

Nos. 10-56971 & 11-16255
IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EDWARD PERUTA, et al.,
Plaintiffs-Appellants,
v.
COUNTY OF SAN DIEGO, et al.,
Defendants-Appellees,
STATE OF CALIFORNIA,
Intervenor-Pending.

No. 10-56971
D.C. No. 3:09-cv-02371-IEG-
BGS
Southern District of California
Hon. Irma E. Gonzalez
District Judge

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

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

**PROPOSED INTERVENOR STATE OF
CALIFORNIA'S MOTION FOR LEAVE TO FILE
A BRIEF ON THE MERITS**

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**PROPOSED INTERVENOR STATE OF CALIFORNIA'S MOTION
FOR LEAVE TO FILE A BRIEF ON THE MERITS**

Proposed Intervenor State of California respectfully moves for leave to file a brief on the merits in these consolidated en banc appeals. The State has moved to intervene in *Peruta*, and that motion is currently pending before the Court in these en banc proceedings. Because the State's status in these appeals has not yet been resolved, the State is unsure whether its brief—submitted concurrently with this motion—is properly considered an intervenor's brief on the merits, or an amicus brief. Accordingly, in the event that the State's motion to intervene is granted, the State seeks leave to file its brief as an intervenor's brief on the merits.

Good cause exists for granting the State's request to file an intervenor's brief on the merits. The State has not yet filed a merits brief in these proceedings. As set forth in the State's motion to intervene, these appeals present issues of exceptional importance to the State because plaintiffs' claims arguably call into question the validity of the State's statutory scheme regulating the public carrying of firearms. Accordingly, the State requests that it be permitted to participate in these proceedings as an intervening party, including the submission of a party brief on the merits.

Alternatively, if the Court denies this motion, the State respectfully requests that its brief be filed as an amicus curiae brief pursuant to Federal Rule of Appellate Procedure 29(a).¹

Dated: April 30, 2015

Respectfully Submitted,

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¹ Plaintiffs-Appellants have informed the State that they consent to the filing of the State's brief as an amicus brief, but oppose the State's request for leave to file its brief as an intervenor's merits brief. *See* 9th Cir. R. 27-1 advisory committee note, § 5.

9th Circuit Case Number(s) 10-56971 & 11-16255

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