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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11 VIRGINIA DUNCAN, et al.,
12
13 Plaintiffs,
14 v.

15 XAVIER BECERRA, in his official
capacity as Attorney General of the
16 State of California,
17 Defendant.

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

**PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITY
RE: *YOUNG v. STATE OF HAWAII***

Hearing Date: May 10, 2018
Hearing Time: 10:00 a.m.
Judge: Hon. Roger T. Benitez
Courtroom: 5A

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR
RESPECTIVE ATTORNEYS OF RECORD:**

Plaintiffs Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell, and California Rifle & Pistol Association, Incorporated, respectfully submit this notice of supplemental authority.

On July 24, 2018, the United States Court of Appeals for the Ninth Circuit entered its ruling in the matter *Young v. State of Hawaii*, Case No: 12-17808. (A true and correct copy of the opinion is attached hereto as Exhibit A.) In the *Young* matter, the Ninth Circuit considered “whether the Second Amendment encompasses the right of a responsible law-abiding citizen to carry a firearm openly for self-defense outside of the home.” Ex. A, at 6. The Ninth Circuit held it does. Ex. A, at 52-53. In doing so, it analyzed the proper application of intermediate scrutiny in Second Amendment challenges. Ex. A, at 55-58. The panel’s references to the deference courts owe the legislature are particularly relevant to this case. Ex. A, at 56-57.

Plaintiffs discussed the intermediate scrutiny analysis issues clarified in *Young* in their Court-ordered supplemental brief filed on June 11, 2018, and again in their supplemental response filed on June 21, 2018. ECF No. 63 at 13-24; ECF No. 65 at 6-10. Because the *Young* opinion was not available to Plaintiffs at the time their original briefs were filed, and because the opinion directly addresses issues raised in the parties’ briefing, Plaintiffs respectfully bring this new authority to the Court’s attention. They believe it will aid the Court in evaluating Plaintiffs’ pending motion for summary judgment.

Dated: July 26, 2018

MICHEL & ASSOCIATES, P.C.

/s/ Anna M. Barvir

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Attorneys for Plaintiffs

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:

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL
AUTHORITY RE: *YOUNG v. STATE OF HAWAII***

on the following parties by electronically filing the foregoing on July 26, 2018, with the Clerk of the District Court using its ECF System, which electronically notifies them.

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I declare under penalty of perjury that the foregoing is true and correct.
Executed on July 26, 2018, at Long Beach, CA.

/s/Laura Palmerin
Laura Palmerin