

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

**DEFENDANTS' MOTION UNDER F.R.A.P. 41 AND
CIRCUIT RULE 41-1 FOR ISSUANCE OF REMAND AND MANDATE IN
ACCORDANCE WITH THE REMAND AND MANDATE ORDER ISSUED
IN A RELATED MATTER; DECLARATION OF JIN S. CHOI**

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COUNTY OF LOS ANGELES,
ALEX VILLANUEVA and BARBARA FERRER

This Panel “resolve[d] this case for the reasons set forth in *McDougall v. County of Ventura*, No. 20-56220, ___ F.4th ___ (9th Cir. Jan. 20, 2022), a related case involving different parties but materially similar issues.” *See*, Panel Memorandum at 1-2, filed January 20, 2022.

On March 8, 2022, however, this Court entered an order that *sua sponte* granted *en banc* review in *McDougall*, and vacated the Panel’s published opinion in said case. *See, McDougall* Docket. *En banc* oral argument was scheduled for June 21, 2022. *Id.*

Accordingly, Defendants/Appellees filed a motion to stay the issuance of mandate in this case until the resolution of the *en banc* proceeding in *McDougall*. This Court granted the motion on March 14, 2022. (ECF 43.)

On June 29, 2022, the *en banc* Panel in *McDougall* published their opinion, stating:

The district court’s judgment is vacated, and this case is remanded to the district court for further proceedings consistent with the United States Supreme Court’s decision in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. ____ (2022).

The parties shall bear their own attorney’s fees, costs and expenses. This order constitutes the mandate of this court.

McDougall v. County of Ventura, No. 20-56220, 2022 U.S. App. LEXIS 18039 (9th Cir. June 29, 2022).

DECLARATION OF JIN S. CHOI

I, Jin S. Choi, 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 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) 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. On June 30, 2022, Plaintiffs/Appellants' counsel, Mr. Raymond DiGuseppe, was advised by email of this Motion. Counsel for Appellants advised my office that Appellants will not oppose this Motion.

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

Executed on June 30, 2022, at Pasadena, California.

s/ Jin. S. Choi
Jin S. Choi