No. 19-55376

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

VIRGINIA DUNCAN; RICHARD LEWIS; PATRICK LOVETTE; DAVID MARGUGLIO; CHRISTOPHER WADDELL; CALIFORNIA RIFLE & PISTOL ASSOCIATION, INC., a California Corporation,

Plaintiffs-Appellees,

v.

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

Defendant-Appellant.

On Appeal from the United States District Court for the Southern District of California, No. 3:17-cv-01017-BEN-JLB

SUPPLEMENTAL EXCERPTS OF RECORD VOLUME 4: SER817-SER831

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September 16, 2019

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APPEAL, CLOSED, STAYED, ENE

SER817

U.S. District Court Southern District of California (San Diego) CIVIL DOCKET FOR CASE #: 3:17-cv-01017-BEN-JLB

Duncan et al v. Becerra et al

Assigned to: Judge Roger T. Benitez

Referred to: Magistrate Judge Jill L. Burkhardt

Related Cases: 3:18-cv-00802-BEN-JLB

3:19-cv-01537-BEN-JLB

Case in other court: USCA, 17-56081

USCA, 19-55376

Cause: 42:1983cv Civil Rights Act - Civil Action for Deprivation

of Rights

<u>Plaintiff</u>

Virginia Duncan

Date Filed: 05/17/2017

Date Terminated: 03/29/2019

Jury Demand: None

Nature of Suit: 950 Constitutional - State

Statute

Jurisdiction: Federal Question

represented by Carl D. Michel

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Plaintiff

Case: 19-55376, 09/16/2019, ID: 11433428, DktEntry: 47-4, Page 4 of 17

Richard Lewis

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TERMINATED: 01/09/2018

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Anna M. Barvir

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Sean Brady

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V.

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Defendant

Does 1-10

Movant

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represented by Anthony P Schoenberg

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LEAD ATTORNEY

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Movant

Everytown for Gun Safety

Date Filed	#	Docket Text
05/17/2017	1	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0974-10088872.), filed by California Rifle & Pistol Association, Incorporated, Richard Lewis, David Margulio, Christopher Waddell, Virginia Duncan, Patrick Lovette. (Attachments: # 1 Civil Cover Sheet) The new case number is 3:17-cv-1017-BEN-JLB. Judge Roger T. Benitez and Magistrate Judge Jill L. Burkhardt are assigned to the case. (Michel, Carl)(fth) (sjt). (Entered: 05/18/2017)
05/18/2017	<u>2</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (fth) (Entered: 05/18/2017)

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05/25/2017	<u>3</u>	SUMMONS Returned Executed by California Rifle & Pistol Association, Incorporated, Richard Lewis, David Marguglio, Christopher Waddell, Virginia SER82 1 Duncan, Patrick Lovette. Xavier Becerra served. (Michel, Carl) (Entered: 05/25/2017)
05/25/2017	4	Ex Parte MOTION to Shorten Time to Hear Plaintiffs' Motion for Preliminary Injunction by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell. (Attachments: # 1 Memo of Points and Authorities in Support of Ex Parte Application for Order Shortening Time, # 2 Declaration of Anna M. Barvir in Support of Ex Parte Application for Order Shortening Time, # 3 Declaration of Sean Brady in Support of Ex Parte Application for Order Shortening Time)(Michel, Carl) (Entered: 05/25/2017)
05/26/2017	<u>5</u>	ORDER Granting <u>4</u> Ex Parte Application to Shorten Time. Motion Hearing set for 6/13/2017 at 10:00 AM in Courtroom 5A before Judge Roger T. Benitez. Signed by Judge Roger T. Benitez on 5/26/2017. (jjg) (Entered: 05/26/2017)
05/26/2017	6	MOTION for Preliminary Injunction by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell. (Attachments: # 1 Memo of Points and Authorities in Support of Plaintiffs' Motion for Preliminary Injunction, # 2 Declaration of Anna M. Barvir in Support of Plaintiffs' Motion for Preliminary Injunction, # 3 Exhibit F-G to Declaration of Anna M. Barvir, # 4 Exhibit H-V to Declaration of Anna M. Barvir, # 5 Exhibit W-GG to Declaration of Anna M. Barvir, # 6 Exhibit HH-RR to Declaration of Anna M. Barvir, # 7 Exhibit SS-LLL to Declaration of Anna M. Barvir, # 8 Declaration of Massad Ayoob in Support of Plaintiffs' Motion for Preliminary Injunction, # 9 Declaration of James Curcuruto in Support of Plaintiffs' Motion for Preliminary Injunction, # 10 Declaration of Steven Helsley in Support of Plaintiffs' Motion for Preliminary Injunction, # 11 Declaration of Gary Kleck in Support of Plaintiffs' Motion for Preliminary Injunction, # 12 Declaration of Virginia Duncan in Support of Plaintiffs' Motion for Preliminary Injunction, # 13 Declaration of Richard Lewis in Support of Plaintiffs' Motion for Preliminary Injunction, # 15 Declaration of David Marguglio in Support of Plaintiffs' Motion for Preliminary Injunction, # 16 Declaration of Christopher Waddell in Support of Plaintiffs' Motion for Preliminary Injunction, # 17 Declaration of Michael Barranco in Support of Plaintiffs' Motion for Preliminary Injunction, # 17 Declaration of Michael Barranco in Support of Plaintiffs' Motion for Preliminary Injunction, # 17 Declaration of Michael Barranco in Support of Plaintiffs' Motion for Preliminary Injunction, # 16 Declaration for Preliminary Injunction) (Michael Barranco in Support of Plaintiffs' Motion for Preliminary Injunction) (Entered: 05/26/2017)
05/30/2017	7	NOTICE of Appearance by Alexandra Robert Gordon on behalf of Xavier Becerra (Gordon, Alexandra)Attorney Alexandra Robert Gordon added to party Xavier Becerra(pty:dft) (Entered: 05/30/2017)
05/30/2017	8	AMENDED DOCUMENT by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell. Amendment to 6 MOTION for Preliminary Injunction <i>Certificate of Service</i> . (Michel, Carl) (knb). (Entered: 05/30/2017)
06/05/2017	9	RESPONSE in Opposition re <u>6</u> MOTION for Preliminary Injunction filed by Xavier Becerra. (Gordon, Alexandra) (knb). (Entered: 06/05/2017)
06/05/2017	<u>10</u>	MOTION for Leave to File <i>Brief of Amicus Curiae</i> by Law Center to Prevent Gun Violence. (Attachments: # 1 Memo of Points and Authorities in Support of Motion for Leave to Participate as Amicus Curiae)(Schoenberg, Anthony)Attorney Anthony P Schoenberg added to party Law Center to Prevent Gun Violence(pty:mov) (knb).

