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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

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

19 Defendant.
20
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Case No: 17-cv-1017-BEN-JLB

**PLAINTIFFS' NOTICE OF
RELATED CASES**

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24 Pursuant to Local Rule 40.1(f), Plaintiffs Duncan, Lewis, Lovette, Marguglio,
25 Waddell, and California Rifle & Pistol Association, Incorporated ("Plaintiffs"), through
26 their counsel, note the following as a potentially related case: *Wiese v. Becerra*, Case No.
27 2:17-cv-00903-WBS-KJN, filed in the Eastern District of California, Fresno Division, on
28 April 28, 2017.

1 *Wiese* is a case filed by several individuals from all over the state and from other
 2 states, along with a number of organizations, that is potentially related to this case. Like
 3 Plaintiffs here, the *Wiese* plaintiffs assert Second Amendment and Takings Clause
 4 challenges to Penal Code section 32310. There are significant differences, as well. *Wiese*
 5 brings a multi-part vagueness challenge that, at least partially, relies on interpretations of
 6 California law. *Wiese* additionally challenges Penal Code section 32390 on the basis that
 7 it allegedly declares “large capacity magazines” to be a “nuisance” under California law,
 8 which is a disputed interpretation of that statute.

9 It is unlikely that assignment of these cases to a single district judge would effect a
 10 saving of judicial effort or other economies. Plaintiffs’ noticed motion for preliminary
 11 injunction is submitted and pending decision. Plaintiffs received notice that the *Wiese*
 12 plaintiffs yesterday, June 14, 2017, filed a “Motion for Temporary Restraining Order, and
 13 Issuance of Preliminary Injunction” only one day after Senior Judge William B. Shubb
 14 issued an order summarily denying without prejudice the motion for temporary
 15 restraining order (which was filed the day before that order issued). *Weise v. Becerra*, No.
 16 2:17-cv-0903 WBS KJN (E.D. Cal. Jun. 13, 2017) (order denying motion for temporary
 17 restraining order). The order invited the *Wiese* plaintiffs to renew their motion “at such
 18 time as plaintiffs may seriously want the court to rule on it,” indicating that “the
 19 circumstances described in the Supplemental Declaration of George M. Lee” (counsel for
 20 the *Wiese* plaintiffs) made the motion premature. *Ibid.* That declaration notified the court
 21 of: “a pending matter in another court, hearing of which is scheduled today (June 13) at
 22 10:00 a.m., wherein the plaintiffs in that matter are seeking substantially similar relief as
 23 that set forth in the motion we filed yesterday. See: *Duncan v. Becerra*, U.S. District
 24 Court for the Southern District of California, Case No. 17-cv-1017-BEN-JLB, Hon.
 25 Roger T. Benitez, presiding, filed 5/17/17;” and concluded that “if complete relief is
 26 granted to the plaintiffs today in the *Duncan* matter, it may determine when and/or
 27 whether the instant motion should be scheduled.” (Supplemental Decl. in support of
 28 Plaintiff’s Motion for Temporary Restraining Order, Jun. 13, 2016, Docket No. 25) *Weise*

1 *v. Becerra*, No. 2:17-cv-0903 WBS KJN. Upon the renewed “Motion for Temporary
2 Restraining Order, and Issuance of Preliminary Injunction” being filed the very next day
3 (yesterday), Judge Shubb, the same day, ordered its hearing to be held before him on
4 Friday, June 16, 2017 at 10:00 AM, giving the defendant, California Attorney General
5 Xavier Becerra until 12:00 PM today to file an opposition. *Weise v. Becerra*, No. 2:17-
6 cv-0903 WBS KJN (E.D. Cal. Jun. 14, 2017) (order granting hearing on Plaintiffs
7 renewed Motion for Preliminary Injunction).

8 Related cases that have been terminated include:

- 9 1) *Fyock v. City of Sunnyvale*, Case No. C 13-05807. Filed in the Northern District of
10 California, San Jose Division, on December 16, 2013, the case was voluntarily
11 dismissed without prejudice on November 30, 2016.
- 12 2) *S.F. Veteran Police Officers’ Ass’n v. City and County of San Francisco*, Case No.
13 C 13-05351. Filed in the Northern District of California, San Francisco Division,
14 on November 19, 2013, the case was voluntarily dismissed without prejudice on
15 March 14, 2014.

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17 Dated: June 15, 2017

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21 Attorneys for Plaintiffs
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UNITED STATES DISTRICT COURT
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VIRGINIA DUNCAN, RICHARD
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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 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:

PLAINTIFFS' NOTICE OF RELATED CASES

on the following parties by electronically filing the foregoing on June 15, 2017, with the Clerk of the District Court using its ECF System, which electronically notifies them.

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

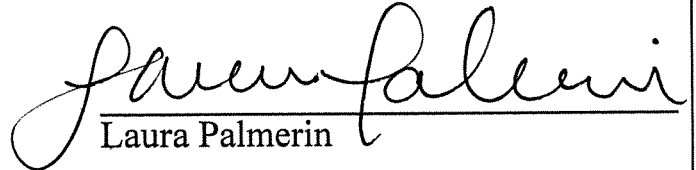
Anthony P. O'Brien
Deputy Attorney General
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and on the following parties by mail. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit. Executed on June 15, 2017.

George M. Lee
Douglas A. Applegate
Seiler Epstein Ziegler & Applegate LLP
601 Montgomery Street, Suite 2000
San Francisco, CA 94111

Raymond M. DiGuiseppe
Law Offices of Raymond Mark
Diguiseppe, PLLC
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Southport, NC 28461

I declare under penalty of perjury that the foregoing is true and correct. Executed
on June 15, 2017, at Long Beach, CA.


Laura Palmerin