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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 TO
EXCLUDE THE TESTIMONY OF
DEFENDANT'S EXPERT
WITNESS JOHN J. DONOHUE
UNDER FEDERAL RULE OF
EVIDENCE 702**

Hearing Date: July 5, 2019
Hearing Time: 10:30 a.m.
Judge: Josephine L. Staton
Courtroom: 10A

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

3 PLEASE TAKE NOTICE that on July 5, 2019, at 10:30 a.m. in Courtroom
4 10A of the above captioned court, located at 411 West Fourth Street, Courtroom
5 10A, 10th Floor, Santa Ana, California 92701, Plaintiffs Steven Rupp, Steven
6 Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia,
7 Troy Willis, Dennis Martin, and the California Rifle & Pistol Association,
8 Incorporated, (“Plaintiffs”) will move to exclude the testimony of Defendant Xavier
9 Becerra’s expert witness John J. Donohue under Federal Rule of Evidence 702.
10 Plaintiffs contend that per the evidentiary standards for the admissibility of expert
11 witness testimony under Rule 702 and elucidated in *Daubert v. Merrell Dow*
12 *Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), Mr. Donohue’s testimony is not
13 admissible.

14 This Motion is based on this notice of motion and motion, memorandum of
15 points and authorities, declaration of Sean A. Brady, and all exhibits filed
16 concurrently herewith. This motion is also based on the pleadings and record already
17 on file and on any further matters this Court deems appropriate.

18
19 Dated: May 28, 2019

MICHEL & ASSOCIATES, P.C.

20
21 /s/ Sean A. Brady

22 Sean A. Brady
23 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 TO EXCLUDE THE
TESTIMONY OF DEFENDANT'S EXPERT WITNESS JOHN J. DONOHUE
UNDER FEDERAL RULE OF EVIDENCE 702**

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
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John D. Echeverria
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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 May 28, 2019.

/s/ Laura Palmerin
Laura Palmerin