

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EDWARD PERUTA, et. al.,

Plaintiffs-Appellants,
v.

California, San Diego

COUNTY OF SAN DIEGO, et. al.,

Defendants-Appellees.

No. 10-56971

D.C. No. 3:09-cv-02371-IEG-BGS
U.S. District Court for Southern

**APPELLANTS' NOTICE OF ADDITIONAL RELATED CASES
AND STATUS THEREOF**

C. D. Michel (S.B.N. 144258)
Lead Counsel
Glenn S. McRoberts (S.B.N. 144852)
Sean A. Brady (S.B.N. 262007)
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Tel. No. (562) 216-4444
Fax No: (562) 216-4445
e-mail: cmichel@michellawyers.com

Paul D. Clement
Bancroft PLLC
1919 M Street, N.W.
Suite 470
Washington, D.C. 20036
Tel. No.: (202) 234-0090
e-mail:
pclement@bancroftpllc.com

Paul Neuharth, Jr.
(S.B.N. 147073)
PAUL NEUHARTH, JR.,
APC.
1140 Union St., Suite 102
San Diego, CA 92101
Tel. No.: (619) 231-0401
Fax No.: (619) 231-8759
e-mail:
pneuharth@sbcglobal.net

Counsel for Plaintiffs-Appellants

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I. NOTICE

Pursuant to Ninth Circuit Rule 28-2.6, Plaintiff-Appellants Edward Peruta, Dr. Leslie Buncher, Mark Cleary, James Dodd, Michelle Laxson, and California Rifle and Pistol Association Foundation (collectively “*Peruta* Appellants”) hereby give notice to this Court and the Court’s Clerk of additional cases potentially related to this case (*Peruta*), and the status of those potentially related cases.

II. INTRODUCTION

In their appeal, the *Peruta* Appellants assert that because it is generally illegal to carry a handgun in public without a license issued from local law enforcement (a “Carry License”), San Diego County’s requirement that applicants may only receive such a license if they can demonstrate some special need beyond a desire for self-defense is an unconstitutional restriction on their Second Amendment right to bear arms for self-defense. Appellants’ Opening Br. (“AOB”) 4-5, 14-16 (Doc. No. 14).

In their opening brief, the *Peruta* Appellants identified two cases pending before this Court that are potentially related to the *Peruta* appeal because they raise “the same or closely related issues.” Fed. R. App. P. 28-2.6 (9th Cir.). Those cases are *Mehl v. Blanas*, Ninth Circuit Case No. 08-15773, and *Rothery v. County of Sacramento*, Ninth Circuit Case No. 09-16852. Both of those cases are still pending before this Court and their status remains essentially unchanged from the

time the *Peruta* Appellants filed their opening brief. Each was stayed pending resolution of *Nordyke v. King*, Ninth Circuit Case No. 07-15763. Order at 1, *Mehl v. Blanas*, No. 08-15773 (9th Cir. July 20, 2010); Order at 1, *Rothery v. County of Sacramento*, No. 09-16852 (9th Cir. May 24, 2010). Although the merits of *Nordyke* have been decided by an en banc panel of this Court, *Nordyke v. King*, 681 F.3d 1041 (9th Cir. 2012), *Mehl* remains stayed because the mandate has not yet issued. And *Rothery* is currently stayed until at least September 6, 2012. Order at 1, *Rothery*, No. 09-16852 (9th Cir. May 14, 2012).

Nordyke involved a challenge to an Alameda County ordinance making it a misdemeanor, with exceptions, to possess a firearm or ammunition on county property. Alameda, Cal., Gen. Ordinance Code § 9.12.120(b) (2011). The *Nordykes* operated a gun show on county property, and they claimed the ordinance's effective ban on their gun show violates, inter alia, their Second Amendment right to engage in the commerce of firearms. *Nordyke v. King*, 644 F.3d 776, 780-82 (9th Cir. 2011). Before being decided just a few weeks ago, *Nordyke* had a long history that spanned over twelve years. See Appellants' Mot. to Lift Stay (Doc. No. 84).

