

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

6 Paul Neuharth, Jr. – SBN 147073
7 pneuharth@sbcglobal.net
PAUL NEUHARTH, JR., APC
8 1440 Union Street, Suite 102
San Diego, CA 92101
9 Telephone: (619) 231-0401
Facsimile: (619) 231-8759
10 Attorney for Plaintiff / Petitioner EDWARD PERUTA

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

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,
22

23 Defendants.
24
25
26
27
28

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I.

INTRODUCTION

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

II.

RECITALS/GROUNDS FOR RELIEF

WHEREAS, Plaintiffs in this matter filed their First Amended Complaint on June 25, 2010.

WHEREAS, Defendants have established policies and practices for issuing permits to carry a concealed weapon pursuant to California Penal Code section 12050, which allows for the issuance or denial of such permits based on a determination of whether the applicant has “good cause” as that term is understood by the County.

WHEREAS, the lawsuit challenges the constitutionality of these policies and practices of Defendants in determining “good cause.”

WHEREAS, either Defendants denied Plaintiffs’ formal application or renewal request for a permit to carry a concealed weapon or, in the case of Plaintiff Laxson, Defendants’ policies and practices dissuaded Plaintiffs from formally applying because they could not “demonstrate the specific situation that places them in danger and submit evidence of current incidents which documents their claim.”

WHEREAS, Defendants deny Plaintiffs’ assertions that their policies and practices in issuing permits to carry a concealed weapon pursuant to California Penal Code section 12050 are unconstitutional.

1 WHEREAS, Plaintiffs and Defendants fundamentally disagree on whether
2 the Second Amendment right to keep and bear arms as enunciated in *District of*
3 *Columbia v. Heller*, 128 S. Ct. 2783 (U.S. 2008) and *McDonald v. Chicago*, 130 S.
4 Ct. 3020 (U.S. 2010) guarantees the right of law-abiding, responsible people to
5 obtain a license to carry a firearm for self-defense.

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

8 1. Plaintiffs shall file a Motion for Partial Summary Judgment on or before
9 September 3, 2010, the supporting Points and Authorities for which shall not
10 exceed 25 pages.

11 2. Defendants shall file their Opposition to Plaintiffs' Motion, and
12 simultaneously Defendants' Cross Motion for Partial Summary Judgment or
13 Summary Judgment on or before October 4, 2010, the supporting Points and
14 Authorities for which shall not exceed 35 pages total.

15 3. Plaintiffs shall file their Reply to Defendants' Opposition and
16 simultaneously Plaintiffs' Opposition to Defendants' Cross Motion on or before
17 October 11, 2010, the supporting Points and Authorities for which shall not exceed
18 20 pages total.

19 4. Defendants shall file their Reply to Plaintiffs' Opposition on or before
20 October 18, 2010, the supporting Points and Authorities for which shall not exceed
21 10 pages. The issues addressed in this Reply shall be limited to responding to the
22 issues raised in Plaintiffs' Opposition to Defendants' Cross Motion. This Reply
23 shall not address issues raised in Plaintiffs' Reply to Defendants' Opposition. In
24 other words, this is not and shall not be written as a sur-reply.

25 ///

26 ///

27 ///

28

1 5. Plaintiffs' Motion and Defendants' Cross Motion should be heard in this
2 Court on November 1, 2010.

3 The parties hereby jointly request that the court to grant the relief sought by
4 this motion and amend the briefing schedule in this case in accordance therewith.

5

6

7

Dated: September 3, 2010

MICHEL & ASSOCIATES, P.C.

8

9

/s/ C. D. Michel

C.D. Michel

Attorney for Plaintiff Edward Peruta

10

11

Dated: September 3, 2010

PAUL NEUHARTH, JR., APC

12

13

/s/ Paul Neuharth, Jr.(as approved on 9/3/10)

Paul Neuharth, Jr.

Attorney for Plaintiff Edward Peruta

14

15

Dated: September 3, 2010

JAMES M. CHAPIN, County Counsel

16

17

/s/ James M. Chapin(as approved on 9/3/10)

Attorney for Defendants County of San
Diego and William D. Gore

18

19

20

21

22

23

24

25

26

27

28

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
Fax: (619-531-6005
james.chapin@sdcounty.ca.gov

Paul Neuharth, Jr. (State Bar #147073)
PAUL NEUHARTH, JR., APC
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 September 3, 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
cmichel@michellawyers.com
3 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
4 Long Beach, CA 90802
Telephone: (562) 216-4444
5 Facsimile: (562) 216-4445
Attorneys for Plaintiffs / Petitioners

6 Paul Neuharth, Jr. – SBN 147073
7 pneuharth@sbcglobal.net
PAUL NEUHARTH, JR., APC
8 1140 Union Street, Suite 102
San Diego, CA 92101
9 Telephone: (619) 231-0401
Facsimile: (619) 231-8759
10 Attorney for Plaintiffs / Petitioners

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

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

18 Plaintiffs,

19 v.

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

23 Defendants.
24
25
26
27
28

CASE NO: 09-CV-2371 IEG (BGS)
DECLARATION OF C.D. MICHEL
IN SUPPORT OF JOINT MOTION
TO ADOPT STIPULATED
BRIEFING SCHEDULE
Honorable Irma E. Gonzalez, presiding
Action Filed: October 23, 2009

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF C.D. MICHEL

I, C.D. Michel, declare as follows:

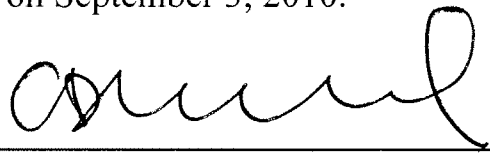
1. I am over the age of eighteen and not a party to this action. I am an attorney licensed to practice law before the courts of the State of California and am admitted to practice before the United States District Court for the Southern District of California. I am managing partner of the law firm Michel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

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

3. On or about August 17, 2010, counsel for all parties to this action met and conferred and agreed on this stipulation, joint motion, and proposed briefing schedule.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed in the United States on September 3, 2010.



C.D. Michel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

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

Plaintiff,

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 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:

**DECLARATION OF C.D. MICHEL IN SUPPORT OF JOINT
MOTION 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
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

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

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