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November 29, 2012

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Re: Edward Peruta, et al. v. County of San Diego, et al.;
Court of Appeals No. 10-56971 (United States District Court,
Southern District of California, No. 09-cv-2371-IEG(BGS))
Supplemental Authorities

Dear Ms. Dwyer:

Appellee cites the following supplemental authority which has been decided since the filing of Appellee's Brief:

1. *Kachalsky v. County of Westchester*, 11-3642 LEAD, 2012 WL 5907502 (2d Cir. Nov. 27, 2012).

The case applies intermediate scrutiny in holding that New York legislation does not violate the Second Amendment, where the statute prohibits possession of a concealed firearm in public except upon showing of "proper cause." In that case, as in the present case, individuals seeking a license to carry, must demonstrate a special need for self-protection distinguishable from that of the general community.

Ms. Dwyer

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The case also acknowledges that it is appropriate for court to accord substantial deference to the judgment of the state legislature. The issues addressed are relevant to those in Appellee's Brief at Arguments I, II and III, pages 8-25, and in Argument IV at pages 27-31.

Very truly yours,

THOMAS E. MONTGOMERY, County Counsel

By 

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