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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11 VIRGINIA DUNCAN, et al.,

12 Plaintiffs,

13 v.

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

17 Defendant.

Case No: 17-cv-1017-BEN-JLB

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION TO STRIKE
DEFENDANTS' OVERSIZED
SUPPLEMENTAL BRIEF**

Hearing Date: January 9, 2023
Hearing Time: 10:30 a.m.
Courtroom: 5A
Judge: Hon. Roger T. Benitez

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Please take notice that on January 9, 2023, at 10:30 a.m. or as soon thereafter as counsel may be heard in Courtroom 5A of the above-captioned court, located at 221 West Broadway, San Diego, California 92101, Plaintiffs Virginia Duncan, Richard Lewis, Patrick Lovette, David Marguglio, Christopher Waddell, and California Rifle & Pistol Association, Incorporated, (“Plaintiffs”) will and hereby move this Court pursuant to Southern District Local Rule 7.1(h) for an order striking Defendants’ oversized Supplemental Brief in Response to the Court’s Order of September 26, 2022 (ECF No. 118).

Plaintiffs bring this motion because the State did not obtain leave to file its grossly excessive and burdensome brief. Local Civil Rule 7.1(h) provides that briefs “must not exceed a total of twenty-five (25) pages in length” unless leave is granted. Pages 26 through 63 of the State’s supplemental brief are in excess of the 25 page limit and should be stricken.

This motion is based on this notice, as well as the memorandum of points and authorities filed simultaneously herewith. This motion is also based on the papers and pleadings already on file in this motion and such matters as may be presented to the Court at the hearing.

Dated: December 1, 2022

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir

Anna M. Barvir

Email: abarvir@michellawyers.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Duncan, et al. v. Becerra*

Case No.: 17-cv-1017-BEN-JLB

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

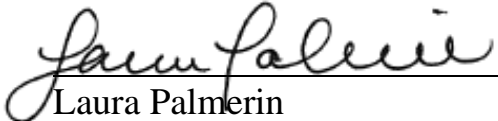
I have caused service of the following documents, described as:

**PLAINTIFFS' NOTICE OF MOTION AND MOTION TO STRIKE
DEFENDANTS' OVERSIZED SUPPLEMENTAL BRIEF**

on the following parties by electronically filing the foregoing on December 1, 2022, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Rob Bonta
Attorney General of California
Mark R. Beckington
Supervising Deputy Attorney General
Kevin J. Kelly
Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
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I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 1, 2022, at Long Beach, CA.


Laura Palmerin