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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 STEVEN RUPP, et al.,

16 Plaintiffs,

17 vs.

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

21 Defendant.

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

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
SUMMARY JUDGMENT**

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

[Filed concurrently with Memorandum of Points and Authorities; Statement of Uncontroverted Facts and Conclusions of Law; Request for Judicial Notice; Declarations of Sean A. Brady, Steven Rupp, Steven Dember, Cheryl Johnson, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and Richard Minnich; Proposed Judgment]

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

2 PLEASE TAKE NOTICE that on July 28, 2023 at 10:30 a.m., or as soon
3 thereafter as the matter may be heard, in Courtroom 8A of the First Street U.S.
4 Courthouse, located at 350 West 1st St., Los Angeles, CA 90012, Plaintiffs Steven
5 Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso
6 Valencia, Troy Willis, Dennis Martin, and the California Rifle & Pistol Association,
7 Incorporated, (“Plaintiffs”) will, and hereby do, move for summary judgment under
8 Rule 56 of the Federal Rules of Civil Procedure as to each claim asserted in
9 Plaintiff’s Third Amended Complaint for Declaratory and Injunctive Relief.

10 This motion is made per this Court’s February 24, 2023 order (Dkt. No. 134)
11 setting the deadline to file dispositive motions for May 26, 2023.

12 Plaintiffs bring this motion because there is no genuine dispute that (1) The
13 Second Amendment to the United States Constitution protects the right of every law-
14 abiding citizen to possess and acquire “arms” of the sort typically possessed by law
15 abiding citizens for lawful purposes; (2) the rifles banned under California’s Assault
16 Weapon Control Act are such arms entitled to Second Amendment protection; and
17 (3) the State of California cannot meet its burden, under applicable constitutional
18 scrutiny, to justify banning such arms. Plaintiffs are thus entitled to judgment as a
19 matter of law.

20 This motion is based on this notice and motion, as well as the memorandum of
21 points and authorities, statement of uncontroverted facts and conclusions of law,
22 request for judicial notice, the declaration of Sean A. Brady and attached exhibits,
23 and the declarations of Steven Rupp, Steven Dember, Cheryl Johnson, Christopher
24 Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, Richard Minnich, filed
25 simultaneously herewith. This motion is also based on the papers and pleadings
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1 already on file in this action and on such matters as may be presented to the Court at
2 the hearing.

3
4
5 Dated: May 26, 2023

MICHEL & ASSOCIATES, P.C.

6
7 /s/Sean A. Brady

8 Sean A. Brady
9 Attorneys for Plaintiffs
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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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 FOR SUMMARY JUDGMENT

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

Anna Ferrari
Deputy Attorney General
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455 Golden Gate Ave., Suite 11000
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Attorneys for Defendant

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

Executed May 26, 2023.



Laura Palmerin