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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

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

15 Plaintiffs,

16 v.

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

18 Defendants.

USSD No. **09-CV-2371 IEG (BLM)**

**DEFENDANT WILLIAM D. GORE'S
ANSWER TO PLAINTIFFS' FIRST
AMENDED COMPLAINT**

[Defendant Demands Jury Trial]

19
20 Defendant William D. Gore (“Defendant Gore”) answers the First Amended
21 Complaint filed herein by admitting, denying and alleging as follows:

22 1. In response to Paragraphs 6, 7, 8, 9, 10, 11, 14, 19, 20, 21, 22, 24, 25, 26,
23 27, 28, 29, 30, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 51, 52, 53, 55, 56, 57,
24 58, 68, 75, 76, 89, 96, 101, 108, 138, 141, 143, 144, 145, 146, and 147 of the First
25 Amended Complaint, Defendant Gore lacks sufficient information and belief to admit
26 or deny the allegations contained in those paragraphs, and on that basis, denies each and
27 every allegation contained therein.

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1 constitutional right.

2 5. As a fifth, separate and distinct affirmative defense, defendant alleges that
3 the action is barred by the statute of limitations.

4 6. As a sixth, separate and distinct affirmative defense, defendant alleges that
5 the action is barred by plaintiffs' failure to exhaust administrative remedies, including
6 but not limited to, internal administrative procedures and/or statutory administrative
7 procedures and, therefore, this Court lacks jurisdiction over plaintiffs' claims.

8 7. As a seventh, separate and distinct affirmative defense, defendant alleges
9 that plaintiffs lack standing to maintain this action.

10 8. As an eighth, separate and distinct affirmative defense, defendant alleges
11 that plaintiffs have an adequate remedy at law.

12 9. As a ninth, separate and distinct affirmative defense, defendant alleges that
13 the action is moot.

14 10. As a tenth, separate and distinct affirmative defense, defendant alleges that
15 he is a state actor who is immune from liability under 42 U.S.C. Section 1983.

16 WHEREFORE, said defendant prays as follows:

17 1. That the action be dismissed with prejudice;

18 2. That the request for injunctive relief be denied and plaintiffs take nothing
19 by his action;

20 3. That defendant recover his costs of suit incurred herein, including
21 attorneys' fees; and

22 4. For such other and further relief as the Court deems proper and just.

23 DATED: July 9, 2010

JOHN J. SANSONE, County Counsel

24 By: s/ James M. Chapin

25 JAMES M. CHAPIN, Senior Deputy
Attorneys for Defendant Sheriff William D. Gore

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Declaration of Service

I, the undersigned, declare:

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California, where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On July 9, 2010, I served the following documents: **Defendant William Gore's Answer to Plaintiff's First Amended Complaint [Defendant Demand's Jury Trial]** in the following manner:

By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.

By electronic filing, I served each of the above referenced documents by E-filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

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(co-counsel for Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.
Executed on July 9, 2010, at San Diego, California.

By: s/ James M. Chapin
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