The *Peruta* Appellants did not list *Nordyke* as a "related case" in their opening brief, believing the very different facts did not warrant its mention. But, apparently because both cases involve Second Amendment issues, this Court

stayed *Peruta* (and several other cases) to see if the en banc *Nordyke* decision would provide legal analysis affecting *Peruta* (or these other cases). Order Staying Proceedings, Dec. 20, 2011 (Doc. No. 77); *see also* Order, *Richards v. Prieto*, No. 11-16255 (9th Cir. June 19, 2012); Order at 1, *Rothery v. County of Sacramento*, No. 09-16852 (9th Cir. May 14, 2012); Order, *Mehl v. Blanas*, No. 08-15773 (9th Cir. July 20, 2010).

On May 18, 2012, the *Peruta* Appellants made a motion for relief from that stay. Appellants' Mot. for Relief from Stay (Doc. No. 84).

On June 1, 2012, an en banc panel of this Court rendered a decision in *Nordyke*. 681 F.3d 1041 (9th Cir. 2012). The *Peruta* Appellants subsequently notified the Court of that decision. Letter from C.D. Michel to Molly Dwyer, Clerk of the Court, U.S. Court of Appeals for the Ninth Cir., Re: Appellants' Citation of Supp. Auth. Pursuant to R. 28(j) (June 1, 2012) (Doc. No. 88).

Shortly thereafter, this Court issued an Order granting *Peruta* Appellants' motion for relief from stay, and confirming that briefing is complete and that the case is ready for calendaring. Order Lifting Stay, Jun. 25, 2012 (Doc. No. 90).

III. RELATED CASES AND STATUS

Since the filing of the *Peruta* Appellants' opening brief on May 23, 2011, additional potentially related cases have been appealed from rulings in the District Courts. They are, in order of their filing date:

Richards v. Prieto (“*Richards*”).

Date Case Filed: May 5, 2009
Ninth Circuit Case Number: 11-16255
Date Appeal Filed: May 19, 2011
Order Appealed From: Summary Judgment May 16, 2011
Briefing Status: Reply Brief Filed October 31, 2011
Oral Argument Date: None set

Birdt v. Beck (“*Birdt*”).

Date Case Filed: November 4, 2010
Ninth Circuit Case Number: 12-55115
Date Appeal Filed: January 14, 2012
Order Appealed From: Summary Judgment January 13, 2012
Briefing Status: Opening brief filed on May 26, 2012; awaiting Respondents’ Brief due on or before July 25, 2012
Oral Argument Date: None set/waived by Appellant

Baker v. Kealoha (“*Baker*”).

Date Case Filed: August 30, 2011
Ninth Circuit Case Number: 12-16258
Date Appeal Filed: May 29, 2012
Order Appealed From: Preliminary Injunction April 30, 2012
Briefing Status: Opening brief filed June 26, 2012; awaiting Respondents’ Brief due on or before July 25, 2012
Oral Argument Date: None set

Thomson v. Torrance Police Department (“*Thomson*”).

Date Case Filed: July 26, 2011
Ninth Circuit Case Number: 12-56236
Date Appeal Filed: July 3, 2012
Order Appealed From: Summary Judgment July 2, 2012
Briefing Status: Briefing has not commenced; only Notice of Appeal filed
Oral Argument Date: None set

The *Peruta* Appellants provide below, for the Court's convenience, a description of each of the related cases and their status as they relate to *Peruta*.

A. *Richards v. Prieto*

Like *Peruta*, the *Richards* appellants challenge a sheriff's Carry License issuance policies and practices on Second Amendment and Equal Protection grounds. The *Richards* appellants also directly challenge the constitutionality of certain California statutes that impose standards on issuing authorities to use in evaluating a Carry License application (i.e., "good cause" and "good moral character" – see California Penal Code section 26150). In so doing, the *Richards* appellants assert as a central legal theory that those statutory standards are unconstitutional prior restraints, and are thus unenforceable. Appellant Richard's Opening Brief at 41, *Richards v. Prieto*, No. 11-16255 (9th Cir. filed Aug. 25, 2011).

