

Case No. 20-56233

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JONAH MARTINEZ, et al.
Plaintiffs/Appellants,

v.

ALEX VILLANUEVA, et al.
Defendants/Appellees

Appeal From The United States District Court
for the Central District of California
Honorable André Birotte Jr.
Lower Court Docket No. 2:20-cv-02874-AB-SK

**MOTION FOR A 14-DAY EXTENSION OF TIME FOR FILING
PETITION FOR REHEARING OR, IN THE ALTERNATIVE,
REHEARING EN BANC**

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Attorneys for Defendants-Appellees
COUNTY OF LOS ANGELES,
ALEX VILLANUEVA and BARBARA FERRER

PLEASE TAKE NOTICE that Defendants-Appellees County of Los Angeles, Sheriff Alex Villanueva (in his official capacity only), and County Public Health Director Barbara Ferrer (in her official capacity only) (collectively, “Appellees”) respectfully move this Court, under Federal Rule of Appellate Procedure Rules 26(b) and 40(a)(1), for a 14-day extension of the current February 3, 2022 deadline for filing a petition for rehearing and/or rehearing en banc of this Court’s opinion issued on January 20, 2022. (Dkt No. 37-1.)

This panel’s opinion, which was based on the reasons set forth in the panel’s published opinion in the related case *McDougall v. County of Ventura*, No. 20-56220, ___ F.4th ___ (9th Cir. Jan. 20, 2022), raises important issues regarding the intersection of the Second Amendment and COVID-19-related jurisprudence, including the appropriate level of review for pandemic-related actions alleged to have violated the Second Amendment.

Appellees have at all times exercised due diligence in providing timely and professional briefing to this Court, and any petition for rehearing and/or rehearing en banc will be filed within the time requested. (Declaration of Paul B. Beach, ¶ 6.)

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Plaintiffs/Appellants were notified of this Motion and confirmed that they will take **no position** in response to this motion. (*Id.*, ¶ 7.)

Dated: January 28, 2022

Respectfully submitted,

LAWRENCE BEACH ALLEN & CHOI, PC

By /s/ Paul B. Beach

Paul B. Beach
Jin S. Choi
Attorneys for Defendants/Appellees
County of Los Angeles, Barbara
Ferrer, and Alex Villanueva

DECLARATION OF PAUL B. BEACH

I, Paul B. Beach, declare as follows:

1. I am an attorney at law, duly authorized to practice before this Court and I am a shareholder in the law firm of Lawrence Beach Allen & Choi, PC, attorneys of record for Appellees County of Los Angeles, Sheriff Alex Villanueva (in his official capacity only), and County Public Health Director Barbara Ferrer (in her official capacity only) in the within entitled action. I have personal knowledge of the facts stated herein. If called to testify to the matters herein, I could and would competently do so.

2. I am responsible for the preparation of Appellees' petition for rehearing and/or petition for rehearing en banc of the Court's January 20, 2022 opinion reversing the district court's granting of Appellees' motion for judgment on the pleadings.

3. Appellees' petition for rehearing and/or rehearing en banc is currently due by February 3, 2022.

4. Appellees hereby respectfully request a fourteen (14) day extension—to February 17, 2022—for filing their petition for rehearing and/or rehearing en banc.

5. This will be the only request for an extension of this filing deadline, and this request is being made for the reasons set forth below:

(a) An institutional client, such as the County of Los Angeles, requires multiple stakeholders to confer and assess whether, and under what terms, it may seek further appellate review, and that process takes time that would otherwise be spent on preparing the instant petition;

(b) In addition to preparing the petition in the instant matter, I am responsible for the day-to-day handling of multiple state and federal cases that have tasks scheduled during the two-week period of time the appellate rules require the petition to be filed in the absence of an extension of time.

6. Appellees have at all times exercised diligence in providing timely and professional briefing to this Court, and this motion is being made in good faith and not for any purpose of delay. Appellees' petition for rehearing and/or rehearing en banc will be filed within the time requested.

7. On January 27, 2022, Plaintiffs/Appellants' counsel, Mr. Raymond DiGuseppe, was advised of this motion, and he confirmed that Plaintiffs/Appellants will not be taking any position in response to this motion. Therefore, Plaintiffs/Appellants will **not** be filing any opposition hereto.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on January 28, 2022, at Glendale, California.

s/ Paul B. Beach
Paul B. Beach