

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	17-56081		
District Court/Agency Case Number(s):	3:17-cv-01017-BEN-JLB		
District Court/Agency Location:	Southern District of California		
Case Name:	Duncan, et al.	v.	Becerra, et al.
If District Court, docket entry number(s) of order(s) appealed from:	28		
Name of party/parties submitting this form:	Defendant-Appellant Attorney General Xavier Becerra		
Please briefly describe the dispute that gave rise to this lawsuit.			
Plaintiffs challenge California Government Code section 32310 (Section 32310), which, in relevant part, bans possession of large-capacity magazines holding more than ten rounds of ammunition. On June 29, 2017, the district court granted plaintiffs' motion for preliminary injunction.			
Briefly describe the result below and the main issues on appeal.			
Defendant-Appellant filed this appeal seeking reversal of the district court's grant of a preliminary injunction. The main issues on appeal include whether the district court erred in finding that Section 32310 violates the Second Amendment and the Takings Clause and that plaintiffs had satisfied the injunction factors.			
Describe any proceedings remaining below or any related proceedings in other tribunals.			
A substantially similar lawsuit, Wiese v. Becerra, 2:17-cv-00903-WBS-KJN, was filed by different plaintiffs in the Eastern District of California. In that case, the Honorable William B. Shubb denied plaintiffs' motion for preliminary injunction.			



Provide any other thoughts you would like to bring to the attention of the mediator.

Given that this preliminary injunction appeal involves the constitutionality of state law, it does not appear to be suitable for mediation.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

### CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses  
☒ is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and  
☒ service list may result in sanctions, including dismissal of the appeal.

Signature /s/ Alexandra Robert Gordon

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for Defendant-Appellant Attorney General Xavier Becerra

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

## SERVICE LIST

Plaintiffs and Appellees Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell, and California Rifle & Pistol Association are represented by:

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## CERTIFICATE OF SERVICE

Case Name: **Duncan, Virginia et al v. Xavier** No. **17-56081**  
**Becerra [APPEAL]**

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I hereby certify that on July 31, 2017, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### MEDIATION QUESTIONNAIRE

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 31, 2017, at San Francisco, California.

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Staci Caston  
Declarant

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/s/ Staci Caston  
Signature