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		(Entered: 06/05/2017)
06/05/2017	<u>11</u>	AFFIDAVIT in Opposition re 6 MOTION for Preliminary Injunction of Lucy Allen filed by Xavier Becerra. (Gordon, Alexandra) (knb). (Entered: 06/05/2017)
06/05/2017	<u>12</u>	AFFIDAVIT in Opposition re 6 MOTION for Preliminary Injunction by John Donohue filed by Xavier Becerra. (Gordon, Alexandra) (knb). (Entered: 06/05/2017)
06/05/2017	<u>13</u>	AFFIDAVIT in Opposition re 6 MOTION for Preliminary Injunction by Blake Graham filed by Xavier Becerra. (Gordon, Alexandra) (knb). (Entered: 06/05/2017)
06/05/2017	<u>14</u>	AFFIDAVIT in Opposition re 6 MOTION for Preliminary Injunction by Ken James filed by Xavier Becerra. (Gordon, Alexandra) (knb). (Entered: 06/05/2017)
06/05/2017	<u>15</u>	AFFIDAVIT in Opposition re 6 MOTION for Preliminary Injunction by Daniel W. Webster filed by Xavier Becerra. (Gordon, Alexandra) (knb). (Entered: 06/05/2017)
06/05/2017	16	Amicus Curiae Appearance entered by Anthony P Schoenberg on behalf of Law Center to Prevent Gun Violence. (Attachments: # 1 Exhibit A to Brief of Amicus Curiae Law Center to Prevent Gun Violence in Support of Defendant's Opposition to Plaintiffs' Motion for Preliminary Injunction)(Schoenberg, Anthony) (knb). (Entered: 06/05/2017)
06/05/2017	<u>17</u>	AFFIDAVIT in Opposition re <u>6</u> MOTION for Preliminary Injunction <i>of Alexandra Robert Gordon</i> filed by Xavier Becerra. (Attachments: # <u>1</u> Exhibits 1-15 to Dec of Alexandra Robert Gordon)(Gordon, Alexandra) (knb). (Entered: 06/05/2017)
06/05/2017	18	Exhibit List 16-108 re 17 AFFIDAVIT in Opposition by Xavier Becerra. (Attachments: # 1 Exhibit 25-43, # 2 Exhibit 44-54, # 3 Exhibit 55-56, # 4 Exhibit 57-62, # 5 Exhibit 63-69, # 6 Exhibit 70-73, # 7 Exhibit 74-76, # 8 Exhibit 77-84, # 9 Exhibit 85-108)(Gordon, Alexandra) (knb). (Entered: 06/05/2017)
06/06/2017	<u>19</u>	NOTICE of Appearance by Anthony P O'Brien on behalf of Xavier Becerra (O'Brien, Anthony)Attorney Anthony P O'Brien added to party Xavier Becerra(pty:dft) (Entered: 06/06/2017)
06/07/2017	<u>20</u>	NOTICE of Appearance by Anna M. Barvir on behalf of California Rifle & Pistol Association, Incorporated, Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell (Barvir, Anna)Attorney Anna M. Barvir added to party California Rifle & Pistol Association, Incorporated(pty:pla), Attorney Anna M. Barvir added to party Virginia Duncan(pty:pla), Attorney Anna M. Barvir added to party Richard Lewis(pty:pla), Attorney Anna M. Barvir added to party Patrick Lovette(pty:pla), Attorney Anna M. Barvir added to party David Marguglio(pty:pla), Attorney Anna M. Barvir added to party Christopher Waddell(pty:pla) (Entered: 06/07/2017)
06/07/2017	<u>21</u>	Joint MOTION for Extension of Time to File Answer by Xavier Becerra. (O'Brien, Anthony) (knb). (Entered: 06/07/2017)
06/07/2017	22	NOTICE of Appearance by Sean Brady on behalf of California Rifle & Pistol Association, Incorporated, Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell (Brady, Sean)Attorney Sean Brady added to party California Rifle & Pistol Association, Incorporated(pty:pla), Attorney Sean Brady added to party Virginia Duncan(pty:pla), Attorney Sean Brady added to party Richard Lewis(pty:pla), Attorney Sean Brady added to party Patrick Lovette(pty:pla), Attorney

