

**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)

Case Name

Counsel submitting this form

Represented party/ parties

Briefly describe the dispute that gave rise to this lawsuit.

Defendants issued and enforced health directives requiring the closures of firearms and ammunition retailers for an extended period of time on the basis that these retailers provided "non-essential" services to the public during the COVID-19 pandemic in 2020. Plaintiffs challenged these actions on the basis that they violated their Second Amendment rights by "prevent[ing] the Plaintiffs, Plaintiffs' members, and similarly situated members of the public from exercising their rights, including the purchase, sale, transfer of, and training with constitutionally protected arms, ammunition, magazines, and appurtenances, [...] thus causing injury and damage that is actionable under 42 U.S.C. § 1983."

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

Plaintiffs moved for a temporary restraining order and issuance of a preliminary injunction. The district court denied the motion, and also entered a sua sponte dismissal of the Defendants/Appellees named herein.

In this appeal, Plaintiffs/Appellants challenge (1) whether the district court erred in its sua sponte dismissal of the named Defendants/Appellees herein; and (2) whether the plaintiffs' claims were rendered moot by virtue of the county defendants' changed or updated orders made at the time of the dismissal.

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

Judgment was entered as to Defendants/Appellees herein on March 24, 2021.

Related Cases: Martinez v. Villanueva, et al. (9th Cir. Case No. 20-56233) (an appeal from the district court's dismissal of a complaint involving similar shutdown orders enacted/enforced by the defendants herein); McDougall v. County of Ventura, et al. (9th Cir. Case No. 20-56220) (same).

Signature

Date

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