

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

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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.  
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.  
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**CASE NO: 09-CV-2371 IEG (BGS)**  
**DECLARATION OF MARK CLEARY**  
**IN SUPPORT OF PLAINTIFFS'**  
**MOTION FOR PARTIAL SUMMARY**  
**JUDGMENT**

Date: November 1, 2010  
Time: 10:30 a.m.  
Location: Courtroom 1  
Judge: Hon. Irma E. Gonzalez  
Date Action Filed: October 23, 2009

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**DECLARATION OF MARK CLEARY**

I, Mark Cleary, declare as follows:

1. I am a resident of San Diego County and a United States Citizen over 21 years of age.

2. I originally submitted a completed official Department of Justice application form for a permit to carry a concealed handgun to the San Diego County Sheriff's License Division on or about February 24, 2005. Exhibit "K" is a true and accurate copy of the relevant pages of that completed application.

3. In my original application, I provided as my "good cause" the fact that I worked as a Registered Nurse on a psychiatric evaluation team for several years, and that during that time I worked with depressed and psychotic, mentally ill patients, some of whom have threatened to harm me and/or assaulted me. I also provided three police reports documenting specific incidents of threats to my person by patients I cared for. *See Exhibit "K."*

4. On or about April 8, 2005, I went to the Sheriff's Department, located at 9621 Ridgehaven Court, San Diego, California, to meet with Jerry Quinlin, Tom Morton, and Edna Jaquez. They asked me about my "need" for a permit to carry a concealed handgun. I explained to them what I had provided in my "good cause" statement. Tom Morton explained to me that the Sheriff's Department is "pretty strict" in issuing permit to carry a concealed handgun. They then told me I could withdraw my application, and if I did not withdraw it, I would have a denial on my record with the Department of Justice. *See Exhibit "L" (Interdepartmental correspondence from Edna Jaquez explaining the details of this meeting).*

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1           5. My February 24, 2005 application for a permit to carry a concealed  
2 handgun was denied on or about July 25, 2005. The letter stated “although you  
3 claim you are a target of repeated threats and provide some documentation, they do  
4 not rise to the level to establish good cause for issuance.” Exhibit “M” is a true and  
5 accurate copy of the letter I received from the San Diego County Sheriff’s License  
6 Division.

7           6. I became a member of the Honorary Deputy Sheriff’s Association  
8 (“HDSA”) in or around August of 2005. I asked a friend of mine, who is a San  
9 Diego County Sheriff’s deputy, to nominate me to be a member of the HDSA. I  
10 received an application packet from HDSA inquiring into my assets and any  
11 characteristics I possess that could be useful to the organization. I submitted the  
12 membership application, and received a letter accepting me into the HDSA. I paid  
13 the required \$175 fee to obtain the rank of Deputy in the HDSA. I attended a  
14 meeting where the Sheriff Kolender was present and handed out honorary badges  
15 to those HDSA members in attendance.

16           7. My reason for becoming a member was I had heard rumors that a member  
17 is more likely to receive a permit to carry a concealed handgun from the San Diego  
18 County Sheriff’s License Division than is a non-member. These rumors were  
19 confirmed in my conversations with HDSA members and others. Based on these  
20 conversations, I discovered it was common knowledge among everyone who had  
21 any relation to the San Diego County Sheriff’s process for issuing permits to carry  
22 a concealed handgun that certain people, including HDSA members, received  
23 preferential treatment when applying for a permit to carry a concealed handgun.

24           8. On or about September 2, 2005, I submitted a formal request for review of  
25 the denial of my February 24, 2005 application to the San Diego County Sheriff’s  
26 License Division. Exhibit “N” is a true and accurate copy of the letter I sent to the  
27 San Diego County Sheriff’s License Division.

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1           9. In early November of 2005, I spoke with then Undersheriff William D.  
2 Gore in person at his office, located at 9621 Ridgehaven Court, San Diego,  
3 California, and explained to him that my application for a permit to carry a  
4 concealed handgun had been denied, and asked him to reconsider granting my  
5 application. Sheriff Gore (who at the time was Undersheriff) listened to the details  
6 of my case and told me he would see what he could do.

7           10. On or about November 28, 2005, without warning, my first permit to  
8 carry a concealed handgun arrived in the mail. That permit was set to expire on  
9 November 28, 2007.

10           11. The San Diego County Sheriff's Department granted my first renewal  
11 application for a permit to carry a concealed handgun on or about November 26,  
12 2007. That permit was set to expire on November 25, 2009. Exhibit "O" is a true  
13 and accurate copy of that application. At that time, I was working at the same  
14 hospital where I am currently employed, with the same duties, and I remained a  
15 member of the Honorary Deputy Sheriff's Association.

16           12. On or about November 23, 2009, I submitted an application for a  
17 renewal of my November 26, 2007 permit to carry a concealed handgun. Exhibit  
18 "P" is a true and accurate copy of that application.

19           13. On or about December 14, 2010, I spoke with Jerry Quinlin of the San  
20 Diego County Sheriff's Department. He requested additional documentation from  
21 me, including a letter from my supervisor at work. When I explained that I feared  
22 losing my job by making such a request to my supervisor and that such a letter from  
23 my current employer was in my file from my previous application, as well as a  
24 similar letter from my previous employer for my original permit. Mr. Quinlin told  
25 me that I could withdraw my application for a permit to carry a concealed handgun.

26           14. I ceased being a member of the Honorary Deputy Sheriff's Association  
27 in January of 2010 because I was having financial issues and could not afford to  
28 continue paying the \$175-\$250.00 I paid in annually to be a member.



**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

Plaintiff,

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:

**DECLARATION OF MARK CLEARY IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL 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.

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