

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EDWARD PERUTA, et. al., <i>Plaintiffs-Appellants,</i> v. COUNTY OF SAN DIEGO, et. al., <i>Defendants-Appellees.</i>	No. 10-56971 D.C. No. 3:09-cv-02371-IEG-BGS U.S. District Court for Southern California, San Diego
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**DECLARATION OF SEAN A. BRADY IN SUPPORT OF
APPELLANTS' MOTION FOR RECONSIDERATION
OF ORDER STAYING PROCEEDINGS**

C. D. Michel (S.B.N. 144258)
Lead Counsel
Glenn S. McRoberts (S.B.N. 144852)
Sean A. Brady (S.B.N. 262007)
Bobbie K. Ross (S.B.N. 273983)
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

Counsel for Plaintiffs-Appellants

DECLARATION OF SEAN A. BRADY

I, Sean A. Brady, 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 an Associate attorney 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. On December 20, 2011, the Court issued an order *sua sponte* staying proceedings in this matter pending the rehearing en banc decision in *Nordyke v. King*, Ninth Circuit Case No. 07-15763.

3. On December 28, 2011, I contacted the attorney for Defendants-Appellees (Appellees), James Chapin, via electronic mail (e-mail) asking whether Appellees would oppose this motion. Mr. Chapin responded via e-mail that same day indicating that without seeing Appellants' motion he did not feel comfortable making a determination on whether to formally oppose it or not.

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

Executed this 3rd day of January, 2012, at Long Beach, California.


Sean A. Brady

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2012, an electronic PDF of Declaration of Sean A. Brady in Support of Appellants' Motion for Reconsideration Of Order Staying Proceedings 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.

/s/ C. D. Michel

C. D. Michel

Attorneys for *Plaintiffs-Appellants*