

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	10-56971		
District Court/Agency Case Number(s):	09-CV-2371 IEG (BGS)		
District Court/Agency Location:	United States District Court, Southern District of California (San Diego)		
Case Name:	Edward Peruta, et al.	v.	County of San Diego, et al.
If District Court, docket entry number(s) of order(s) appealed from:	64, 65		
Name of party/parties submitting this form:	ALL Plaintiffs		

Please briefly describe the dispute that gave rise to this lawsuit.

Each plaintiff seeks to obtain a permit to carry a concealed firearm ("CCW") for self-defense purposes without demonstrating a special need or specific threat. Defendants' policy is to require a special need beyond a desire for self-defense before they will issue a CCW. Plaintiffs contend this policy is unconstitutional, as it violates their Second Amendment right to bear arms for self-defense purposes.

Briefly describe the result below and the main issues on appeal.

The district court denied Plaintiffs' Motion for Partial Summary Judgment in its entirety, and granted Defendant's Motion for Summary Judgment on all claims.

The main issues on appeal are: (1) Does the Second Amendment command that self-defense satisfy California Penal Code § 12050's "good cause" requirement to obtain a CCW?; (2) Does requiring a CCW applicant to show evidence of a specific need or threat to obtain a CCW violates their right to bear arms and to Equal Protection?; (3) Did the court err in concluding that Defendant's policy does not infringe on Plaintiffs' rights to bear arms and thus their rights to Equal Protection under the law, to travel, or to Due Process?; (4) Did the court err in concluding there is no triable issue of fact regarding Defendants' preferential treatment of some CCW applicants in violation of Equal Protection?

Describe any proceedings remaining below or any related proceedings in other tribunals.

There are no proceedings remaining below, and currently no proceedings related to this matter in other tribunals.

Provide any other thoughts you would like to bring to the attention of the mediator.

This is a constitutional test case as to the scope of activities protected under the Second Amendment to the U. S. Constitution.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses
 is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and
 service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

9th Circuit Case Number(s) 10-56971

NOTE: To secure your input, you should print the filled-in form to PDF (File > Print > PDF Printer/Creator).

CERTIFICATE OF SERVICE

When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format)

CERTIFICATE OF SERVICE

When Not All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .
Dec 17, 2010

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Paul Neuharth, Jr.
PAUL NEUHARTH, JR
1140 Union Street, Suite 102
San Diego, CA 92101

Signature (use "s/" format)

s/ C. D. Michel