Peruta is a narrower case that avoids invalidating state statutes on constitutional grounds. AOB 39. The *Peruta* Appellants instead target San Diego County's interpretation and application of one of those standards (i.e., "good cause").

On May 25, 2011, the *Richards* appellants notified this Court, per Ninth Circuit Rule 28-2.6 and General Order 2.1, that they consider *Peruta* a "related case." Appellant's Notice of Related Cases at i, *Richards*, No. 11-16255; *see also*

Appellants' Opening Brief at 59, *Richards*, No. 11-16255.

On May 31, 2011, the *Richards* appellants made a "Motion to Align Oral Argument Together with Related Case," seeking to have their appeal heard by the same panel of this Court and to have their oral argument heard on the same day as *Peruta*. Motion to Align Oral Argument with Related Case at 4, *Richards*, No. 11-16255.

On June 8, 2011, the *Peruta* Appellants opposed that motion. The *Peruta* Appellants' Opposition to *Richards v. Prieto* Appellants' Motion to Align Oral Argument with Related Case, *Richards*, No. 11-16255.

On June 20, 2011, this Court issued an order denying the motion, but ordering that the "cases shall be calendared before the same panel if practicable." Order at 1, *Richards*, No. 11-16255 (9th Cir. June 20, 2011).

As it did with *Peruta*, on December 20, 2011, this Court also stayed *Richards* pending resolution of *Nordyke*. Order at 1, *Richards*, No. 11-16255 (9th Cir. Dec. 20, 2011.).

On June 4, 2012, following the decision in *Nordyke*, the *Richards* appellants filed a Notice of Decision, a Request for Relief From Stay, and a Request for Setting with *Peruta*. Appellants' Notice of Decision in *Nordyke v. King* & Request for Relief from Stay & Request for Setting with *Peruta v. San Diego, Richards*, No. 11-16255.

Along with lifting the stay in *Peruta*, on June 19, 2012, the Court also lifted the stay in *Richards*. Order, June 19, 2012 (Doc. No. 89); Order at 1, *Richards*, No. 11-16255 (9th Cir. June 19, 2012).

In addressing the *Richards* appellants' other request for setting with *Peruta*, the Court reaffirmed its order of June 20, 2011, denying their Motion to Align Oral Argument, but stating that the cases "shall be calendared before the same panel if practicable." Order at 1, *Richards*, No. 11-16255 (9th Cir. June 29, 2012).¹

B. *Birdt v. Beck*

On May 23, 2011, the opening brief was filed by the pro per appellant² in the *Birdt* case simultaneously challenging both Los Angeles County and the City of Los Angeles issuing authorities' (both the County Sheriff's and LAPD Chief of Police's) Carry License issuance policies and practices on Second Amendment grounds. Appellant's Opening Brief at 17, *Birdt v. Beck*, No. 12-55115 (9th Cir.

¹ While the *Peruta* Appellants are not necessarily opposed to this Court granting the *Richards* appellants' request for setting with *Peruta*, they would like to point out that the request misquotes this Court's Order. They quote the Court as ordering that *Peruta* "shall be calendared before the same panel **for oral argument** if practicable." Appellants' Notice of Decision in *Nordyke v. King* & Request for Relief from Stay & Request for Setting with *Peruta v. San Diego, Richards*, No. 11-16255. The emphasized words are the *Richards* appellants' addition to the Court's Order. Order at 1, *Richards*, No. 11-16255 (9th Cir. June 20, 2011) ("However, these cases shall be calendared before the same panel if practicable.")

² Although representing himself, Mr. Birdt is an attorney licensed to practice in the State of California.

filed May 31, 2012).