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		Sean Brady added to party David Marguglio(pty:pla), Attorney Sean Brady added to party Christopher Waddell(pty:pla) (Entered: 06/07/2017) SER823
06/09/2017	23	REPLY to Response to Motion re <u>6</u> MOTION for Preliminary Injunction filed by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Law Center to Prevent Gun Violence, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell. (Attachments: # <u>1</u> Supplement Objections to Defendants' Evidence in Support of Opposition to Motion for Preliminary Injunction, # <u>2</u> Declaration of Anna M. Barvir in Support of Motion for Preliminary Injunction, # <u>3</u> Declaration of Gary Kleck in Support of Motion for Preliminary Injunction)(Michel, Carl) (knb). (Entered: 06/09/2017)
06/12/2017	<u>24</u>	OBJECTION by Xavier Becerra re 23 Reply to Response to Motion,, <i>Barvir and Kleck declarations</i> . (Gordon, Alexandra) (Entered: 06/12/2017)
06/12/2017	<u>25</u>	ANSWER to <u>1</u> Complaint, by Xavier Becerra.(Gordon, Alexandra) (Entered: 06/12/2017)
06/13/2017	26	Minute Order for proceedings held before Judge Roger T. Benitez: Motion Hearing held on 6/13/2017. Submitting 6 MOTION for Preliminary Injunction filed by Virginia Duncan, Patrick Lovette, David Marguglio, California Rifle & Pistol Association, Incorporated, Christopher Waddell, Richard Lewis. Court to issue written Order. (Court Reporter/ECR Debbie OConnell). (Plaintiff Attorney Clint B. Monfort, Sean A. Brady).(Defendant Attorney Alexandra Robert Gordon). (no document attached) (gxr) (Entered: 06/14/2017)
06/15/2017	<u>27</u>	NOTICE OF RELATED CASE(S) by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell of case(s) 2:17-cv-00903-WBS-KJN. (Michel, Carl) Proposed Now Number Order not prepared - related case in different district on 6/16/2017 (knb). (Entered: 06/15/2017)
06/29/2017	<u>28</u>	ORDER Granting 6 Motion for Preliminary Injunction. Signed by Judge Roger T. Benitez on 6/29/2017. (knb) (Entered: 06/29/2017)
07/06/2017	29	NOTICE AND ORDER for Early Neutral Evaluation Conference. Early Neutral Evaluation set for 8/2/2017 02:45 PM in chambers before Magistrate Judge Jill L. Burkhardt. In the event the case does not settle at the ENE, a Case Management Conference is set for August 2, 2017 and will be held at the conclusion of the ENE Conference. Joint Discovery Plan due 7/21/2017. Signed by Magistrate Judge Jill L. Burkhardt on 7/6/2017.(knb) (Entered: 07/06/2017)
07/12/2017	<u>30</u>	DECLARATION re <u>28</u> Order on Motion for Preliminary Injunction <i>Re: Notice of Order</i> by Defendant Xavier Becerra. (Gordon, Alexandra) (knb). (Entered: 07/12/2017)
07/19/2017	<u>31</u>	REPORT of Rule 26(f) Planning Meeting. (Barvir, Anna) (Entered: 07/19/2017)
07/27/2017	32	NOTICE OF APPEAL to the 9th Circuit as to 28 Order granting Motion for Preliminary Injunction, by Xavier Becerra. (Filing fee \$ 505 receipt number 0974-10288817.) (Notice of Appeal electronically transmitted to US Court of Appeals.) (Gordon, Alexandra). (Main Document 32 replaced on 7/27/2017 with printed .pdf of document, which was originally e-filed as an active fillable form. Edited docket text re linked Order.) (akr). (Entered: 07/27/2017)

