

1 George M. Lee (SBN 172982)  
Douglas A. Applegate (SBN 142000)  
2 **SEILER EPSTEIN ZIEGLER & APPEGATE LLP**  
601 Montgomery Street, Suite 2000  
3 San Francisco, California 94111  
Phone: (415) 979-0500  
4 Fax: (415) 979-0511

5 Raymond M. DiGuseppe (SBN 228457)  
**LAW OFFICES OF RAYMOND MARK DIGUISEPPE, PLLC**  
6 4002 Executive Park Blvd., Suite 600  
Southport, NC 28461  
7 Phone: (910) 713-8804  
Fax: (910) 672-7705

8 Attorneys for Plaintiffs  
9 WILLIAM WIESE, JEREMIAH MORRIS,  
LANCE COWLEY, SHERMAN MACASTON,  
10 ADAM RICHARDS, CLIFFORD FLORES,  
L.Q. DANG, FRANK FEDEREAU, ALAN NORMANDY,  
11 TODD NIELSEN, THE CALGUNS FOUNDATION,  
FIREARMS POLICY COALITION,  
12 FIREARMS POLICY FOUNDATION,  
and SECOND AMENDMENT FOUNDATION

13 UNITED STATES DISTRICT COURT

14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 WILLIAM WIESE, et al.,  
16  
17 Plaintiffs,  
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19 vs.  
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21 XAVIER BECERRA, in his official capacity as  
Attorney General of California, et al.,  
22  
23 Defendants.

Case No. 2:17-cv-00903-WBS-KJN  
**NOTICE OF MOTION AND RENEWED  
MOTION OF PLAINTIFFS FOR TEMPORARY  
RESTRAINING ORDER, AND ISSUANCE OF  
PRELIMINARY INJUNCTION**  
**[FRCP 65; E.D. L.R. 231]**  
Date: TBD  
Time: TBD  
Courtroom 5  
Judge: Hon. William B. Shubb

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1 TO THE COURT, AND TO DEFENDANTS, THROUGH THEIR ATTORNEYS OF  
2 RECORD:

3 PLEASE TAKE NOTICE that pursuant to Fed. Rule of Civ. Pro. 65, and Eastern District  
4 Local Rule 231, each of the above-named Plaintiffs, for themselves and in a representative  
5 capacity on behalf of the class of individuals they represent, by and through their attorneys of  
6 record, will and hereby do move this court, Hon. William B. Shubb presiding, for the immediate  
7 grant of a Temporary Restraining Order (TRO) and issuance of a preliminary injunction,  
8 enjoining the defendants or their agents from enforcing or applying Penal Code § 32310,  
9 subdivs. (c) and (d), as now amended, on the following grounds:

10 1. The enforcement of section 32310(c), which as of July 1, 2017 would prohibit the  
11 continuing possession of previously lawfully-obtained large-capacity magazines (as that term is  
12 defined by statute), which were previously “grandfathered” (exempted) by statute, and which  
13 items are inherent working parts of firearms, would violate the Second Amendment of the United  
14 States Constitution under *District of Columbia v. Heller*, 554 U.S. 570 (2008);

15 2. The enforcement of section 32310, subdivs. (c) and (d), which as of July 1, 2017  
16 would require plaintiffs Wiese, Morris, Cowley, Macaston, Flores and Dang, and a class of  
17 similarly-affected individuals to dispose of, destroy, or “surrender” their constitutionally-  
18 protected personal property, would constitute a taking of such property, for which no  
19 compensation is or would be provided, and therefore, would violate both the Takings Clause and  
20 the Due Process Clause of the United States Constitution; and

21 3. The enforcement of section 32310(c) is or should be prohibited because the  
22 statute scheme under which it would operate it is constitutionally vague and overbroad, under the  
23 due Process Clause, Amend. 14 of the U.S. Constitution.

24 Unless and until enjoined, through the pendency of this lawsuit and thereafter, Plaintiffs  
25 and each of them, individually and on behalf of the class of persons they represent, would suffer  
26 irreparable injury arising from the permanent loss of constitutionally-protected liberty interests  
27 and loss of irreplaceable personal property.  
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In accordance with Local Rule 231, and the case management/standing orders of Senior Judge William B. Shubb, plaintiffs are submitting this motion for the issuance of a TRO, or to be heard on such date and time for the hearing of law and motion matters as soon as it reasonably practicable for the court, and pursuant to any briefing schedule as the court deems to be appropriate, as set forth in the proposed order submitted herewith per L.R. 231(c)(7). However, **given the pending effective enforcement date of July 1, 2017 set forth in the statutes at issue, Plaintiffs are requesting the immediate issuance of temporary injunctive relief, and/or that this matter be heard no later than June 30, 2017.** (See Lee Decl., ¶¶ 3-7.)

In support of this motion, Plaintiffs will rely upon and submit herewith the supporting memorandum of points and authorities, supporting declarations and exhibits thereto, matters which may be subject to judicial notice, including those matters which are contained within plaintiffs' Request for Judicial Notice made pursuant to FRE 201, and any other such evidence and argument as the court may consider upon the hearing of this motion.

Pursuant to Eastern Dist. L.R. 231(d), Plaintiffs inform the court that they do not intend to present oral testimony at the hearing of such matter, and anticipate that the hearing on this matter will take approx. one hour.

Dated: June 14, 2017

**SEILER EPSTEIN ZIEGLER & APPELATE LLP**

/s/ George M. Lee  
George M. Lee

**LAW OFFICES OF RAYMOND MARK DIGUISEPPE, PLLC**

/s/ Raymond M. DiGuiseppe  
Raymond M. DiGuiseppe