

1 C. D. Michel – SBN 144258  
cmichel@michellawyers.com  
2 Sean A. Brady – SBN 262007  
sbrady@michellawyers.com  
3 Matthew D. Cubeiro – SBN 291519  
4 mcubeiro@michellawyers.com  
MICHEL & ASSOCIATES, P.C.  
5 180 East Ocean Boulevard, Suite 200  
6 Long Beach, CA 90802  
Telephone: 562-216-4444  
7 Facsimile: 562-216-4445

8 Attorneys for Plaintiffs

9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **SOUTHERN DIVISION**

13 STEVEN RUPP, et al.,

14 Plaintiffs,

15 vs.

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

19 Defendant.

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

**PLAINTIFFS’ NOTICE OF MOTION  
AND MOTION TO EXCLUDE THE  
TESTIMONY OF DEFENDANT’S  
EXPERT WITNESS RYAN BUSSE  
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 Ryan Busse under  
9 Federal Rule of Evidence 702. Plaintiffs contend that per the evidentiary standards  
10 for the admissibility of expert witness testimony under Rule 702 and elucidated in  
11 *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), Mr. Busse’s  
12 testimony and opinions identified in the memorandum of points and authorities filed  
13 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.**

20  
21 /s/ Sean A. Brady

22 Sean A. Brady  
23 Attorneys for Plaintiffs  
24  
25  
26  
27  
28

**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 RYAN BUSSE  
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  
Email: [anna.ferrari@doj.ca.gov](mailto:anna.ferrari@doj.ca.gov)  
Christina R.B. Lopez  
Email: [christina.lopez@doj.ca.gov](mailto:christina.lopez@doj.ca.gov)  
John D. Echeverria  
Email: [john.echeverria@doj.ca.gov](mailto:john.echeverria@doj.ca.gov)  
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