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07/27/2017	33	NOTICE of Representation Statement re 32 Notice of Appeal, by Xavier Becerra. (Gordon, Alexandra). (Modified on 7/27/2017: Added link to Notice of Appeal (Entered: 07/27/2017)
07/28/2017	<u>34</u>	USCA Case Number 17-56081 for <u>32</u> Notice of Appeal to 9th Circuit, filed by Xavier Becerra. (akr) (Entered: 07/28/2017)
07/28/2017	<u>35</u>	ORDER of USCA as to 32 Notice of Appeal to 9th Circuit, filed by Xavier Becerra. The appeal filed July 27, 2017 is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply. The mediation questionnaire is due three days after the date of this order. If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the USDC that will be included in the record on appeal. Briefing schedule issued and instructions issued. Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. (akr) (Entered: 07/28/2017)
08/02/2017	<u>36</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Motion Hearing) held on 6/13/2017, before Judge Roger T. Benitez. Court Reporter/Transcriber: Deborah M. O'Connell. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or the Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E-File the Notice of Intent to Request Redaction. The following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 8/23/2017. Redacted Transcript Deadline set for 9/5/2017. Release of Transcript Restriction set for 10/31/2017. (akr) (Entered: 08/02/2017)
08/02/2017	37	Minute Entry for proceedings held before Magistrate Judge Jill L. Burkhardt: Telephonic Early Neutral Evaluation Conference held on 8/2/2017. The case did not settle. Telephonic Case Management Conference held on 8/2/2017. Scheduling order to follow. (Plaintiff Attorney Anna M. Barvir). (Defendant Attorney Alexandra Robert Gordon). (no document attached) (smm) (Entered: 08/03/2017)
08/04/2017	38	SCHEDULING ORDER: Memorandum of Contentions of Fact and Law due by 5/4/2018. Proposed Pretrial Order due by 5/25/2018. Final Pretrial Conference set for 6/4/2018 10:30 AM before Judge Roger T. Benitez. Signed by Magistrate Judge Jill L. Burkhardt on 8/4/2017.(knb) (Entered: 08/04/2017)
08/07/2017	<u>39</u>	MOTION to Stay <i>Proceedings Pending Appeal</i> by Xavier Becerra. (Attachments: # 1 Memo of Points and Authorities in Support of Motion to Stay Proceedings Pending Appeal, # 2 Proposed Order, # 3 Proof of Service)(Gordon, Alexandra) (knb). (Entered: 08/07/2017)
08/28/2017	40	RESPONSE in Opposition re 39 MOTION to Stay <i>Proceedings Pending Appeal</i> filed by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) (knb). (Entered: 08/28/2017)
08/29/2017	41	Minute Order issued by the Honorable Roger T. Benitez: Submitting 39 MOTION to Stay <i>Proceedings Pending Appeal</i> . Court to issue written Order. Motion Hearing date of 9/11/2017 10:30AM is hereby vacated. (no document attached) (gxr) (Entered: 08/29/2017)

