

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

**APPELLANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF**

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Counsel for Plaintiffs-Appellants

TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

In accordance with Federal Rule of Appellate Procedure 26(b) and Ninth Circuit Rule 31-2.2(b), Plaintiffs-Appellants Edward Peruta, Dr. Leslie Buncher, Mark Cleary, James Dodd, Michelle Laxson, and California Rifle and Pistol Association Foundation (collectively “Appellants”) hereby request a 60-day extension to file their Opening Brief from March 24, 2011 to and including May 23, 2011.

This *unopposed* motion is made on the grounds that due to the press of business, Appellants’ counsel require more time to complete the Opening Brief. It is also made on the grounds that this case has garnered significant interest by parties wishing to file *amici* briefs, and additional time is needed to coordinate with those parties.

Press of Business

Appellants’ attorneys from Michel & Associates, P.C., are currently involved in *Jackson v. San Francisco*, No. 09-02143 (N.D. Cal. filed May 15, 2009), litigation with the City and County of San Francisco over the locality’s regulations related to the storage of firearms. An opposition to a motion to

dismiss that is due on March 21, 2011. The Firm's lawyers have also been tied up on numerous other matters, including *Parker v. California*, No. 10CECG02116 (Super. Ct. Fresno, filed June 17, 2010), a recently successful challenge to various ammunition regulations set forth in the California Penal Code. In *Parker*, oral arguments were held just in late January and attorneys' fees are now being sought by Appellants' counsel via noticed motion. Preparations for a pending appeal are also currently underway. (Michel Decl. at ¶¶ 6-8; Declaration of Sean A. Brady at ¶¶ 4-6.). The Firm's attorneys are 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. (Michel Decl. ¶ 9.)

This litigation has consumed a great deal of time (and will continue to consume a great deal of time) on the part of C. D. Michel, the senior partner of Michel & Associates.

Amici Curiae Briefs

The *Peruta v. San Diego* matter has generated significant interest, and Appellants have been contacted by 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.¹

(Michel Decl. at ¶ 10.)

Appellees Do Not Oppose This Motion

On February 24, 2011, Mr. Brady contacted Appellees' counsel, James Chapin, to determine whether Appellees would oppose this motion. On February 24, 2011, Mr. Chapin confirmed that Appellees would not oppose the motion. (Brady Decl. at ¶ 8.) Therefore, Appellants and Appellees agree that a 60-day extension for Appellants to file their Opening Brief would be sufficient. Upon the granting of this motion, Appellants' Opening Brief would be due on or before May 23, 2011.

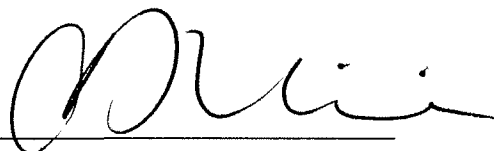
Appellants' counsel has exercised diligence in attempting to prepare the Opening Brief in a timely manner and will have the Opening Brief filed on or before the May 23, 2011 deadline sought in this request. (Michel Decl. at ¶ 11; Brady Decl. at ¶ 9.)

¹ Under the Time Schedule Order in this case, Appellants' opening brief is due on or before March 24, 2011. Fed. R. App. P. 29(e) provides that the brief of an *amicus curiae* is due within seven (7) days of the principal brief of the party whose position the *amicus curiae* supports, which would be March 31, 2011.

To Appellants' knowledge, the court reporter is not currently in default with regard to any designated transcripts. (Michel Decl. at ¶ 14; Brady Decl. at ¶ 10)

Date: March 3, 2011

MICHEL & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read "Michel", written over a horizontal line.

C. D. Michel

Attorneys for *Plaintiffs-Appellants*

9th Circuit Case Number(s) 10-56971

NOTE: To secure your input, you should print the filled-in form to PDF (File > Print > PDF Printer/Creator).

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

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

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