov](mailto:anthony.obrien@doj.ca.gov)  
California Department of Justice  
1300 I Street, Suite 125  
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct. Executed  
on May 25, 2017, at Long Beach, California.

  
Laura Palmerin