

1 C.D. Michel – SBN 144257  
2 Clint B. Monfort – SBN 255609  
3 Sean A. Brady – SBN 262007  
4 cmichel@michellawyers.com  
5 MICHEL & ASSOCIATES, P.C.  
6 180 E. Ocean Blvd., Suite 200  
7 Long Beach, CA 90802  
8 Telephone: (562) 216-4444  
9 Facsimile: (562) 216-4445  
10 Attorneys for Plaintiffs / Petitioners

11  
12 Paul Neuharth, Jr. – SBN 147073  
13 pneuharth@sbcglobal.net  
14 PAUL NEUHARTH, JR., APC  
15 1140 Union Street, Suite 102  
16 San Diego, CA 92101  
17 Telephone: (619) 231-0401  
18 Facsimile: (619) 231-8759  
19 Attorney for Plaintiffs / Petitioners

11  
12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**  
14

15 EDWARD PERUTA, MICHELLE  
16 LAXSON, JAMES DODD, DR.  
17 LESLIE BUNCHER, MARK  
18 CLEARY, and CALIFORNIA RIFLE  
19 AND PISTOL ASSOCIATION  
20 FOUNDATION

21 Plaintiffs,

22 v.

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

27 Defendants.  
28

**CASE NO: 09-CV-2371 IEG (BGS)**  
**DECLARATION OF SEAN BRADY**  
**IN SUPPORT OF PLAINTIFFS' EX**  
**PARTE APPLICATION TO FILE**  
**DOCUMENTS IN SUPPORT OF**  
**PLAINTIFFS' MOTION FOR**  
**PARTIAL SUMMARY JUDGMENT**  
**UNDER SEAL**

Hon. Irma E. Gonzalez

Date Action Filed: October 23, 2009

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**DECLARATION OF SEAN BRADY**

I, Sean Brady, am competent to state, and testify to the following based on my personal knowledge:

1. I am counsel for the Plaintiffs in the above-captioned matter.

2. The documents that Plaintiffs seek to file as Exhibits “F,” “K” through “L,” “O” through “S,” “U” through “PP,” and “VV” under seal in support of Plaintiffs’ Motion for Partial Summary Judgment were received by my office on Monday, August 30, 2010.

3. I attempted to contact Defendants’ counsel in order to determine whether the documents are “Confidential” or “Confidential – Attorney’s Eyes Only” and thus subject to the Protective Order. However, due to the fact that Defendants’ counsel is on vacation, I was unable to meet and confer with him to address this matter.

4. Defendants’ counsel was aware of Plaintiffs’ pending Motion for Partial Summary Judgment (filed with this Court on September 3, 2010), as he stipulated to the proposed briefing schedule in the Joint Motion of the Parties to Adopt Briefing Schedule (also filed with this court on September 3, 2010), and therefore knew or should have known that these documents would be used as exhibits and potentially be subject to disclosure.

5. Defendants’ counsel marked the disc containing the documents at issue with the word “Confidential,” but failed to include a Legend with any of the documents as required by Paragraph I.5 and Paragraph III of this Court’s Protective Order.


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6. Because it is unclear whether Defendants' counsel intended these documents to be designated as "Confidential," "Confidential – Attorney's Eyes Only," or neither, I am compelled to file them under seal in good faith.

I declare under penalty of perjury, under the laws of the state of California, that the foregoing is true and correct.

Executed in the United States on September 3, 2010.



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Sean A. Brady  
Attorney for Plaintiffs

1 **IN THE UNITED STATES DISTRICT COURT**  
2 **SOUTHERN DISTRICT OF CALIFORNIA**

3 EDWARD PERUTA,  
4 MICHELLE LAXSON, JAMES  
5 DODD, DR. LESLIE  
6 BUNCHER, MARK CLEARY,  
7 and CALIFORNIA RIFLE  
8 AND PISTOL ASSOCIATION  
9 FOUNDATION

10 Plaintiff,

11 v.

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

16 Defendants.

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

17 IT IS HEREBY CERTIFIED THAT:

18 I, the undersigned, am a citizen of the United States and am at least eighteen  
19 years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach,  
20 California, 90802.

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

22 **DECLARATION OF SEAN BRADY IN SUPPORT OF PLAINTIFFS' EX**  
23 **PARTE APPLICATION TO FILE DOCUMENTS IN SUPPORT OF**  
24 **PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT UNDER**  
25 **SEAL**

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

28 James M. Chapin  
County of San Diego  
Office of County Counsel  
1600 Pacific Highway  
Room 355  
San Diego, CA 92101-2469  
(619) 531-5244  
Fax: (619-531-6005  
james.chapin@sdcounty.ca.gov

Paul Neuharth, Jr. (State Bar #147073)  
PAUL NEUHARTH, JR., APC  
1140 Union Street, Suite 102  
San Diego, CA 92101  
Telephone: (619) 231-0401  
Facsimile: (619) 231-8759  
pneuharth@sbcglobal.net

29 I declare under penalty of perjury that the foregoing is true and correct.  
30 Executed on September 3, 2010

31 /s/ C.D. Michel  
32 C. D. Michel  
33 Attorney for Plaintiffs