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Attorneys for Plaintiffs / Petitioners

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10 Attorney for Plaintiff / Petitioner EDWARD PERUTA

11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**  
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14 EDWARD PERUTA, MICHELLE  
15 LAXSON, JAMES DODD, DR.  
LESLIE BUNCHER, MARK  
16 CLEARY, and CALIFORNIA RIFLE  
AND PISTOL ASSOCIATION  
17 FOUNDATION

18 Plaintiffs,

19 v.

20 COUNTY OF SAN DIEGO,  
WILLIAM D. GORE,  
21 INDIVIDUALLY AND IN HIS  
CAPACITY AS SHERIFF,  
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23 Defendants.  
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**CASE NO: 09-CV-2371 IEG (BGS)**

**JOINT MOTION OF THE PARTIES  
TO ADOPT STIPULATED  
BRIEFING SCHEDULE**

*Pursuant to Fed. R. Civ. P. 16(b)(4)*

Honorable Irma E. Gonzalez, presiding

Date Action Filed: October 23, 2009

**I.**

**INTRODUCTION**

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3 The parties, Plaintiffs Edward Peruta, Michelle Laxson, James Dodd, Dr.  
4 Leslie Buncher, Mark Cleary, and California Rifle & Pistol Association Foundation  
5 (collectively “Plaintiffs”) and Defendants County of San Diego and Sheriff William  
6 D. Gore (collectively “Defendants”), through their respective attorneys of record,  
7 hereby jointly move the Court to adopt the stipulated briefing schedule set forth  
8 herein.

**II.**

**RECITALS/GROUNDS FOR RELIEF**

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10  
11 WHEREAS, Plaintiffs in this matter filed their Motion for Partial Summary  
12 Judgment on September 3, 2010;

13 WHEREAS, Defendants filed their Opposition to Plaintiffs’ Motion, and  
14 simultaneously Defendants’ Cross-Motion for Summary Judgement on October 4,  
15 2010;

16 WHEREAS, the Brady Campaign has submitted a lengthy and substantial  
17 proposed amicus curiae brief in support of Defendant’s Cross-Motion for Summary  
18 Judgment and Opposition to Plaintiffs’ Motion for Partial Summary Judgment;

19 WHEREAS, Defendants have included a lengthy declaration by Mr. Franklin  
20 Zimring in support of their Cross-Motion and Opposition to Plaintiffs’ Motion for  
21 Partial Summary Judgment;

22 WHEREAS, Plaintiffs must file their Reply to Defendants’ Opposition and  
23 simultaneously Plaintiffs’ Opposition to Defendants’ Cross-Motion on or before  
24 October 11, 2010;

25 WHEREAS, Defendants must file their Reply to Plaintiffs’ Opposition on or  
26 before October 18, 2010;

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1           WHEREAS, both Plaintiffs' Motion for Partial Summary Judgment and  
2 Defendants' Cross-Motion for Summary Judgment are set to be heard before the  
3 Honorable Chief Judge Irma Gonzalez on November 1, 2010 at 10:00 a.m. in  
4 Courtroom 1, or as soon thereafter as may be heard by the court;

5           AND WHEREAS, THE PARTIES HAVE STIPULATED AND AGREED  
6 TO THE FOLLOWING:

7           1. Plaintiffs shall file their Reply to Defendants' Opposition and  
8 simultaneously Plaintiffs' Opposition to Defendants' Cross-Motion on or before  
9 October, 18, 2010, the supporting Points and Authorities for which shall not exceed  
10 20 pages total.

11           2. Defendants shall file their Reply to Plaintiffs' Opposition on or before  
12 November 1, 2010, the supporting Points and Authorities for which shall not  
13 exceed 10 pages. The issues addressed in this Reply shall be limited to responding  
14 to the issues raised in Plaintiffs' Opposition to Defendants' Cross-Motion. This  
15 Reply shall not address issues raised in Plaintiffs' Reply to Defendants'  
16 Opposition. In other words, this is not and shall not be written as a sur-reply.

17           3. Plaintiffs' Motion and Defendants' Cross-Motion should be heard in this  
18 Court on November 15, 2010.

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1           The parties hereby jointly request that the Court grant the relief sought by  
2 this motion and amend the briefing schedule in this case in accordance therewith.

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4 Dated: October 5, 2010

**MICHEL & ASSOCIATES, P.C.**

5  
6 /s/ C. D. Michel

C.D. Michel

7 Attorney for Plaintiff Edward Peruta

8  
9 Dated: October 5, 2010

**PAUL NEUHARTH, JR., APC**

10 /s/ Paul Neuharth, Jr.(as approved on 10/5/10)

Paul Neuharth, Jr.