The *Birdt* appeal seeks almost identical relief as the *Peruta* appellants (i.e., that issuing authorities must recognize self-defense as “good cause” for issuance of a Carry License because such a license is the only manner to lawfully bear arms in California).³

On May 23, 2011, appellant Birdt expressly misstated in his opening brief that per Ninth Circuit Rule 28-2.6 “there are no related cases pending at the appellate level.”*Id.* at 22. Instead, he listed two cases as potentially related – both of which he is counsel in – that at the time of filing his opening brief were pending decision before district courts. *Id.*⁴ Mr. Birdt should have listed *Peruta*, *Richards*, *Mehl*, and *Rothery* as related cases.⁵ Mr. Birdt waived oral argument in his appeal (likely in hopes of possibly expediting its decision ahead of *Peruta* and *Richards*).

³ Additionally, although it is not pled as clearly as the *Richards* appellants, Mr. Birdt appears to raise an unlawful prior restraint argument in his attack on the Los Angeles issuing authorities’ policy. Appellant’s Opening Brief at 20-21, *Birdt*, No. 12-55115.

⁴ One of those cases, *Raulinaitis v. Los Angeles County Sheriff’s Department*, remains pending a decision in the district court, while the other, *Thomson*, has recently been decided by the district court. Its status is described in detail below.

⁵ Mr. Birdt is well aware of at least the *Peruta* and *Richards* cases. The district court discussed both cases extensively in its order denying Mr. Birdt’s Motion for Summary Judgment that he appeals to this Court. Civil Minutes Re: Order Re: Plaintiff’s and Defendants’ Motions for Summary Judgment at 5-6, 8, *Birdt v. Beck*, No. 10-8377 (C.D. Cal. Jan. 13, 2012).

Birdt is so similar to *Peruta* and *Richards* in the relief it seeks that this Court should consider staying *Birdt* pending the decisions in those cases. Decisions in *Peruta* and *Richards* would almost certainly be dispositive in *Birdt*.

C. *Baker v. Kealoha*

The Appellant in *Baker* challenges Hawaii's scheme for issuing Carry Licenses on Second Amendment grounds and on twelve other grounds.⁶ He moved for a preliminary injunction seeking to either enjoin enforcement of Hawaii's provisions that confer discretion on authorities to issue Carry Licenses or to compel Hawaiian issuing authorities to issue him a Carry License. Plaintiff's Memorandum in Support of Motion for Preliminary Injunction at 2-3, *Baker v. Kealoha*, No. 11-00528 (D. Haw. 2012), *appeal docketed*, No. 12-16258 (9th Cir. May 30, 2012).

On April 30, 2012, the district court denied that motion. Order Denying Plaintiff's Motion for a Preliminary Injunction, *Baker*, No. 11-00528.

On May 29, 2012, Mr. Baker appealed that denial as an interlocutory appeal to this Court. *See* Notice of Appeal, *Baker*, No. 11-00528.

The core issue in *Baker* is essentially identical to the core issues in *Peruta*

⁶ Most, if not all, thirteen claims for relief asserted by the plaintiff in *Baker* depend on the resolution of the Second Amendment question underlying each of these Carry License cases (i.e., whether there is a right to carry a firearm in public for self-defense in the manner prescribed by the legislature).

and *Richards* (i.e., whether the Second Amendment permits the government to generally bar law-abiding citizens from obtaining the licenses required to lawfully bear arms outside their homes for self-defense). Order Granting Defendants' Motion for Judgment on the Pleadings at 44, *Baker*, No. 11-00528.⁷ And *Baker* appears to be making the same arguments the *Richards* appellants make, i.e., that Hawaii's statute or system for issuing Carry Licenses constitutes an unlawful prior restraint on the right to bear arms. Appellant's Opening Brief, *Baker v. Kealoha*, No. 12-16258 (9th Cir. filed June 26, 2012). But *Baker* also raises twelve fact-specific issues, none of which were addressed by the trial court. Order Denying Plaintiff's Motion for Preliminary Injunction, *Baker*, No. 11-00528. Those issues include, but are not limited to, whether Mr. Baker is personally fit for a Carry License, whether Hawaii's Carry License application process meets due process standards, and whether the Second Amendment protects carrying non-firearm devices such as tasers. *See generally* Appellant's Opening Brief, *Baker*, No. 12-16258.