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09/05/2017	<u>42</u>	REPLY to Response to Motion re 39 MOTION to Stay <i>Proceedings Pending Appeal</i> filed by Xavier Becerra. (Gordon, Alexandra) (knb). (Entered: 09/05/2017) SER82 5
09/07/2017	43	ORDER of USCA as to 32 Notice of Appeal to 9th Circuit, filed by Xavier Becerra. Appellant's unopposed motion for a second extension of time to file the opening brief is granted. Briefing schedule issued. (akr) (Entered: 09/07/2017)
10/10/2017	44	ORDER Denying 39 Motion to Stay Proceedings. Signed by Judge Roger T. Benitez on 10/10/2017. (knb) (Entered: 10/10/2017)
12/01/2017	45	Joint MOTION for Extension of Time to File <i>Motions for Summary Judgment</i> by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell. (Attachments: # 1 Proof of Service)(Barvir, Anna) (anh). (Entered: 12/01/2017)
12/05/2017	<u>46</u>	ORDER granting 45 Motion for Extension of Time to File Motions for Summary Judgment. Signed by Magistrate Judge Jill L. Burkhardt on 12/5/2017. (anh) (Entered: 12/06/2017)
12/28/2017	47	MOTION to Dismiss Party <i>Plaintiff Richard Lewis</i> by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) (anh). (Entered: 12/28/2017)
01/09/2018	48	ORDER granting <u>47</u> Plaintiffs' Unopposed Motion For Dismissal of Plaintiff Richard Lewis. Richard Lewis terminated. Signed by Judge Roger T. Benitez on 1/9/2018. (anh) (Entered: 01/09/2018)
03/02/2018	<u>49</u>	Joint MOTION to Adopt Stipulated Briefing Schedule for Plaintiffs' Motion for Summary Judgment by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna)(anh). (Entered: 03/02/2018)
03/05/2018	<u>50</u>	MOTION for Summary Judgment by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Attachments: # 1 Memo of Points and Authorities in Support of Plaintiffs' Motion for Summary Judgment, # 2 Request for Judicial Notice in Support of Plaintiffs' Motion for Summary Judgment, # 3 Declaration of Virginia Duncan in Support of Plaintiffs' Motion for Summary Judgment, # 4 Declaration of David Marguglio in Support of Plaintiffs' Motion for Summary Judgment, # 5 Declaration of Patrick Lovette in Support of Plaintiffs' Motion for Summary Judgment, # 6 Declaration of Christopher Waddell in Support of Plaintiffs' Motion for Summary Judgment, # 7 Declaration of Richard Francis Travis in Support of Plaintiffs' Motion for Summary Judgment, # 8 Declaration of Anna M. Barvir in Support of Plaintiffs' Motion for Summary Judgment; Exhibits 1-5, # 9 Exhibit 6-9 to the Declaration of Anna M. Barvir, # 10 Exhibit 10-19 to the Declaration of Anna M. Barvir, # 11 Exhibit 20-26 to the Declaration of Anna M. Barvir, # 12 Exhibit 27-30 to the Declaration of Anna M. Barvir, # 14 Exhibit 33-42 to the Declaration of Anna M. Barvir, # 15 Exhibit 43-51 to the Declaration of Anna M. Barvir, # 16 Exhibit 52 Part 1 of 2 to the Declaration of Anna M. Barvir, # 18 Exhibit 56-68 to the Declaration of Anna M. Barvir, # 19 Proof of Service)(Barvir, Anna) (anh). (Entered: 03/05/2018)

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03/16/2018	<u>51</u>	NOTICE of Appearance by John Darrow Echeverria on behalf of Xavier Becerra (Echeverria, John)Attorney John Darrow Echeverria added to party Xavier SER82 Becerra(pty:dft) (anh). (Entered: 03/16/2018)
04/09/2018	<u>52</u>	Joint MOTION to Set Aside <i>Upcoming Pretrial Deadlines Pending Resolution of Plaintiffs' Motion for Summary Judgment</i> by Xavier Becerra. (Attachments: # 1 Proof of Service)(O'Brien, Anthony) (anh). (Entered: 04/09/2018)
04/09/2018	53	RESPONSE in Opposition re 50 MOTION for Summary Judgment or, Alternatively, Partial Summary Judgment filed by Xavier Becerra. (Attachments: # 1 Request for Judicial Notice in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment; Declaration of John D. Echeverria, # 2 Declaration of Blake Graham in Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment, # 3 Declaration of Ken James in Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment, # 4 Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment; Exhibits 1-3, # 5 Exhibit 4-6 to the Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment, # 6 Exhibit 7-11 to the Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment, # 7 Exhibit 12-15 to the Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment, # 8 Exhibit 16-19 to the Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment, # 9 Exhibit 20-23 to the Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment, # 10 Exhibit 24-28 to the Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment, # 11 Exhibit 29-33 to the Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment, # 11 Exhibit 29-33 to the Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment, # 14 Proof of Servic
04/16/2018	<u>54</u>	MOTION for Leave to File /Participate as Amicus Curiae by Everytown for Gun Safety. (Attachments: # 1 Memo of Points and Authorities, # 2 Proposed Order, # 3 Proposed Amicus Brief)(Potischman, Neal) QC Mailer Sent Re: Proposed Order (anh). (Entered: 04/16/2018)
04/18/2018	<u>55</u>	ORDER granting <u>54</u> Motion of Everytown for Gun Safety for Leave to Participate As Amicus Curiae. Signed by Judge Roger T. Benitez on 4/18/2018. (anh) (Entered: 04/18/2018)
04/18/2018	<u>56</u>	Brief of Amicus Curiae Everytown For Gun Safety in Support of <u>53</u> Defendant's Opposition to Plaintiffs' Motion for Summary judgment or, Alternatively, Partial Summary Judgment by Movant Everytown for Gun Safety. (anh) (Entered:

