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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 Plaintiffs,

13 v.

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

17 Defendant.

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

**PLAINTIFFS' OPPOSITION TO
DEFENDANT'S EX PARTE
APPLICATION FOR TEMPORARY
STAY OF THE JUDGMENT**

1 Plaintiffs oppose the State's request for a temporary stay of the judgment
 2 while the Court considers the State's Ex Parte Application to Stay Judgment Pending
 3 Appeal of this Court's Order Granting Plaintiffs' Motion for Summary Judgment.
 4 Plaintiffs understand the State's concerns, but should the judgment be stayed
 5 immediately, even if only temporarily, countless otherwise law-abiding Californians
 6 who have already ordered LCMs in reliance on the Court's order but have not
 7 received them would unjustly be subjected to severe criminal penalties without
 8 notice. *See* Cal. Penal Code § 32310(a); *see also* Cal. Penal Code § 1170(h).
 9 Therefore, unless the Court can unequivocally protect those individuals in an order
 10 granting the State's temporary stay request, that request should be denied.

11 Plaintiffs are still evaluating the State's arguments for staying the judgment
 12 pending appeal and intend to respond in detail to that request promptly. Because the
 13 potential consequences of the State's temporary stay request are so severe, however,
 14 Plaintiffs believed it prudent to make the Court aware of their concerns immediately.

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 16
 17 Dated: April 2, 2019

MICHEL & ASSOCIATES, P.C.

18
 19 /s/

20 Anna M. Barvir

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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:

**OPPOSITION TO DEFENDANT'S EX PARTE APPLICATION TO STAY
JUDGMENT PENDING APPEAL**

on the following parties by electronically filing the foregoing on April 2, 2019, with the Clerk of the District Court using its ECF System, which electronically notifies them.

John D. Echeverria
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I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 2, 2019, at Long Beach, CA.

/s/ _____
Laura Palmerin