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12 Attorneys for Plaintiffs

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

STEVEN RUPP, et al.,

Plaintiffs,

vs.

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

Defendant.

Case No.: 8:17-cv-00746-JLS-JDE

**PLAINTIFFS' NOTICE OF  
MOTION AND MOTION FOR  
SUMMARY JUDGMENT OR,  
ALTERNATIVELY, PARTIAL  
SUMMARY JUDGMENT**

Hearing Date: May 31, 2019  
Hearing Time: 10:30 a.m.  
Courtroom: 10A  
Judge: Josephine L. Staton

[Filed concurrently with Memorandum  
of Points and Authorities, Statement of  
Uncontroverted Facts and Conclusions  
of Law, Request for Judicial Notice,  
Declarations of Sean A. Brady, Steven  
Rupp, Steven Dember, Cheryl Johnson,  
Christopher Seifert, Alfonso Valencia,  
Troy Willis, Michael Jones, Dennis  
Martin, and Richard Travis]

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

2 PLEASE TAKE NOTICE that on May 31, 2019 at 10:30 a.m., or as soon  
3 thereafter as the matter may be heard, in Courtroom 10A of the Roybal Reagan  
4 Federal Building and United States Courthouse, located at 411 West Fourth Street,  
5 Santa Ana, California, 92701, Plaintiffs Steven Rupp, Steven Dember, Cheryl  
6 Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis  
7 Martin, and the California Rifle & Pistol Association, Incorporated, ("Plaintiffs")  
8 will, and hereby do, move for summary judgment under Rule 56 of the Federal  
9 Rules of Civil Procedure as to each claim asserted in Plaintiff's Third Amended  
10 Complaint for Declaratory and Injunctive Relief. Alternatively, Plaintiffs move for  
11 partial summary judgment under Rule 56 as to those claims arising from the Takings  
12 and Due Process Clauses of the United States Constitution.

13 This motion is made following the conference of counsel pursuant to L.R. 7-3  
14 which took place on March 15, 2019.

15 Plaintiffs bring this motion because there is no genuine dispute that (1) The  
16 Second Amendment to the United States Constitution protects the right of every law-  
17 abiding citizen to possess and acquire "arms" of the sort typically possessed by law  
18 abiding citizens for lawful purposes; (2) the rifles banned under California's Assault  
19 Weapon Control Act are such arms entitled to Second Amendment protection; and  
20 (3) the State of California cannot meet its burden, under applicable constitutional  
21 scrutiny, to justify banning such arms. Plaintiffs are thus entitled to judgment as a  
22 matter of law.

23 This motion is based on this notice and motion, as well as the memorandum of  
24 points and authorities, statement of uncontroverted facts and conclusions of law, the  
25 declaration of Sean A. Brady and attached exhibits, and the declarations of Steven  
26 Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso  
27 Valencia, Troy Willis, Dennis Martin, Richard Travis, filed simultaneously  
28 herewith. This motion is also based on the papers and pleadings already on file in

1 this action and on such matters as may be presented to the Court at the hearing.  
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5 Dated: March 25, 2019

**MICHEL & ASSOCIATES, P.C.**

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7 /s/Sean A. Brady

8 Sean A. Brady

9 Attorneys for Plaintiffs  
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**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

Case Name: *Rupp, et al. v. Becerra*  
Case No.: 8:17-cv-00746-JLS-JDE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR SUMMARY  
JUDGMENT OR, ALTERNATIVELY, PARTIAL SUMMARY  
JUDGMENT**

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

Xavier Becerra  
Attorney General of California  
Peter H. Chang  
Deputy Attorney General  
E-mail: peter.chang@doj.ca.gov  
John D. Echeverria  
Deputy Attorney General  
E-mail: john.echeverria@doj.ca.gov  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.

Executed March 25, 2019.

/s/Laura Palmerin  
Laura Palmerin

FIRM: MICHEL & ASSOCIATES, P.C.  
180 E OCEAN BLVD  
STE 200  
LONG BEACH CA 90802  
PH: 562-216-4444

**Signal**  
ATTORNEY SERVICE  
INCORPORATED

DATE 3/26/19 CONTACT Laura ATTORNEY Sean ATTORNEY FILE # 2156 1246448

**DO TODAY** X **RETURN TODAY** \_\_\_\_\_  
Mark X for Special assignment(s). RUSH CHARGES APPLY

Long Beach 562-595-1337  
Torrance 310-316-1256  
Fax 562-595-6294

PLAINTIFF: Steven Rupp, et al.  
VS.  
DEFENDANT: Xavier Becerra

COURT: USDC  
JUDICIAL DIST: Central  
CITY: Santa Ana

CASE #: 8:17-cv-746

APPROVED DIRECT BILLING:

CARRIER NAME:

ADDRESS:

CITY, STATE, & ZIP:

ADJUSTER:

INSURED:

CLAIM NUMBER:

DATE OF LOSS:

27 MAR '19 AM 11:17

LIST ALL DOCUMENTS: HEARING DATE \_\_\_\_\_ FEES PAID/ DATE \_\_\_\_\_ FEES ATTACHED \_\_\_\_\_

5 binders & 13 stapled packets re  
Plaintiffs' Motion for Summary Judgment

**INSTRUCTIONS:** FILE BY \_\_\_\_\_ SERVE BY \_\_\_\_\_

DEPT. 10A CLERK \_\_\_\_\_

Deliver By 3/26

IMPORTANT	✓
FILE	
SERVE	
DELIVER	✓
COPY	
OTHER	

Please deliver documents to  
Judge Josephine L. Staton  
at the Ronald Reagan  
Federal Building  
411 W. Fourth Street  
Santa Ana, CA 92701  
10<sup>th</sup> Floor, Courtroom 10A

☐ RESIDENCE

☐ BUSINESS

MALE \_\_\_\_\_ FEMALE \_\_\_\_\_ RACE \_\_\_\_\_ AGE \_\_\_\_\_ HT \_\_\_\_\_ WT \_\_\_\_\_ HAIR \_\_\_\_\_

DATE <u>3/26</u>	ORIGINAL SUBMIT RUNNER <u>99F</u>	DATE _____	2 <sup>nd</sup> SUBMIT RUNNER _____
OKAY <input type="checkbox"/>	BACK TO COURT <input type="checkbox"/>	OKAY <input type="checkbox"/>	BACK TO COURT <input type="checkbox"/>
REJECTED <input type="checkbox"/>		REJECTED <input type="checkbox"/>	
NO CONFORM	SHERIFF	COURTESY	DROP C/W
DROP DP	RCV C/W	RCV DP	FILE C/W
FILE DP	ATTY CK	OUR CK	CASH

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