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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

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

14 Plaintiffs,

15 v.

16 COUNTY OF SAN DIEGO, WILLIAM
D. GORE, INDIVIDUALLY AND IN HIS
17 CAPACITY AS SHERIFF,,

18 Defendants.
19

No. 09-CV-2371 IEG (BLM)

**DEFENDANT WILLIAM D. GORE'S
OBJECTIONS TO EVIDENCE
OFFERED WITH PLAINTIFFS'
OPPOSITION**

Date: November 15, 2010

Time: 10:30 a.m.

Dept: 1 – Courtroom of the
Hon. Irma E. Gonzalez

20 Defendant objects to the evidence offered by Plaintiffs in their Opposition/Reply
21 filed herein on October 18, 2010 as follows:

22 **1. Exhibits B, C, D, E, and P.**

23 Exhibits B-E are all newspaper articles which have no foundation for the
24 information or opinions stated therein and contain numerous hearsay statements. Exhibit
25 P is a website post from an unknown individual which lacks any foundation for its
26 information or conclusions.

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2. Declarations of Patrick, Mauser and Moody.

The conclusions of these experts do not meet the requirements of Rule 56(e)(1). “Expert opinion is admissible and may defeat summary judgment if it appears the affiant is competent to give an expert opinion and the factual basis for the opinion is stated in the affidavit, even though the underlying factual details and reasoning upon which it is based are not.” *Bulthuis v. Rexall Corp.*, 789 F.2d 1315, 1318 (9th Cir. 1985).

Patrick states that “Murder and other serious violent crime is committed by people who are deranged and/or are long time criminals.” He further states that “background checks and licensure processes by various states have been shown to effectively filter out the violent and impulsive.” (Patrick ¶ 3.) He offers no support or citation to any facts or studies to back up these statements.

Mauser does the same thing: “Serious criminal violence with firearms is almost exclusively committed by people (criminals) with histories of previous crime or, occasionally, by people who are seriously mentally disturbed.” He then states that he is “informed that neither juveniles nor people with crime records or mental deviancy records are eligible for concealed weapons licenses.” (Mauser, ¶¶ 3, 5.) Neither statement is offered with any factual support or reference to supporting studies. Neither Patrick or Mauser explains how these people become people with “histories of previous crime” or mention that juveniles inevitably become adults. Both are in error in screening of the mentally ill or “impulsive” and offer no support for that claim.

Moody repeats the same unsupported statement as the others (Moody ¶ 18) and makes broad generalizations about crime and gun statistics without carving out anything relating to large metropolitan areas or highly populated states or cities. Most of his conclusions contain no supporting facts or references whatsoever.

DATED: November 1, 2010

JOHN J. SANSONE, County Counsel

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