

**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) 19-56004

Case Name Steven Rupp, et al. v. Xavier Becerra

**Counsel submitting
this form** Sean A. Brady

**Represented party/
parties** Appellants Steven Rupp, et al.

Briefly describe the dispute that gave rise to this lawsuit.

Plaintiffs challenged provisions of California's Assault Weapon Control Act, which generally prohibits the possession, acquisition, or transfer of certain rifles that the Plaintiffs contend are commonly possessed by Americans for lawful purposes and thus constitutionally protected.

Plaintiffs include: (1) individuals who lawfully own and possess such rifles and who wish to be free from the restrictions California places on the ownership of those rifles, including transferring them to family members or others; (2) individuals who wish to lawfully acquire and possess such rifles; and (3) a self-defense civil rights organization. Plaintiffs contend that the challenged provisions violate their rights under the Second Amendment, the Takings Clause, and the Due Process Clause.

Defendant disputes that contention.

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

The district court granted Defendant's Motion to Dismiss Plaintiffs' Takings Clause and Due Process Clause claims. Subsequently, the district court denied Plaintiffs' Motion for Summary Judgement and granted Defendant's Motion for Summary Judgement on the sole remaining Second Amendment claim, concluding that the subject rifles did not enjoy Second Amendment protection because they are "like" the M-16, a firearm the Supreme Court suggested might lack Second Amendment protection.

This Court is asked to decide whether California's Assault Weapon Control Act's general prohibition on the possession, acquisition, and transfer of certain rifles violates the Second Amendment, the Takings Clause, or the Due Process Clause.

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

The parties have stipulated to stay litigation of costs in the district court pending resolution of this appeal.

The First Circuit Court of Appeals recently upheld a Massachusetts "assault weapons" ban. See *Worman v. Healey*, 922 F.3d 26 (1st Cir. 2019). The plaintiffs in that case have indicated that they will petition the United States Supreme Court to review the case.

Signature s/ Sean A. Brady

Date Sep 4, 2019

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

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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2019, an electronic PDF of Form 7. Mediation Questionnaire was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Date: September 4, 2019

MICHEL & ASSOCIATES, P.C.

s/ Sean A. Brady

Sean A. Brady

Counsel for Plaintiffs-Appellants