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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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13 **VIRGINIA DUNCAN, RICHARD**
14 **LEWIS, PATRICK LOVETTE,**
15 **DAVID MARGUGLIO,**
16 **CHRISTOPHER WADDELL, and**
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INC., a California
corporation,

17 Plaintiffs,

18 v.
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20 **ROB BONTA, in his official capacity**
21 **as Attorney General of the State of**
California; and DOES 1-10,

22 Defendants.
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17-cv-1017-BEN-JLB

**NOTICE OF MOTION AND
MOTION FOR
RECONSIDERATION OF
BRIEFING SCHEDULE SET
FORTH IN ORDER SPREADING
THE MANDATE AND
CONTINUING THE
PRELIMINARY INJUNCTION**

Date: November 9, 2022
Time: 10:30 a.m.
Courtroom: 5A
Judge: Hon. Roger T. Benitez
Action Filed: May 17, 2017

TO THE HONORABLE COURT AND COUNSEL FOR ALL PARTIES:

PLEASE TAKE NOTICE that on November 9, 2022 at 10:30 a.m., or as soon thereafter as the matter may be heard before the Honorable Roger T. Benitez of the United States District Court, Southern District of California, located at the Edward J. Schwartz United States Courthouse, 221 West Broadway, San Diego, California 92101, Courtroom 5A, Defendant Rob Bonta (the “Attorney General”) will and hereby does move for reconsideration of the briefing schedule set forth in the Order Spreading the Mandate and Continuing the Preliminary Injunction, issued on September 26, 2022 (Dkt. 111) (the “Order”), under Federal Rule of Civil Procedure 60(b)(6) and Local Rule 7.1(i)(2).

The Attorney General’s motion is made on the following grounds: (1) the briefing schedule set forth in the Order is insufficient to conduct the focused discovery to supplement the existing legal and historical record sufficient to meet the standard set forth in *New York State Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2211 (2022); and (2) the Order provides Plaintiff, but not the Attorney General, with the opportunity to respond to new evidence submitted in the supplemental briefs requested by the Court.

This Motion is based on this Notice of Motion and Motion to Dismiss; the accompanying Memorandum of Points and Authorities; all pleadings and papers on file in this action; and upon such additional matters as may be presented to and accepted by Court at the time of the hearing.

Dated: October 12, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
MARK R. BECKINGTON
Supervising Deputy Attorney General

/s/ Robert L. Meyerhoff
ROBERT L. MEYERHOFF
Deputy Attorney General
Attorneys for Defendant Rob Bonta

CERTIFICATE OF SERVICE

Case Name: Duncan, et al. v. Bonta

No. 3:17-cv-01017-BEN-JLB

I hereby certify that on October 12, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**NOTICE OF MOTION AND MOTION FOR RECONSIDERATION OF BRIEFING
SCHEDULE SET FORTH IN ORDER SPREADING THE MANDATE AND
CONTINUING THE PRELIMINARY INJUNCTION**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 12, 2022, at Los Angeles, California.

Robert Leslie Meyerhoff

Declarant

Robert M

Signature