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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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13 **LANCE BOLAND, ET AL.,**

14 Plaintiffs,

15 v.

16 **ROB BONTA, IN HIS OFFICIAL**
17 **CAPACITY AS ATTORNEY GENERAL OF**
18 **THE STATE OF CALIFORNIA, ET AL.,**

19 Defendants.

Case No. 8:22-cv-01421-DFM

**MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
OF DEFENDANT'S EX PARTE
APPLICATION TO PERMIT
WITNESS TO TESTIFY BY
VIDEO OR PHONE AT JANUARY
23, 2023 HEARING**

Judge: Hon. Cormac J. Carney
Trial Date: None set
Action Filed: August 3, 2022

1 In this ex parte application Defendant California Attorney General Rob Bonta
2 asks the Court to permit expert witness Dr. Saul Cornell to testify via video
3 conference or, alternatively, telephone, at the January 23, 2023 evidentiary hearing
4 on Plaintiffs' motion for preliminary injunction, ECF. No 23.

5 On December 14, 2022, this Court issued an order directing the parties to
6 present at the January 23 hearing live percipient and expert testimony, along with
7 other evidence, relating to specified subjects. ECF No. 35. Those subjects
8 included "[a]nalogues from the historical tradition of firearm regulation in the
9 United States that are relevantly similar to each requirement at issue in this action."
10 *Id.* at 2. Defendant has retained one witness, Dr. Cornell, to present expert
11 testimony on this subject at the hearing. Declaration of Gabrielle Boutin (Boutin
12 Dec.), ¶ 3.

13 However, Dr. Cornell resides in the State of Connecticut and has certain health
14 issues and other risk factors that make him particular vulnerable to COVID-19. *Id.*,
15 ¶ 4. Since the beginning of the New Year, as COVID-19 rates have risen in the
16 United States, it has become clear that travel to California for the hearing would
17 create risks to Dr. Cornell's health. *Id.* These are risks that may be avoided if he is
18 permitted to testify remotely, either by video conference or by telephone. *Id.* Dr.
19 Cornell is the only witness for whom Defendant makes this request. *Id.*.

20 Defendant's counsel has advised Plaintiff's counsel that Defendant would be
21 seeking the Court's permission for Dr. Cornell to testify by video conference or,
22 alternatively, telephone. *Id.*, ¶ 5. Plaintiffs' counsel responded that they would not
23 oppose Defendant's request to the Court so long as Defendant does not oppose any
24 similar application by Plaintiffs for remote witness testimony at the January 23
25 hearing. Defendant has agreed not to oppose any such application. *Id.*

26 Plaintiffs' counsel's contact information is:

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11 *See* L. R. 7-19.

12 For these reasons, Defendant respectfully asks the Court to permit Dr. Cornell
13 to testify at the January 23, 2023 hearing via video conference or, alternatively,
14 telephone.

15 Dated: January 13, 2023

Respectfully submitted,

16 ROB BONTA
17 Attorney General of California
18 MARK R. BECKINGTON
19 Supervising Deputy Attorney General

20 /s/ Gabrielle D. Boutin
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