

Nos. 10-56971 & 11-16255

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UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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**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  
Southern District of California  
Hon. Irma E. Gonzalez  
District Judge

**STATE OF CALIFORNIA,**  
Intervenor-Pending,

No. 11-16255  
D.C. No. 2:09-cv-01235-MCE-DAD  
Eastern District of California  
Hon. Morrison C. England  
District Judge

**BRADY CAMPAIGN TO  
PREVENT GUN VIOLENCE,**  
Intervenor-Pending.

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**ADAM RICHARDS, et al.,**  
Plaintiffs-Appellants,  
**v.**  
**ED PRIETO, et al.,**  
Defendants-Appellees.

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**PROPOSED INTERVENOR BRADY CAMPAIGN TO PREVENT GUN  
VIOLENCE'S MOTION FOR CLARIFICATION ON ORAL ARGUMENT**

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BRADY CAMPAIGN TO PREVENT  
GUN VIOLENCE

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**PROPOSED INTERVENOR BRADY CAMPAIGN TO PREVENT GUN VIOLENCE'S MOTION FOR CLARIFICATION ON ORAL ARGUMENT**

Pursuant to Circuit Rule 27-10(a)(2), the Brady Campaign to Prevent Gun Violence (“Brady Campaign”) seeks clarification regarding the scope of oral argument scheduled for June 16, 2015, specifically whether it includes the Brady Campaign’s motion to intervene. *See* Dkt. 266.

On February 13, 2014, a divided three-judge panel held that San Diego’s “good cause” permitting requirement violates the Second Amendment. *Peruta v. Cty. of San Diego*, 742 F.3d 1144 (9th Cir. 2014). After San Diego Sheriff William D. Gore declined to file a petition for rehearing en banc, the Brady Campaign and the State of California both filed motions to intervene under Federal Rule of Civil Procedure 24. *See* Dkt. 123 and 122. Those motions were denied by a three-judge panel on November 12, 2014. Dkt. 156.

On March 26, 2015, the Ninth Circuit issued an order stating that “the case” would be reheard en banc. Dkt. 193. The Court further ordered that “the three-judge panel opinion and order denying motions to intervene shall not be cited as precedent[.]” *Id.* Subsequently, on May 1, 2015, the Court ordered that oral argument “in this en banc case” would be held on June 16, 2015. Dkt. 266. The Brady Campaign now seeks clarification as to whether the *en banc* Court intends to

hear argument on both the question of intervention and the merits of the underlying case.

On the question of whether the Brady Campaign should be permitted to intervene in this case, the Brady Campaign respectfully rests on its previously submitted briefs, *see* Dkt. 123, Dkt. 148, Dkt. 158, unless oral argument is requested by the Court. To the extent the Brady Campaign is allotted any time for argument on the merits, it hereby cedes that argument time to the State of California.

Date: May 13, 2015

Respectfully submitted,

/s/ Neil R. O'Hanlon

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