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9 ATTORNEYS FOR AMICI CURIAE
INDEPENDENCE INSTITUTE,
10 CENTER FOR CONSTITUTIONAL JURISPRUDENCE,
DOCTORS FOR RESPONSIBLE GUN OWNERSHIP,
11 AND LAW ENFORCEMENT ALLIANCE OF AMERICA

12
13 IN THE UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA

15 EDWARD PERUTA, MICHELLE LAXSON,) CASE NO: 09-CV-2371 IEG (BGS)
16 JAMES DODD, DR. LESLIE BUNCHER,)
MARK CLEARY, and CALIFORNIA RIFLE) **APPLICATION FOR LEAVE TO FILE**
17 AND PISTOL ASSOCIATION) **AMICUS BRIEF IN SUPPORT OF**
FOUNDATION) **PLAINTIFFS' MOTION FOR**
18) **SUMMARY JUDGMENT**
Plaintiffs,)
19 v.) Date: November 15, 2010
Time: 10:30 a.m.
20 COUNTY OF SAN DIEGO, WILLIAM D.) Location: Courtroom 1
GORE, INDIVIDUALLY AND IN HIS) Judge: Hon. Irma E. Gonzalez
21 CAPACITY AS SHERIFF,) Date Action Filed: October 23, 2009
22 Defendants.)
_____)

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1 Through the undersigned counsel, the Independence Institute, the Center for Constitutional
2 Jurisprudence, Doctors for Responsible Gun Ownership, and the Law Enforcement Alliance of
3 America apply to this Court for leave to file a brief *amicus curiae* in this case. The brief is
4 attached to this motion.

5 The brief complies will rules of this Court, including page limit. Plaintiffs have consented
6 to the filing of this brief. As of the time of filing this application we had been unable to reach
7 counsel for the County to request consent to file this brief. So defendants have not consented to
8 the filing of this brief.

9 The Independence Institute is one of the oldest of our nation's state level think tanks. The
10 Institute has filed many *amicus curiae* briefs in federal and state cases. The Institute's briefs were
11 cited in the U.S. Supreme Court opinions in *District of Columbia v. Heller* and *McDonald v.*
12 *Chicago* (under the name of lead amicus the International Law Enforcement Educators & Trainers
13 Association, ILEETA).

14 The Institute's scholarship has been cited by the Ninth Circuit and by California state
15 courts. *Silveira v. Lockyer*, 328 F.3d 567, 585 n. 92 (9th Cir. 2003) (Kleinfeld, J., dissenting from
16 denial of petition for rehearing en banc); *Kasler v. Lockyer*, 23 Cal.4th 472, 510, 97 Cal.Rptr.2d
17 334, 360 (Cal. 2000) (Brown, J., concurring); *Kasler v. Lungren*, 72 Cal.Rptr.2d 260, 265 (Cal.
18 App. 1998).

19 The Center for Constitutional Jurisprudence, headed by Professor John Eastman, has also
20 participated as *amicus curiae* briefs in many federal and state cases.

21 The instant brief seeks to provide this Court with a broader perspective on the relevant
22 constitutional issues. In particular, while the parties have squabbled over standard of review, the
23 *amicus* brief explains how the case can be easily resolved without need to pick a standard of
24 review.

25 Further, the brief explains how defendants have misunderstood and misapplied the
26 "reasonableness" standard which they seek to have applied.

27 The brief also carefully analyzes the implications from *Heller* of the state law cases which
28 the *Heller* Court described as providing the correct interpretation of the right to bear arms, and the

1 implications from *McDonald* of the Court's examination of the anti-constitutional abuses in the
2 South which the Fourteenth Amendment was intended to remedy.

3 The Law Enforcement Alliance of America is a civic organization consisting law
4 enforcement officers, crime victims, and concerned citizens. Doctors for Responsible Gun
5 Ownership (which like the Center for Constitutional Justice is a project of the Claremont Institute,
6 a think tank in the neighboring Central District) is a nationwide network of physicians, allied
7 health professionals, and others who support the safe and lawful use of firearms.

8 The Law Enforcement Alliance of America and Doctors for Responsible Gun Ownership
9 seek to briefly provide this Court, via their brief, with concise information refuting the
10 fear-mongering and misleading information which has been presented about the supposed dangers
11 of lawful firearms carrying by citizens who have been granted permits after passing thorough
12 background checks and safety training.

13 In conclusion, the aforesaid *amici* respectfully request this Court with leave to file their
14 brief *amici curiae*.

15 Respectfully submitted,

16

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD PERUTA, MICHELLE LAXSON,)	CASE NO: 09-CV-2371 IEG (BGS)
JAMES DODD, DR. LESLIE BUNCHER,)	
MARK CLEARY, and CALIFORNIA RIFLE)	CERTIFICATE OF SERVICE
AND PISTOL ASSOCIATION)	
FOUNDATION)	
Plaintiffs,)	
v.)	
COUNTY OF SAN DIEGO, WILLIAM D.)	
GORE, INDIVIDUALLY AND IN HIS)	
CAPACITY AS SHERIFF,)	
Defendants.)	
_____)	

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 One University Drive, Orange, California, 92866.

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

**MOTION FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF
PLAINTIFFS' 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.

SEE SERVICE LIST ATTACHED

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 18, 2010.

/s/ John C. Eastman
John C. Eastman, Declarant

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