

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

EDWARD PERUTA, et. al.,

*Plaintiffs-Appellants,*

v.

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  
California, San Diego

**DECLARATION OF C. D. MICHEL  
IN SUPPORT OF APPELLANTS' UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE OPENING BRIEF**

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C. D. Michel (S.B.N. 144258)  
Sean A. Brady (S.B.N. 262007)  
Bobbie K. Ross (S.B.N. 273983)  
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**Counsel for Plaintiffs-Appellants**

**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. Plaintiffs-Appellants' opening brief in this case is currently due on March 24, 2011.

3. Plaintiffs-Appellants respectfully request a sixty-day extension of the time to file their opening brief in this matter, thereby making the brief due on May 23, 2011.

4. Michel & Associates is currently engaged in litigation over the City and County of San Francisco's regulations related to the storage of firearms in the lawsuit, *Jackson v. San Francisco*, No. 09-02143 (N.D. Cal. filed May 15, 2009). This litigation has consumed a great deal of time, and will continue to consume a great deal of time, on my part as I am managing the *Jackson* case.

5. Our opposition to Defendants' motion to dismiss in *Jackson* is due on March 21, 2011.

6. In addition, Sean Brady and I recently completed a successful challenge to various ammunition regulations set forth in the California Penal Code in the lawsuit, *Parker v. California*, No. 10CECG02116 (Super. Ct. Fresno, filed June 17, 2010). This lawsuit consumed the vast majority of my time in late December and for most of January.

7. Oral arguments in *Parker* were held in late January, which both Mr. Brady and I had to prepare for and attend.

8. Michel & Associates is currently seeking attorneys' fees in *Parker* via noticed motion, and preparations for an impending appeal are currently underway.

9. I am also involved in *Center for Biological Diversity, et al. v. Jackson, et al.*, No. 10-02007 (D.D.C. filed Nov. 10, 2010), a suit dealing with an attempted ban on traditional lead ammunition, where I am representing the Defendant-Intervenor and spent a substantial amount of time preparing the motion to intervene on behalf of multiple parties and obtaining supportive declarations.

10. Appellants have been in contact with various civil rights groups wishing to file *amici* briefs in support of their position. However, these parties have expressed concern regarding their ability to have their *amici* briefs completed

by March 31st.

11. Michel & Associates has exercised diligence in pursuing Plaintiffs-Appellants' appeal and will file the opening brief within the time requested.

12. Counsel for Defendants-Appellees does not object to Plaintiffs-Appellants' request for an extension of time to file their opening brief.

13. To my knowledge, the court reporter is not currently in default with regard to any designated transcripts.

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

Executed this 3<sup>rd</sup> day of March, 2011, at San Diego, California.

  
C. D. Michel

9th Circuit Case Number(s) 10-56971

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When All Case Participants are Registered for the Appellate CM/ECF System

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I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format) s/ C. D. Michel

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