⁷ Additionally, the district court in *Baker* analyzed the Second Amendment claim under intermediate scrutiny. Order Granting Defendants' Motion for Judgment on the Pleadings at 48-54, *Baker*, No. 11-00528. Since the *Peruta* Appellants have fully briefed the propriety of applying the intermediate scrutiny standard to, and the showing required of the government to prevail on, such a claim – because the district court in *Peruta* applied that standard and held the challenged issuance policy satisfied it – this issue will be resolved dispositively in *Peruta*. *See* AOB 44-49.

The Court should also consider staying *Baker* pending resolution of *Peruta* and/or *Richards*. As with *Birdt*, a decision in either case would likely be dispositive in *Baker*. Moreover, the propriety of staying *Baker* is made more evident by the district court's invitation to higher courts to provide further guidance on the Second Amendment issue. Order Granting Defendants' Motion for Judgment on the Pleadings at 45 n.20, *Baker*, No. 11-00528 (“[I]n light of the uncertainty surrounding *Heller*, the Court joins other courts in awaiting direction from the Supreme Court with respect to the outer bounds of the Second Amendment”); Order Granting Plaintiff's Motion to Stay Proceedings at 6, *Baker*, No. 11-00528 (“[T]he Court concludes that . . . resolution of the difficult Constitutional issues presented on appeal will serve to clarify the issues for the parties in the instant litigation as they proceed to summary judgment or trial.”).

This Court almost certainly will address these issues in deciding *Peruta* or *Richards*. By staying *Baker*, this Court would avoid having to address any of that case's other twelve very fact-specific issues, which can be weighed by the district court on remand once the Second Amendment issue is resolved in *Peruta* and/or *Richards*.

D. *Thomson v. Torrance Police Department*

Thomson is essentially identical to *Birdt* in its claims and the relief it seeks,

challenging certain Carry License issuance policies.⁸ Order Granting Plaintiff's Motion for Summary Judgment, *Thomson v. City of Torrance*, No. 11-06154 (C.D. Cal. July 2, 2012), *appeal docketed*, No. 12-56236 (9th Cir. July 5, 2012).

Thomson even includes the Los Angeles County Sheriff's Department as a defendant, with the City of Torrance being the other defendant rather than the City of Los Angeles. On July 3, 2012, a Notice of Appeal was filed, Notice of Appeal, *Thomson*, No. 11-06154, but briefing has not yet begun.

Because the claims in *Thomson* are duplicative of *Birdt* (which are duplicative of the claims in *Peruta* and *Richards*), this Court should consider staying *Thomson* for the same reasons *Birdt* should be stayed.

E. *Mehl and Rothery Appeals*

These two cases are very similar. Both challenge the Sacramento County Sheriff's policies and practices for issuing Carry Licenses, as well as California's Carry License statutory scheme, on several grounds, including the Second Amendment. Both cases name officials for Sacramento County and for the State of California as defendants. Counsel is the same in both cases.

The procedural status of each, however, differ markedly. Although both cases came before this Court prior to *Peruta* or *Richards*, judicial developments

⁸ Mr. Birdt is counsel in *Thomson* as well, but not *pro per*.

since they were stayed have relegated them behind *Peruta* and *Richards* for all practical purposes, if not rendering them entirely obsolete.

