

1 Neal A. Potischman (SBN 254862)
2 DAVIS POLK & WARDWELL LLP
3 1600 El Camino Real
4 Menlo Park, California 94025
5 Phone: (650) 752-2000
6 Fax: (650) 752-2156
7 neal.potischman@davispolk.com

8 *Attorneys for Amicus Curiae*
9 *Everytown for Gun Safety*

10
11 **UNITED STATES DISTRICT COURT**
12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
13

14 VIRGINIA DUNCAN, RICHARD LEWIS,
15 PATRICK LOVETTE, DAVID MARGUGLIO,
16 CHRISTOPHER WADDELL, and CALIFORNIA
17 RIFLE & PISTOL ASSOCIATION, INC., a
18 California corporation,

19 Plaintiffs,

20 v.

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

24 Defendants.
25
26
27

No. 3:17-cv-01017-BEN-JLB

**NOTICE OF MOTION AND
MOTION FOR LEAVE FOR
EVERYTOWN FOR GUN SAFETY
TO PARTICIPATE AS AMICUS
CURIAE**

Hearing Date: April 30, 2018
Hearing Time: 10:30 a.m.

Filing Date: April 16, 2018

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

2 PLEASE TAKE NOTICE that on April 30, 2018 at 10:30 a.m. in Courtroom 5A on the
 3 5th Floor of the above-entitled Court, located at 221 West Broadway, San Diego, California,
 4 92101, movant Everytown for Gun Safety ("Everytown") will, and hereby does, move for an
 5 order permitting it to participate as amicus curiae in the proceedings regarding Defendant's
 6 Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary
 7 Judgment, currently scheduled to be heard at the above-referenced date, time, and location.
 8 Everytown's Motion is submitted in light of and in reference to the Stipulated Briefing Schedule
 9 proposed by the parties on March 3, 2018 (Dkt. 49), which scheduled a hearing on Defendant's
 10 Opposition for April 30, 2018 at 10:30 am.

11 This Motion is made on the grounds that the Court has inherent authority to allow
 12 participation of amici curiae. Everytown believes that its participation as amicus curiae would
 13 be helpful in facilitating a more complete understanding of the issues before the Court. This
 14 Motion is based on this Notice of Motion and Motion, the accompanying Memorandum in
 15 Support of Everytown's Motion for Leave to Participate as Amicus Curiae, all attachments
 16 thereto, all papers and pleadings on file in this action, and upon such further evidence and
 17 argument as may be presented to the Court in connection with this Motion.

18 Respectfully submitted,

19
 20 Date: April 16, 2018

DAVIS POLK & WARDWELL LLP

21 By: /s/Neal A. Potischman
 22 Neal A. Potischman (SBN 254862)
 23 1600 El Camino Real
 24 Menlo Park, California 94025
 25 Phone: (650) 752-2000
 26 Fax: (650) 752-2156
 27 neal.potischman@davispolk.com

28
Attorneys for Movant
Everytown for Gun Safety