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15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

18 JAMES MILLER, an individual;
19 PATRICK RUSS, an individual;
20 RYAN PETERSON, an individual;
21 SAN DIEGO COUNTY GUN OWNERS
22 POLITICAL ACTION COMMITTEE, a
23 membership organization,

24 Plaintiffs,

25 vs.

26 XAVIER BECERRA, in his official
27 capacity as Attorney General of
28 California;
MARTIN HORAN, in his official
capacity as Chief of the Department of
Justice Bureau of Firearms,

Defendants.

Case No. 3:19-cv-01537-JAH-AGS

NOTICE OF RELATED CASE

[CivLR 40.1.f]

Hon. Judge John A. Houston and
Magistrate Judge Andrew G. Schopler

1 TO THE COURT, CLERK OF THE COURT, AND TO ALL PARTIES IN
2 THE RELATED CASES REFERENCED BELOW:

3 PLEASE TAKE NOTICE that pursuant to S.D. CivLR 40.1.f, Plaintiffs
4 James Miller, Patrick Russ, Ryan Peterson, and San Diego County Gun Owners
5 Political Action Committee (“Plaintiffs”) hereby serve this Notice of Related Case
6 to show that this captioned action is related to another action within this District,
7 namely, *Duncan v. Becerra*, Case No. 3:17-cv-1017-BEN-JLB, filed
8 May 17, 2017.
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11 The above-captioned case is a Second Amendment challenge to California’s
12 categorical prohibition pursuant to Penal Code §§ 30515(a)(2) and 30515(a)(5) on
13 lawfully-owned firearms in common use for lawful purposes, solely because these
14 classes of firearms feature likewise lawfully-owned and commonly possessed for
15 lawful purposes “large-capacity” magazines (capable of holding more than ten
16 rounds of ammunition) defined by Penal Code § 16740 and regulated under the
17 now-enjoined Penal Code § 32310.
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21 The present case is related to *Duncan* because both cases involve a Second
22 Amendment challenge to California law categorically prohibiting the possession,
23 manufacture, transportation, sale, and transfer of lawfully owned firearms and
24 firearms parts/accessories that are commonly possessed for lawful purposes and
25 protected under the United States Constitution. Further, the two cases involve
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27
28 (a) some of the same parties (defendant Xavier Becerra, sued in both actions in his

1 official capacity as Attorney General of the State of California); (b) the same type
2 of personal property (large capacity magazines defined by Cal. Penal Code
3 § 16740); and (c) substantially the same facts and questions of law (i.e., whether
4 the state can prohibit the possession of firearms that contain large capacity
5 magazines under the Second Amendment), an issue this District Court has
6 adjudicated. See Complaint filed herewith, ¶¶ 1, 2, 31 (citing *Duncan v. Becerra*,
7 366 F.Supp.3d 1131 (S.D. Cal. 2019) (granting summary judgment in favor of
8 plaintiffs, and granting injunctive relief from enforcement of Pen. Code § 32310).
9 Like the low-numbered case (*Duncan*), this case also seeks declaratory and
10 injunctive relief pertaining to the constitutionality of a state statute under the
11 Second Amendment.

12 Further, the consideration of this matter, involving the legality of firearms
13 featuring large capacity magazines under state law, would effect a saving of
14 judicial effort and avoid or minimize the risk of multiple, inconsistent rulings and
15 judgments within the same District.

16 Accordingly, and pursuant to CivLR 40.1.h, the Clerk of the Court is
17 requested to report the related cases to “the judges concerned at the earliest date
18 practicable.”

19 August 16, 2019

20 **GATZKE DILLON & BALLANCE LLP**

21 /s John W. Dillon

22 John W. Dillon