

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 7. Mediation Questionnaire

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form07instructions.pdf>

9th Cir. Case Number(s) 19-55376

Case Name Virginia Duncan, et al. v. Xavier Becerra

**Counsel submitting
this form** John D. Echeverria

**Represented party/
parties** Xavier Becerra, Attorney General of the State of
California

Briefly describe the dispute that gave rise to this lawsuit.

This case presents a constitutional challenge to California Penal Code section 32310, which prohibits the acquisition and possession of large-capacity ammunition magazines capable of holding more than 10 rounds of ammunition. Plaintiffs contend that section 32310(a) and (b), which generally prohibit the manufacture, importation, sale, or receipt of large-capacity magazines, violate the Second Amendment. Plaintiffs also contend that section 32310(c) and (d), which were enacted by Proposition 63 in 2016 to prohibit the possession of large-capacity magazines, violate the Second Amendment, the Takings Clause, and the Due Process Clause.

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Briefly describe the result below and the main issues on appeal.

Plaintiffs moved for summary judgment on all claims. The district court granted Plaintiffs' motion and entered judgment, declaring California Penal Code section 32310 unconstitutional in its entirety and enjoining its enforcement. The district court stayed the judgment in part pending resolution of the appeal.

The main issues on appeal are (i) whether section 32310's prohibitions on large-capacity magazines violate the Second Amendment and (ii) whether section 32310's prohibition on the possession of large-capacity magazines also violates the Takings Clause or the Due Process Clause.

Describe any proceedings remaining below or any related proceedings in other tribunals.

There are no proceedings remaining below.

This case is similar to Wiese v. Becerra, Case No. 17-cv-00903-WBS-KJN, which is pending in the Eastern District of California and involves a constitutional challenge to California Penal Code section 32310(c) and (d) under the Second Amendment, the Takings Clause, and the Equal Protection Clause.

Signature s/ John D. Echeverria

Date Apr 10, 2019

(use "s/[typed name]" to sign electronically-filed documents)

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CERTIFICATE OF SERVICE

Case Name: **Virginia Duncan, et al v. Xavier
Becerra**

Case No.: **19-55376**

I hereby certify that on April 10, 2019, 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 April 10, 2019, at Los Angeles, California.

Colby Luong
Declarant

s/ Colby Luong
Signature

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