

1 C. D. Michel – SBN 144258  
cmichel@michellawyers.com  
2 Sean A. Brady – SBN 262007  
sbrady@michellawyers.com  
3 Matthew D. Cubeiro – SBN 291519  
mcubeiro@michellawyers.com  
4 MICHEL & ASSOCIATES, P.C.  
5 180 East Ocean Boulevard, Suite 200  
Long Beach, CA 90802  
6 Telephone: 562-216-4444  
7 Facsimile: 562-216-4445

8 Attorneys for Plaintiffs

9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **SOUTHERN DIVISION**

13 STEVEN RUPP, et al.,

14 Plaintiffs,

15 vs.  
16

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

19 Defendant.  
20

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

**PLAINTIFFS' OBJECTION TO  
DEFENDANT'S PROPOSED  
JUDGMENT**

1 Plaintiffs, Steven Rupp, Steven Dember, Cheryl Johnson, Michael Jones,  
 2 Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and the  
 3 California Rifle & Pistol Association, Incorporated (collectively, the “Plaintiffs”)  
 4 object to Defendant Attorney General of California Xavier Becerra’s Proposed  
 5 Judgment, filed on July 26, 2019, docket number 109-1.

6 Specifically, Plaintiffs contend that the language “and shall be entitled to  
 7 recover reasonable costs of suit” in the very last sentence of the proposed judgment  
 8 should be deleted because it is unnecessary and premature. Federal Rule of Civil  
 9 Procedure 54(d)(1) gives trial courts broad discretion to deny costs sought by a  
 10 prevailing party. *Draper v. Rosario*, 836 F.3d 1072, 1087 (9th Cir. 2016). The  
 11 parties will have the opportunity to litigate whether the prevailing party is entitled to  
 12 recovery of costs and, if so, in what amount, post-judgment. Deleting the identified  
 13 language from the judgment will not change that. Keeping the language, however,  
 14 decides the question before the parties have had the opportunity to be heard on it.  
 15 Importantly, the parties have informally agreed to stipulate to stay litigation of costs  
 16 and attorneys’ fees pending completion of the appeal of this matter to be able to do  
 17 so with finality. A formal stipulation to that effect will be forthcoming once the final  
 18 judgment issues. It thus makes even less sense to decide the question of entitlement  
 19 to costs now. For the parties agree it is in their mutual interest to wait to litigate the  
 20 issue of costs and fees at a later date.

21 For these reasons, Plaintiffs respectfully urge the Court to delete the language  
 22 “and shall be entitled to recover reasonable costs of suit” from Defendant’s Proposed  
 23 Judgment before entering final judgment.

24  
 25 Dated: July 31, 2019

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

s/ Sean A. Brady

Sean A. Brady

Attorneys for Plaintiffs

**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' OBJECTION TO DEFENDANT'S PROPOSED 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 July 31, 2019.

s/ Laura Palmerin  
Laura Palmerin