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6 Attorneys for Plaintiffs  
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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.  
19

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

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
INJUNCTION**

Date: June 13, 2017  
Time: 10:00 a.m.  
Dept: 5A  
Judge: Hon. Roger T. Benitez

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 Notice is hereby given that on June 13, 2017, at 10:00 a.m. in Courtroom 5A of the  
3 above-captioned court, located at 221 West Broadway, San Diego, CA 92101, Plaintiffs  
4 will move for a preliminary injunction under rule 65(a) of the Federal Rules of Civil  
5 Procedure. Specifically, Plaintiffs will seek an order temporarily enjoining Defendant  
6 Attorney General Xavier Becerra and his agents, servants, employees, and those working  
7 in active concert with him, from enforcing or giving effect to California Penal Code  
8 section 32310(c)-(d) during the pendency of this action.

9 Plaintiffs have filed, and the Court is currently considering, Plaintiffs' Ex Parte  
10 Application for Order Shortening Time to Hear Plaintiffs' Motion for Preliminary  
11 Injunction, which seeks an order that this motion be heard on June 12, 2017, at 10:30  
12 a.m. Barvir Decl., ¶ 3. Counsel for Defendant Becerra has stated that he would oppose  
13 that request. *Id.*

14 Plaintiffs bring this motion because section 32310—to the extent it bars the  
15 possession of firearm magazines over 10 rounds that were lawfully acquired, used, and  
16 possessed within California before July 1, 2017—violates Plaintiffs' Second Amendment  
17 right to possess commonly used magazines, and constitutes an unlawful government  
18 taking under the Takings Clause of the Fifth Amendment and the Due Process Clause of  
19 the Fourteenth Amendment. Unless this Court orders the requested preliminary relief,  
20 Defendant Becerra will begin enforcing section 32310(c)-(d) on July 1, 2017, and  
21 irreparable injury will result to the Plaintiffs as described in the memorandum of points  
22 and authorities filed simultaneously herewith.

23 This motion is based on this notice of motion and motion, the memorandum of  
24 points and authorities filed in support, the supporting declarations of Anna M. Barvir,  
25 Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher  
26 Waddell, Michael Barranco, Massad Ayoob, James Curcuruto, Steven Helsley, and Gary

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1 Kleck, as well as any exhibits attached thereto. This motion is also based on the pleadings  
2 and records already on file, and on any further matters the Court deems appropriate.  
3

4 Date: May 26, 2017

MICHEL & ASSOCIATES, P.C.

5 s/ C.D. Michel

6 C.D. Michel

7 *Counsel for Plaintiffs Duncan, Lewis,*  
8 *Lovette, Marguglio, Waddell, and*  
9 *California Rifle & Pistol Association,*  
10 *Incorporated*  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

VIRGINIA DUNCAN, RICHARD  
LEWIS, PATRICK LOVETTE, DAVID  
MARGUGLIO, CHRISTOPHER  
WADDELL, CALIFORNIA RIFLE &  
PISTOL ASSOCIATION,  
INCORPORATED, a California  
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v.

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

Defendant.

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

**CERTIFICATE OF SERVICE**

**IT IS HEREBY CERTIFIED THAT:**

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 E. Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

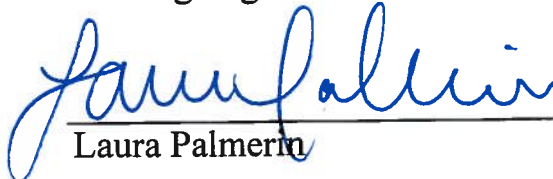
I have cause service of the following documents, described as:

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR  
PRELIMINARY INJUNCTION**

on all parties by placing a copy in a separate envelope, with postage fully prepaid, for each address named below and depositing each in the U.S. Mail at Long Beach, CA, on May 26, 2017.

Ms. Alexandra Robert Gordon  
Mr. Anthony P. O'Brien  
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 26, 2017, at Long Beach, CA.

  
\_\_\_\_\_  
Laura Palmerin