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Attorneys for Plaintiffs

**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  
PARTIALLY EXCLUDE THE  
TESTIMONY OF DEFENDANT'S  
EXPERT WITNESS DETECTIVE  
MICHAEL MERSEREAU 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 partially exclude the testimony of  
9 Defendant Xavier Becerra’s expert witness Detective Michael Mersereau under  
10 Federal Rule of Evidence 702. Plaintiffs contend that per the evidentiary standards  
11 for the admissibility of expert witness testimony under Rule 702 and elucidated in  
12 *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), Mr.  
13 Mersereau’s testimony and opinions identified in the memorandum of points and  
14 authorities filed concurrently herewith are not admissible.

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

19  
20 Dated: May 28, 2019

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

21  
22 /s/ Sean A. Brady

23 Sean A. Brady  
24 Attorneys for Plaintiffs  
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26  
27  
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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 PARTIALLY  
EXCLUDE THE TESTIMONY OF DEFENDANT'S EXPERT WITNESS  
DETECTIVE MICHAEL MERSEREAU 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  
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 May 28, 2019.

/s/ Laura Palmerin  
Laura Palmerin