

No. 10-56971 [DC# 3:09-CV-02371-IEG-BGS]

IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EDWARD PERUTA, et al.,
Plaintiffs-Appellants,

vs.

COUNTY OF SAN DIEGO, et al.,
Defendants-Appellees.

APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

**DECLARATION OF C. D. MICHEL IN SUPPORT OF APPELLANTS'
MOTION TO STRIKE AMICUS BRIEF OF THE LAW CENTER
TO PREVENT GUN VIOLENCE AND MARIN COUNTY
SHERIFF ROBERT DOYLE**

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DECLARATION OF C. D. MICHEL

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

1. I am an attorney at law duly licensed to practice in the State of California and before the Ninth Circuit Court of Appeals. I am Senior Partner at Michel & Associates, P.C., attorneys of record for Plaintiffs-Appellants. I am familiar with the facts and pleadings herein. The following is within my personal knowledge and if called and sworn as a witness, I could and would competently testify thereto.

2. Prior to the Law Center to Prevent Gun Violence and Marin County Sheriff Robert Doyle's filing of an amicus brief on February 27, 2014, in support of California Attorney General Kamala Harris' Motion to Intervene, my clients received no request for their consent, nor did they give their consent.

3. On March 4, 2014, associate attorney at my office, Sean Brady informed counsel for the Law Center to Prevent Gun Violence and Marin County Sheriff Robert Doyle that my clients would move the Court to strike their amicus brief as improperly filed.

4. On March 4, 2014, I received an electronic mail from counsel for the Law Center to Prevent Gun Violence and Marin County Sheriff Robert Doyle, stating that they were not able to seek my clients' consent prior to the filing of their

amicus brief because of uncertainty over whether and by whom a petition for rehearing would be filed. Furthermore, Mr. Miller stated his intention to re-file his clients' amicus brief with a statement that all parties have consented to its filing, or, alternatively, with an accompanying motion seeking leave to file an amicus brief.

5. On March 5, 2014, I responded via electronic mail that my clients are considering his clients' request. I also asked for clarification regarding his clients' uncertainty over whether and by whom a petition for rehearing would be filed. Specifically, I asked whether he was unaware that the Attorney General would file a Motion to Intervene, and if so, whether that lack of awareness was the reason he did not seek each parties' consent before filing his clients' amicus brief.

6. On March 5, 2014, in response to my question, I received an electronic mail from another attorney representing them stating that her client has consent from all parties except Appellants, and to advise her of my clients' position.

7. On March 5, 2014, I responded to with an electronic mail stating that I had received no answer to my question and that my clients do not consent to her clients' refiling.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 17th day of March, 2014, at Long Beach, California.

/s/ C. D. Michel
C. D. Michel

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2014, an electronic PDF of
DECLARATION OF C. D. MICHEL IN SUPPORT OF APPELLANTS'
MOTION TO STRIKE AMICUS BRIEF OF THE LAW CENTER TO PREVENT
GUN VIOLENCE AND MARIN COUNTY SHERIFF ROBERT DOYLE was
uploaded to the Court's CM/ECF system, which will automatically generate and
send by electronic mail a Notice of Docket Activity to all registered attorneys
participating in the case. Such notice constitutes service on those registered
attorneys.

Date: March 17, 2014

/s/ C. D. Michel
C. D. Michel
Attorneys for *Plaintiffs-Appellants*