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		04/18/2018)
04/23/2018	<u>57</u>	REPLY - Other re 53 Response in Opposition to Motion,,,,,,,, filed by California Rife & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Attachments: # 1 Declaration of Anna M. Barvir in Support of Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment; Exhibits 87-88, # 2 Supplement Objections to Evidence Filed in Support of Defendant's Opposition to Motion for Summary Judgment)(Barvir, Anna) (anh). (Entered: 04/23/2018)
04/24/2018	58	Minute Order by Judge Roger T. Benitez: Resetting Hearing date re 50 MOTION for Summary Judgment. Motion Hearing set for 4/30/2018 is vacated and reset for 5/10/2018 10:00 AM before Judge Roger T. Benitez.(no document attached) (jak) (Entered: 04/24/2018)
04/24/2018	<u>59</u>	Amended Scheduling ORDER; denying 52 Motion to Set Aside. Final Pretrial Conference set for 9/10/2018 10:30 AM before Judge Roger T. Benitez. Memorandum of Contentions of Fact and Law due by 8/3/2018. Proposed Pretrial Order due by 8/31/2018. Signed by Magistrate Judge Jill L. Burkhardt on 4/24/2018. (anh) (Entered: 04/24/2018)
05/10/2018	60	Minute Entry for proceedings held before Judge Roger T. Benitez: Motion Hearing held on 5/10/2018 re 50 MOTION for Summary Judgment filed by Virginia Duncan, Patrick Lovette, David Marguglio, California Rifle & Pistol Association, Incorporated, Christopher Waddell. Post-hearing 25-page briefs due to the Court within 30 days from today's hearing. Response briefs due to the Court within 10 days thereafter. (Court Reporter/ECR Juliet Eichenlaub). (Plaintiff Attorney Clint B. Monfort, Anna M. Barvir). (Defendant Attorney John Darrow Echeverria). (no document attached) (gxr) (Entered: 05/11/2018)
05/22/2018	61	NOTICE OF FILING OF OFFICIAL TRANSCRIPT (Motion Hearing) held on 5/10/2018, before Judge Roger T. Benitez. Court Reporter/Transcriber: Juliet Y. Eichenlaub. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or the Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E-File the Notice of Intent to Request Redaction. The following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 6/12/2018. Redacted Transcript Deadline set for 6/22/2018. Release of Transcript Restriction set for 8/20/2018. (akr) (Entered: 05/22/2018)
06/11/2018	<u>62</u>	RESPONSE in Opposition re <u>50</u> MOTION for Summary Judgment filed by Xavier Becerra. (Echeverria, John) (anh). (Entered: 06/11/2018)
06/11/2018	<u>63</u>	RESPONSE in Support re 50 MOTION for Summary Judgment filed by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Attachments: # 1 Declaration of Anna M. Barvir) (Barvir, Anna) (anh). (Entered: 06/11/2018)
06/21/2018	<u>64</u>	RESPONSE in Opposition re <u>50</u> MOTION for Summary Judgment filed by Xavier Becerra. (Echeverria, John) (anh). (Entered: 06/21/2018)

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06/21/2018	<u>65</u>	REPLY - Other re 62 Response in Opposition to Motion <i>for Summary Judgment</i> filed by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patric §ER828 Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) (anh). (Entered: 06/21/2018)
07/24/2018	<u>66</u>	Joint MOTION to Amend/Correct <u>59</u> Order on Motion to Set Aside, <i>Scheduling Order</i> by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) M (anh). (Entered: 07/24/2018)
07/26/2018	<u>67</u>	NOTICE of Supplemental Authority re: Young v. State of Hawaii by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell (Barvir, Anna) (anh). (Entered: 07/26/2018)
07/27/2018	<u>68</u>	ORDER granting 66 Joint Motion of the Parties to Amend Scheduling Order Memorandum of Contentions of Fact and Law due by 9/7/2018. Proposed Pretrial Order due by 10/5/2018. Final Pretrial Conference set for 10/16/2018 10:30 AM before Judge Roger T. Benitez. Signed by Magistrate Judge Jill L. Burkhardt on 7/27/2018. (anh) (Entered: 07/27/2018)
08/06/2018	<u>69</u>	NOTICE of Supplemental Authority by Xavier Becerra (Echeverria, John) (anh). (Entered: 08/06/2018)
08/22/2018	70	ORDER of USCA as to 32 Notice of Appeal to 9th Circuit, filed by Xavier Becerra. A judge of the USCA has called for a vote to determine whether this case will be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a). Within 21 days of the filed date of this order, the parties shall file simultaneous briefs addressing their respective positions on whether this case should be reheard en banc. Instructions issued. (akr) (Entered: 08/22/2018)
08/23/2018	71	Joint MOTION to Amend/Correct <u>68</u> Order on Motion to Amend/Correct, <i>Scheduling Order</i> by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) (anh). (Entered: 08/23/2018)
08/27/2018	72	ORDER Granting 71 Joint Motion And Issuing Third Amended Scheduling Order. Memorandum of Contentions of Fact and Law due by September 7, 2018 is reset for October 5, 2018. Proposed Pretrial Order due by October 5, 2018 is reset for November 2, 2018. Final Pretrial Conference scheduled for October 16, 2018 is reset for Tuesday, November 13, 2018 at 10:30 AM before Judge Roger T. Benitez. Signed by Magistrate Judge Jill L. Burkhardt on 8/27/2018. (sjm) (Entered: 08/27/2018)
09/25/2018	<u>73</u>	Joint MOTION to Amend/Correct 72 Order on Motion to Amend/Correct, <i>Scheduling Order</i> by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) (anh). (Entered: 09/25/2018)
09/28/2018	74	ORDER granting Joint Motion and Issuing Fourth Amended Scheduling Order [ECF Nos. 72, 73] Memorandum of Contentions of Fact and Law due by 11/9/2018. Proposed Pretrial Order due by 12/7/2018. Final Pretrial Conference set for 12/18/2018 10:30 AM before Judge Roger T. Benitez Signed by Magistrate Judge Jill L. Burkhardt on 9/28/2018. (anh) (Entered: 09/28/2018)