1. *Mehl*

Mehl was argued and submitted on June 11, 2009 – some three years ago. But the case’s submission was withdrawn pending issuance of the mandate in *Nordyke. Mehl v. Blanas*, No. 08-15773 (9th Cir. argued June 11, 2009); Order at 1, *Mehl*, No. 08-15773 (9th Cir. Sept. 11, 2009); Order at 1, *Mehl*, No. 08-15773 (9th Cir. July 20, 2010). Since the mandate in *Nordyke* has not yet issued, *Mehl* has still not been submitted. *Mehl* was argued well before the *McDonald* case was even accepted for review by the Supreme Court. And scores of other instructive Second Amendment cases have since been decided and gone unaddressed in *Mehl*, while most all of those cases have been thoroughly briefed in *Peruta*, [Appellants’ Opening Br., 17, 29, 45 and 55, (Doc. No. 14); Appellee’s Br., 4 and 17, (Doc. No. 49); Appellants’ Citation of Supplemental Authority Pursuant to Rule 28(j) Re: *Nordyke v. Alameda*, Dec. 16, 2011, (Doc. No. 77); Appellants’ Citation of Supplemental Authority Pursuant to Rule 28(j) Re: *Woolard v. Sheridan*, Mar. 8, 2012, (Doc. No. 81); Appellants’ Citation of Supplemental Authority Pursuant to Rule 28(j) Re: *U.S. v. Weaver*, Mar. 9, 2012, (Doc. No. 82); Appellants’ Citation of Supplemental Authority Pursuant to Rule 28(j) Re: *Bateman v. Perdue*, Apr. 19, 2012, (Doc. No. 83)].

In fact, *Mehl* was decided at the district court level even before the opinion in *District of Columbia v. Heller*, 554 U.S. 570 (2008), was issued by the Supreme Court. Further, drastic changes in the status and resolution of the *Nordyke* case, which case was the principal reason *Mehl* was stayed, Order at 1, *Mehl*, No. 08-15773 (9th Cir. July 20, 2010), have emerged since the last time *Mehl* was visited by this Court.⁹

⁹ *Nordyke* was reviewed en banc in late 2009, resulting in the panel's decision being vacated pending the U.S. Supreme Court's resolution of *McDonald v. City of Chicago*, 561 U.S. 3025, 130 S. Ct. 3020 (2010). Upon issuance of the opinion in *McDonald*, *Nordyke* was remanded to its previous three-judge panel for further consideration in light of *McDonald*. *Nordyke v. King*, 611 F.3d 1015 (9th Cir. 2010). The three-judge panel ordered and received supplemental briefing addressing: (1) the impact of *McDonald* on *Nordyke* and (2) any other issue properly before the court, including the applicable level of scrutiny. Order at 1, *Nordyke v. King*, , 681 F.3d 1041 (9th Cir. 2012) (No. 07-15763) (Doc. No. 129). It also granted the submission of and received amicus briefs from seven amici addressing various aspects of Second Amendment jurisprudence, but primarily the proper standard of review. Orders Re: Filing of Amici Briefs, *Nordyke*, 681 F.3d 1041 (No. 07-15763) (Doc. Nos. 147-149, 156-157, 159, 161). The panel also heard oral argument and received citations to supplemental authority after oral argument. Appellants' Citation of Supplemental Authorities, *Nordyke*, 681 F.3d 1041 (No. 07-15763) (Doc. No. 172); Appellees' Citation of Supplemental Authorities, *Nordyke*, 681 F.3d 1041 (No. 07-15763) (Doc. No. 173); Appellees' Citation of Supplemental Authorities, *Nordyke*, 681 F.3d 1041 (No. 07-15763) (Doc. No. 174). The panel then rendered an opinion, which, among other things, addressed the standard of review applicable in Second Amendment cases. *Nordyke v. King*, 644 F.3d 776, 782-86 (9th Cir. 2011). The Ninth Circuit later ordered en banc review of that opinion, rendering it unciteable as authority. *Nordyke v. King*, 664 F.3d 774 (9th Cir. 2011). The case was again argued and submitted on March 19, 2012. The en banc panel issued an opinion affirming the judgment of the three-judge panel, but it superceded the panel's Second Amendment analysis, reasoning that the standard of review issue need not be addressed due to Alameda County's conceding that gun shows are allowed on its property. *Nordyke*, 681 F.3d at 1044.