11 Attorney for Plaintiff Edward Peruta

12  
13 Dated: October 5, 2010

**JAMES M. CHAPIN, County Counsel**

14 /s/ James M. Chapin (as approved on 10/5/10)

15 Attorney for Defendants County of San  
16 Diego and William D. Gore  
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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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EDWARD PERUTA,  
MICHELLE LAXSON, JAMES  
DODD, DR. LESLIE  
BUNCHER, MARK CLEARY,  
and CALIFORNIA RIFLE  
AND PISTOL ASSOCIATION  
FOUNDATION

Plaintiffs,

v.

COUNTY OF SAN DIEGO,  
WILLIAM D. GORE,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS SHERIFF,

Defendants.

CASE NO. 09-CV-2371 IEG (BGS)  
CERTIFICATE OF SERVICE

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 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

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

**JOINT MOTION OF THE PARTIES TO ADOPT STIPULATED  
BRIEFING SCHEDULE**

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

James M. Chapin  
County of San Diego  
Office of County Counsel  
1600 Pacific Highway  
Room 355  
San Diego, CA 92101-2469  
(619) 531-5244  
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1440 Union Street, Suite 102  
San Diego, CA 92101  
Telephone: (619) 231-0401  
Facsimile: (619) 231-8759  
pneuharth@sbcglobal.net

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on October 5, 2010.

/s/ C. D. Michel  
C.D. Michel  
Attorney for Plaintiff

1 C.D. Michel – SBN 144257  
Clint B. Monfort – SBN 255609  
2 Sean A. Brady – SBN 262007  
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10 Attorney for Plaintiff / Petitioner EDWARD PERUTA

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12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**  
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15 EDWARD PERUTA, MICHELLE  
LAXSON, JAMES DODD, DR.  
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CLEARY, and CALIFORNIA RIFLE  
17 AND PISTOL ASSOCIATION  
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18 Plaintiffs,

19 v.

20 COUNTY OF SAN DIEGO,  
21 WILLIAM D. GORE,  
INDIVIDUALLY AND IN HIS  
22 CAPACITY AS SHERIFF,

23 Defendants.  
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**CASE NO: 09-CV-2371 IEG (BGS)**  
**DECLARATION OF SEAN BRADY**  
**IN SUPPORT OF JOINT MOTION**  
**OF THE PARTIES TO ADOPT**  
**STIPULATED BRIEFING**  
**SCHEDULE**

Honorable Irma E. Gonzalez, presiding

Action Filed: October 23, 2009  
Trial Date:

1 I, Sean Brady, declare as follows:

2 1. I am over the age of eighteen and not a party to this action. I am an  
3 attorney licensed to practice law before the courts of the State of California and am  
4 admitted to practice before the United States District Court for the Southern  
5 District of California. I am an attorney at the law firm Michel & Associates, P.C.,  
6 attorneys of record for Plaintiffs in this action.

7 2. I have personal knowledge of the facts stated in this Declaration and, if  
8 called to testify, could and would testify competently and under oath to these facts.

9 3. On or about October 5, 2010, counsel for all parties to this action  
10 conferred and agreed on the proposed briefing schedule.

11

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

13

14 Executed within the United States on: MICHEL & ASSOCIATES, P.C.:  
15 October 5, 2010

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18 Sean Brady  
19 Attorney for Plaintiffs

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3

4 EDWARD PERUTA,

5 Plaintiff,

6 v.

7 COUNTY OF SAN DIEGO, WILLIAM D.  
8 GORE, INDIVIDUALLY AND IN HIS  
CAPACITY AS SHERIFF,

9 Defendants.  
10

) CASE NO: 09-CV-2371 IEG (BGS)

) CERTIFICATE OF SERVICE

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13 years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach,  
California, 90802.

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

15 **DECLARATION OF SEAN BRADY IN SUPPORT OF JOINT MOTION OF**  
16 **THE PARTIES TO ADOPT STIPULATED BRIEFING SCHEDULE**

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

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19 County of San Diego  
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Facsimile: (619) 231-8759  
[pneuharth@sbcglobal.net](mailto:pneuharth@sbcglobal.net)

23  
24 I declare under penalty of perjury that the foregoing is true and correct.  
Executed on October 5, 2010.

25  
26 /s/ C.D. Michel

27 C.D. Michel  
28