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10/26/2018	<u>75</u>	***RECALLED AS ISSUED IN ERROR PER 77 ORDER OF USCA***: MANDATE of USCA affirming the decision of the USDC as to 32 Notice of ASPER 82 to the 9th Circuit filed by Xavier Becerra. (akr). (Modified on 10/26/2018: This Mandate has been recalled by the USCA.) (akr). (Entered: 10/26/2018)
10/26/2018	<u>76</u>	NOTICE of Supplemental Authority by Xavier Becerra (Echeverria, John) (anh). (Entered: 10/26/2018)
10/26/2018	77	ORDER of USCA as to 32 Notice of Appeal to 9th Circuit, filed by Xavier Becerra. The mandate issued on October 24, 2018 is recalled as issued in error. (akr) (Entered: 10/26/2018)
10/30/2018	<u>78</u>	Joint MOTION to Amend/Correct 74 Order on Motion to Amend/Correct, <i>Scheduling Order</i> by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) (rmc). (Entered: 10/30/2018)
10/31/2018	<u>79</u>	ORDER of USCA as to 32 Notice of Appeal to 9th Circuit filed by Xavier Becerra. A judge requested a vote on whether to rehear this case en banc pursuant to Federal Rule of Appellate Procedure 35(a). After reviewing the supplemental briefing submitted by the parties, the request has been withdrawn. The mandate shall issue forthwith. (akr) (Entered: 10/31/2018)
11/01/2018	<u>80</u>	MANDATE of USCA affirming the decision of the USDC as to <u>32</u> Notice of Appeal to the 9th Circuit filed by Xavier Becerra. (akr) (Entered: 11/01/2018)
11/06/2018	81	ORDER Granting Joint Motion and Issuing Fifth Amended Scheduling Order [ECF Nos. 74, 78]. Signed by Magistrate Judge Jill L. Burkhardt on 11/6/2018. (anh) (Entered: 11/06/2018)
11/27/2018	<u>82</u>	NOTICE of Supplemental Authority by Xavier Becerra (Echeverria, John) (anh). (Entered: 11/27/2018)
12/11/2018	<u>83</u>	NOTICE of Supplemental Authority by Xavier Becerra (Echeverria, John) (anh). (Entered: 12/11/2018)
02/01/2019	84	Joint MOTION to Amend/Correct <u>81</u> Order on Motion to Amend/Correct <i>Scheduling Order</i> by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) (anh). (Entered: 02/01/2019)
02/12/2019	<u>85</u>	ORDER Granting Joint Motion and Issuing Sixth Amended Scheduling Order [ECF Nos. 81, 84]. Signed by Magistrate Judge Jill L. Burkhardt on 2/12/2019. (anh) (Entered: 02/12/2019)
02/13/2019	86	NOTICE of Filing Amicus Brief in Wiese v. Becerra by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell (Barvir, Anna) (rmc). (Entered: 02/13/2019)
03/29/2019	<u>87</u>	ORDER Granting 50 Plaintiffs' Motion for Summary Judgment, Declaring California Penal Code § 32310 Unconstitutional and Enjoining Enforcement. Plaintiffs' motion for summary judgment is granted. California Penal Code § 32310 is hereby declared to be unconstitutional in its entirety and shall be enjoined. Defendant Attorney General Xavier Becerra, and his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with him, and those duly sworn state peace

