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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VIRGINIA DUNCAN, et al.,

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Attorney General of the State
of California,

Defendant.

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

**UNOPPOSED MOTION FOR
DISMISSAL OF PLAINTIFF
RICHARD LEWIS; DECLARATION
OF ANNA M. BARVIR IN SUPPORT**

Fed. R. Civ. P. 21

Judge: Hon. Roger T. Benitez
Action Filed: May 17, 2017

NOTICE OF MOTION AND MOTION

Pursuant to Rule 21 of the Federal Rules of Civil Procedure and Local Civil Rule 7.2, Plaintiffs Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell, California Rifle & Pistol Association, Incorporated, hereby move this Court for an order dismissing Plaintiff Richard Lewis from this action.

Plaintiff Lewis has requested to be withdrawn from this action for personal reasons affecting his ability to further participate. (Barvir Decl., ¶ 2.) Defendant Becerra does not oppose his dismissal. (Barvir Decl., ¶ 3.) By voluntarily dismissing Mr. Lewis, Plaintiffs do not intend to dismiss the action or any of the claims brought by the remaining plaintiffs against Defendant Becerra. (Barvir Decl., ¶ 4.)

Therefore, based on the good cause presented herein and in the attached declaration of Anna M. Barvir, Plaintiffs request that the Court grant this unopposed motion for voluntary dismissal of Plaintiff Lewis.

Dated: December 28, 2017

MICHEL & ASSOCIATES, P.C.

/s/ Anna M. Barvir

ANNA M. BARVIR

*Attorneys for Plaintiffs Virginia Duncan,
Richard Lewis, Patrick Lovette, David
Marguglio, Christopher Waddell, and
California Rifle & Pistol Association*

DECLARATION OF ANNA M. BARVIR

I, Anna M. Barvir, hereby declare as follows:

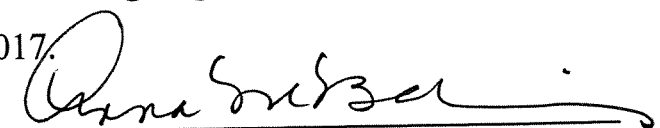
1. I am an attorney at the law firm Michel & Associates, P.C., attorneys of record for Plaintiffs in this action. I am licensed to practice law before the United States District Court for the Southern District of California. I am also admitted to practice before the Eastern, Central, and Northern Districts of California, the courts of the state of California, the Supreme Court of the United States, and the D.C., Fourth, Ninth, and Tenth Circuit Courts of Appeals. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto.

2. On or about December 21, 2017, my office received several emails from Plaintiff Richard Lewis requesting his dismissal from the *Duncan v. Becerra* matter, citing unspecified personal matters requiring his withdrawal. We asked Mr. Lewis whether some other course of action short of his dismissal was possible, but he remained insistent that he be removed. I informed Mr. Lewis that we would move to dismiss him from the lawsuit once our office staff returned from the holiday break.

3. On or about December 26, 2017, I contacted counsel for Defendant Attorney General Xavier Becerra, Ms. Alexandra Robert Gordon, via phone to meet and confer regarding Plaintiffs' intention to file a motion seeking the withdrawal of Mr. Lewis from this matter. Ms. Gordon replied that her client would not oppose his dismissal.

4. Through this motion, Plaintiffs seek only to remove Mr. Lewis from this case. They are not seeking to dismiss the action or any claim brought by the remaining plaintiffs, Ms. Virginia Duncan, Mr. Patrick Lovette, Mr. David Marguglio, Mr. Christopher Waddell, or the California Rifle & Pistol Association, Incorporated.

I declare under penalty of perjury that the foregoing is true and correct. Executed within the United States on December 28, 2017.



Anna Barvir
Declarant

CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Duncan, et al. v. Becerra*

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

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 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

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

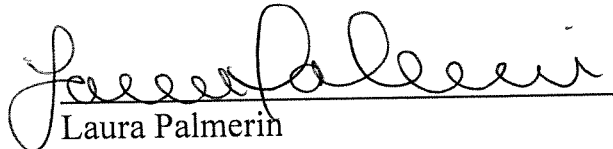
**UNOPPOSED MOTION FOR DISMISSAL OF PLAINTIFF RICHARD LEWIS;
DECLARATION OF ANNA M. BARVIR IN SUPPORT**

on the following parties by electronically filing the foregoing on December 28, 2017, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Alexandra Robert Gordon
Deputy Attorney General
alexandra.robertgordon@doj.ca.gov
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004

Anthony P. O'Brien
Deputy Attorney General
anthony.obrien@doj.ca.gov
1300 I Street, Suite 125
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 28, 2017, at Long Beach, CA.


Laura Palmerin

CERTIFICATE OF SERVICE

17cv1017