

1 Rukesh A. Korde
rkorde@cov.com
2 Jazzirelle Sepulveda
jsepulveda@cov.com
3 COVINGTON & BURLING LLP
One CityCenter, 850 Tenth Street, NW
4 Washington, DC 20001-4956
Telephone: + 1 (202) 662-6000

5 Devon Mobley-Ritter (SBN 309439)
dmobleyritter@cov.com
6 Joseph Dalia (SBN 316439)
jdalia@cov.com
7 COVINGTON & BURLING LLP
8 3000 El Camino Real
5 Palo Alto Square
9 Palo Alto, CA 94306-2112
Telephone: +1 (650) 632-4700

10 Attorneys for *Amici Curiae* Brady and
11 National Association of Social Workers

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
14 **SOUTHERN DIVISION**

15 STEVEN RUPP, et al.,

16 Plaintiffs,

17 v.

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

20 Defendant.
21

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

MOTION BY BRADY AND THE
NATIONAL ASSOCIATION OF
SOCIAL WORKERS FOR LEAVE TO
FILE AMICUS CURIAE BRIEF IN
SUPPORT OF DEFENDANT'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT

Hearing Date: May 31, 2019

Hearing Time: 10:30 a.m.

Courtroom: 10A

Judge: Hon. Josephine L. Staton

1 Brady and the National Association of Social Workers (“NASW”) respectfully
 2 move for leave to file an *amici curiae* brief in the above-captioned matter. The parties to
 3 this matter have not contributed to the preparation or filing of this brief. This motion is
 4 being timely filed within seven days of Defendant’s Opposition to Plaintiffs’ Motion for
 5 Summary Judgment.

6 The Ninth Circuit Court of Appeals has recognized that District Courts have
 7 “broad discretion to appoint amici curiae.” *Hoptowit v. Ray*, 682 F.2d 1237, 1260
 8 (9th Cir. 1982), abrogated on other grounds by *Rainwater v. McGinness*, 559 F. App’x
 9 635, 635 (9th Cir. 2014). Furthermore, the Central District of California has held that
 10 “[t]here are no strict prerequisites that must be established prior to qualifying for amicus
 11 status; an individual seeking to appear as amicus must merely make a showing that his
 12 participation is useful to or otherwise desirable to the court.” *Duronslet v. Cty. of*
 13 *Los Angeles*, No. 2:16-cv-08933-ODW(PLAx), 2017 WL 5643144, *1 (C.D. Cal.
 14 Jan. 23, 2017) (citations omitted).

15 *Amici curiae* serve the purpose of “assisting in a case of general public interest,
 16 supplementing the efforts of counsel, and drawing the court’s attention to law that
 17 escaped consideration.” *Miller-Wohl Co. v. Comm’r of Labor & Indus. State of Mont.*,
 18 694 F.2d 203, 204 (9th Cir. 1982). Accordingly, “District Courts frequently welcome
 19 amicus briefs from nonparties concerning legal issues that have potential ramifications
 20 beyond the parties directly involved or if the amicus has unique information or
 21 perspective that can help the court beyond the help that the lawyers for the parties are
 22 able to provide.” *Safari Club Int’l v. Harris*, No. 2:14-cv-01856-GEB-AC, 2015 WL
 23 1255491, at *1 (E.D. Cal. Jan. 14, 2015) (citation omitted).

24 Brady is the nation’s largest nonpartisan, non-profit organization dedicated to
 25 reducing gun violence through education, research, and direct legal advocacy on behalf of
 26 victims and communities affected by gun violence. Brady has a substantial interest in
 27 ensuring that the Second Amendment is not interpreted in a way that would jeopardize
 28 the public’s interest in preventing the consequential effects of gun violence. To further

1 this interest, Brady has filed amicus briefs to inform numerous cases involving the
 2 interpretation of firearms regulations. *See, e.g., McDonald v. City of Chicago*, 561 U.S.
 3 742, 870 n.13, 887 n.30, 891 n.34 (2010) (Stevens, J., dissenting) (citing Brady brief);
 4 *United States v. Hayes*, 555 U.S. 415, 427 (2009) (citing Brady brief); *District of*
 5 *Columbia v. Heller*, 554 U.S. 570 (2008); and *Friedman v. Highland Park*, 784 F.3d 406
 6 (7th Cir. 2015), *cert. denied* 136 S. Ct. 447 (2015).

7 NASW's concern for gun violence in the United States is reflected in its widely
 8 disseminated Social Justice Brief entitled "Gun Violence in the American Culture,"
 9 which emphasizes that gun violence is a public health crisis impacting every segment of
 10 society.¹ Additionally, as articulated in its policy statement on family violence, NASW
 11 supports efforts to raise awareness about the intersections of gun violence and family
 12 violence.² NASW promotes adherence to federal guidelines related to seizure of
 13 weapons in family violence cases, and protection of children, adults, and elders from
 14 exposure to firearms and any violence-producing conditions.

15 This matter involves a constitutional challenge to the regulation of assault weapons
 16 under California's Assault Weapons Control Act ("AWCA"). Assault weapons are
 17 commonly used in mass shootings that result in devastating consequences. Brady and
 18 NASW's brief explains the massive psychological and economic effects of mass
 19 shootings, drawing on academic literature, personal accounts from survivors of mass
 20 shootings, and data concerning the economic costs of mass shootings. The brief shows
 21 how the AWCA furthers California's important public health and fiscal interests, and
 22 therefore survives intermediate scrutiny. These interests have not been discussed in
 23 detail in Defendant's opposition to Plaintiffs' motion for summary judgment, nor have
 24

25 ¹ NASW, *Gun Violence in the American Culture* (2017),
 26 <https://www.socialworkers.org/LinkClick.aspx?fileticket=HlcEGsb8cy0%3d&portalid=0>.

27 ² NASW, *Policy Statement: Family Violence*, Social Work Speaks at 127 (10th ed. 2015).
 28

1 they been addressed by other *amici curiae*. This brief is therefore directly relevant to the
2 issues before the Court and helpful to resolve Plaintiffs' motion for summary judgment.

3 Therefore, Brady and NASW respectfully request that the Court grant leave to file
4 the accompanying *amici curiae* brief in support of Defendant's Opposition to Plaintiffs'
5 Motion for Summary Judgment.

6 Dated: May 9, 2019

Respectfully submitted,

7 /s/ Devon Mobley-Ritter

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9 Rukesh A. Korde
rkorde@cov.com
Jazzirelle Sepulveda
10 jsepulveda@cov.com
COVINGTON & BURLING LLP
11 One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
12 Telephone: + 1 (202) 662-6000

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