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		officers and federal law enforcement officers who gain knowledge of this injunction order, or know of the existence of this injunction order, are enjoined from enforcing R830 California Penal Code section 32310. Defendant Becerra shall provide, by personal service or otherwise, actual notice of this order to all law enforcement personnel who are responsible for implementing or enforcing the enjoined statute. The government shall file a declaration establishing proof of such notice. Signed by Judge Roger T. Benitez on 3/29/2019. (aef) (Entered: 03/29/2019)
03/29/2019	88	CLERK'S JUDGMENT. IT IS SO ORDERED AND ADJUDGED Plaintiffs' motion for summary judgment is granted. California Penal Code § 32310 is hereby declared to be unconstitutional in its entirety and shall be enjoined. Defendant Attorney General Xavier Becerra, and his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with him, and those duly sworn state peace officers and federal law enforcement officers who gain knowledge of this injunction order, or know of the existence of this injunction order, are enjoined from enforcing California Penal Code section 32310. Defendant Becerra shall provide, by personal service or otherwise, actual notice of this order to all law enforcement personnel who are responsible for implementing or enforcing the enjoined statute. The government shall file a declaration establishing proof of such notice.(aef) (Entered: 03/29/2019)
04/01/2019	<u>89</u>	Ex Parte MOTION to Stay re <u>88</u> Clerk's Judgment,,, <i>Pending Appeal</i> by Xavier Becerra. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration, # <u>3</u> Proof of Service)(Echeverria, John) (anh). (Entered: 04/01/2019)
04/02/2019	90	**DOCUMENT WITHDRAWN PER DOC. NO. 92 ** RESPONSE in Opposition re 89 Ex Parte MOTION to Stay re 88 Clerk's Judgment,,, <i>Pending Appeal</i> filed by Virginia Duncan. (Barvir, Anna) (anh). QC EMail Sent re: Missing signatures (anh). (anh). (Entered: 04/02/2019)
04/02/2019	91	RESPONSE in Support re <u>89</u> Ex Parte MOTION to Stay re <u>88</u> Clerk's Judgment,,, <i>Pending Appeal</i> filed by Xavier Becerra. (Echeverria, John) (anh). (Entered: 04/02/2019)
04/03/2019	92	NOTICE of Withdrawal of Document Number 90 by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell re 90 Response in Opposition to Motion (Barvir, Anna) (anh). (Entered: 04/03/2019)
04/03/2019	93	RESPONSE in Opposition re <u>89</u> Ex Parte MOTION to Stay re <u>88</u> Clerk's Judgment,,, <i>Pending Appeal</i> filed by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) (anh). (Entered: 04/03/2019)
04/03/2019	94	RESPONSE in Opposition re 89 Ex Parte MOTION to Stay re 88 Clerk's Judgment,,, Pending Appeal filed by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Attachments: # 1 Declaration of Anna M. Barvir, # 2 Declaration of Charles David Wylie, Jr.)(Barvir, Anna) (anh). (Entered: 04/03/2019)
04/04/2019	<u>95</u>	RESPONSE in Support re <u>89</u> Ex Parte MOTION to Stay re <u>88</u> Clerk's Judgment,,, <i>Pending Appeal</i> filed by Xavier Becerra. (Echeverria, John) (jms). (Entered: 04/04/2019)

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04/04/2019	<u>96</u>	NOTICE OF APPEAL to the 9th Circuit as to <u>87</u> Order, <u>88</u> Clerk's Judgment, by Xavier Becerra. (Filing fee \$ 505 receipt number 0974-12373646.) (Notice of Appeals) electronically transmitted to US Court of Appeals.) (Echeverria, John). (Modified on 4/4/2019: Edited docket text re linked Order.) (akr). (Entered: 04/04/2019)	
04/04/2019	<u>97</u>	ORDER Staying In Part Judgment Pending Appeal. Signed by Judge Roger T. Benitez on 4/4/2019. (anh) (Entered: 04/04/2019)	
04/04/2019	98	USCA Case Number 19-55376 for <u>96</u> Notice of Appeal to the 9th Circuit filed by Xavier Becerra. (akr) (Entered: 04/05/2019)	
04/04/2019	99	USCA Time Schedule Order as to <u>96</u> Notice of Appeal to the 9th Circuit filed by Xavier Becerra. (NOTICE TO PARTIES of deadlines regarding appellate transcripts: Appellant shall file transcript designation and ordering form with the US District Court (see attached), provide a copy of the form to the court reporter, and make payment arrangements with the court reporter on or by 5/6/2019 (see Ninth Circuit Rule 10-3.1); Due date for filing of transcripts in US District Court is 6/3/2019.) (cc: Court Reporter). (Attachments: # <u>1</u> Transcript Designation and Ordering Form). (akr) (Entered: 04/05/2019)	
04/12/2019	100	Joint MOTION to Stay <i>Litigation of Attorneys' Fees and Costs Pending Appeal</i> by California Rifle & Pistol Association, Incorporated, Virginia Duncan, Patrick Lovette, David Marguglio, Christopher Waddell. (Barvir, Anna) (anh). (Entered: 04/12/2019)	
04/18/2019	101	ORDER Granting Joint Motion to Stay Litigation of Attorneys' Fees and Costs Pending Appeal. Signed by Judge Roger T. Benitez on 4/16/2019. (anh) (Entered: 04/18/2019)	
04/25/2019	102	DECLARATION re <u>88</u> Clerk's Judgment,,, by Defendant Xavier Becerra. (Echeverria, John) (anh). (Entered: 04/25/2019)	

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