

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  
7 Paul Neuharth, Jr. – SBN 147073  
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

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

14 EDWARD PERUTA, MICHELLE	}	<b>CASE NO: 09-CV-2371 IEG (BGS)</b>	
14 LAXSON, JAMES DODD, DR.			
15 LESLIE BUNCHER, MARK			<b>NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT</b>
15 CLEARY, and CALIFORNIA RIFLE			
16 AND PISTOL ASSOCIATION			
16 FOUNDATION	<b>(ORAL ARGUMENT REQUESTED)</b>		
17 Plaintiffs,			
18 v.	Date: November 1, 2010		
	Time: 10:30 a.m.		
	Location: Courtroom 1		
19 COUNTY OF SAN DIEGO,	Judge: Hon. Irma E. Gonzalez		
20 WILLIAM D. GORE,	Date Action Filed: October 23, 2009		
20 INDIVIDUALLY AND IN HIS			
21 CAPACITY AS SHERIFF,			
22 Defendants.			

23 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

24 PLEASE TAKE NOTICE THAT on November 1, 2010 at 10:30 a.m., or as  
25 soon thereafter as counsel can be heard, in the above-listed Court, Plaintiffs  
26 Edward Peruta, Michelle Laxson, James Dodd, Dr. Leslie Buncher, Mark Cleary,  
27 and California Rifle and Pistol Association Foundation (collectively “Plaintiffs”)  
28 will, and by simultaneous submission herewith of this motion hereby do, move this

1 Court for an Order granting Plaintiffs' Motion for Partial Summary Judgment  
2 against Defendants pursuant to Federal Rule of Civil Procedure 56, on the grounds  
3 that Defendants' policies and procedures challenged in this litigation violate the  
4 Second and Fourteenth Amendments of the United States Constitution and  
5 unlawfully infringe upon Plaintiffs' rights thereunder.

6 As Plaintiffs' case presents no genuine issue as to any material fact, with  
7 regard to these claims for which Plaintiffs seek relief, summary judgment is  
8 warranted as a matter of law.

9 This Motion is based on this Notice of Motion and Motion, the  
10 accompanying Memorandum of Points and Authorities and Exhibits in support  
11 thereof, the Declarations of Edward Peruta, Michelle Laxson, Mark Cleary, and  
12 California Rifle and Pistol Association Foundation President Silvio Montanarella,  
13 the pleadings and papers on file herein, the record to date in this matter, and upon  
14 such other matters as may be presented to the Court at the time of the hearing.

15 Dated: September 3, 2010

**MICHEL & ASSOCIATES, PC**

17 /s/C.D. Michel  
18 C. D. MICHEL  
Attorney for Plaintiffs

20 Dated: September 3, 2010

**PAUL NEUHARTH, JR., APC**

22 /s/ Paul Neuharth, Jr. (as approved on 9/3/10)  
23 Paul Neuharth, Jr.  
Attorney for Plaintiff Edward Peruta

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**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

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:

**NOTICE OF MOTION AND 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