Aside from the premature raising of *Mehl*'s Second Amendment claim, it is unclear whether that case's appeal should even address Second Amendment arguments at all. The district court dismissed *Mehl* on standing grounds. Memorandum and Order at 10, *Mehl v. Blanas*, No. 03-02682 (E.D. Cal. Feb. 5, 2008). The court did not even consider the Second Amendment issue because the *Mehl* plaintiffs withdrew that claim well before the court's decision. *Id.* at 2. It was not until briefing before this Court, when the *Heller* opinion was issued, that the *Mehl* appellants revived their Second Amendment argument. But this does not change the issue on appeal from a question of standing to a question of the Second Amendment's scope.

2. *Rothery*

Rothery, on the other hand, remains in the early briefing phase of its appeal – only the opening brief has been filed by those appellants. Before the government appellees in *Rothery* could file an answering brief, this Court stayed that case pending *Mehl* and *Nordyke*. Order at 1, *Rothery v. County of Sacramento*, No. 09-16852 (9th Cir. May 24, 2010). *Rothery* has remained stayed ever since, and it will remain stayed until at least September 6, 2012. Order at 1, *Rothery*, No. 09-16852 (9th Cir. May 14, 2012).

The *Rothery* appellants' opening brief was filed before the Supreme Court's

directly controlling decision in *McDonald v. Chicago*, 561 U.S. 3025 (2010) was issued. Appellants' Opening Brief, *Rothery*, No. 09-16852 (9th Cir. filed May 6, 2010). And, as mentioned above, a great deal of Second Amendment jurisprudence has developed since the filing of that opening brief that the brief could not address.

Both *Mehl* and *Rothery* suffer significant deficiencies in their current form. Both likely require significant additional briefing or remand to the district court to remedy those deficiencies. Rather than attempting to address the messy issues with those cases, the Court could more easily stay them pending its hearing of *Peruta* or *Richards*, which will be dispositive as to both.

Additionally, during the time *Mehl* and *Rothery* have been stayed, the County of Sacramento, the municipal defendant in both cases, has amended its Carry License issuance policy. Though the amended policy, effective since mid 2010, is not entirely in accordance with the relief sought by appellants in each of these Carry License cases, it does provide that "self-defense may be good cause for the issuance of a permit [Carry License]."¹⁰ The *Mehl* and *Rothery* appellants have had nearly two years to apply for a Carry License from Sacramento under the

¹⁰ Sacramento County Sheriff's Department, *Concealed Weapons Permit Issuance and Applications Permit Process*, http://www.sacsheriff.com/organization/office_of_the_sheriff/images/ccw_process.pdf (last visited July 9, 2012).

new policy.¹¹ And the state defendants were dismissed from *Mehl* at the district court level. Memorandum and Order at 4-7, *Mehl*, No. 03-02682 (E.D. Cal. Sept. 3, 2004). Thus, both cases are in any event likely moot.

IV. CONCLUSION

Since the filing of the *Peruta* Appellants' opening brief, four additional "related cases" addressing the Second Amendment right to bear arms have reached this Court. The *Peruta* Appellants hereby notify this Court of those cases and of the *Peruta* Appellants' position that, among the seven cases concerning the right to bear arms pending before this Court, there are only two cases that should even be considered for review at this time, *Peruta* and *Richards*.

Date: July 10, 2012	MICHEL & ASSOCIATES, P.C. <u>/s/ C. D. Michel</u> C. D. Michel Attorneys for Plaintiffs-Appellants
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¹¹ In fact, *Richards* was previously titled *Sykes v. McGinness* (the name of then Sacramento County Sheriff). Complaint, *Sykes v. McGinness*, No. 08-2064 (E.D. Cal. July 27, 2009). The plaintiffs in that case dropped their claims against Sacramento upon the adoption of its current policy.

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2012, an electronic PDF of APPELLANTS' NOTICE OF ADDITIONAL RELATED CASES AND STATUS THEREOF 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: July 10, 2012

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