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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

STEVEN RUPP, et al.,

Plaintiffs,

vs.

ROB BONTA, in his official capacity
as Attorney General of the State of
California,

Defendant.

Case No.: 8:17-cv-00746-JLS-JDE

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION TO EXCLUDE THE
TESTIMONY OF DEFENDANT'S
EXPERT WITNESS JOHN J.
DONOHUE UNDER FEDERAL RULE
OF EVIDENCE 702**

Hearing Date: April 28, 2023
Hearing Time: 10:30 a.m.
Courtroom: 8A
Judge: Hon. Josephine L. Staton

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

3 PLEASE TAKE NOTICE that on April 28, 2023, at 10:30 a.m. in Courtroom
4 8A of the above captioned court, located at 350 West 1st Street, Los Angeles,
5 California 90012, Plaintiffs Steven Rupp, Steven Dember, Cheryl Johnson, Michael
6 Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and the
7 California Rifle & Pistol Association, Incorporated, (“Plaintiffs”) will move to
8 exclude the testimony of Defendant Rob Bonta’s expert witness John J. Donohue
9 under Federal Rule of Evidence 702. Plaintiffs contend that per the evidentiary
10 standards for the admissibility of expert witness testimony under Rule 702 and
11 elucidated in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993),
12 Mr. Donohue’s testimony and opinions identified in the memorandum of points and
13 authorities filed concurrently herewith are not admissible.

14 This Motion is based on this notice of motion and motion, memorandum of
15 points and authorities, declaration of Sean A. Brady, and all exhibits filed
16 concurrently herewith. This motion is also based on the pleadings and record already
17 on file and on any further matters this Court deems appropriate.

18
19 Dated: March 24, 2023

MICHEL & ASSOCIATES, P.C.

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21 /s/ Sean A. Brady

22 Sean A. Brady
23 Attorneys for Plaintiffs
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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Case Name: *Rupp, et al. v. Bonta*
Case No.: 8:17-cv-00746-JLS-JDE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**PLAINTIFFS' NOTICE OF MOTION AND MOTION TO EXCLUDE THE
TESTIMONY OF DEFENDANT'S EXPERT WITNESS JOHN J. DONOHUE
UNDER FEDERAL RULE OF EVIDENCE 702**

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

Xavier Becerra
Attorney General of California
Anna Ferrari
Deputy Attorney General
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455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

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

Executed March 24, 2023.



Laura Palmerin