

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
PARTICIPATE IN ORAL ARGUMENT**

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**PROPOSED INTERVENOR STATE OF CALIFORNIA'S MOTION
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT**

Proposed intervenor the State of California respectfully moves for leave to participate in oral argument on the side of defendants-appellees in these consolidated en banc appeals.

As the State has explained in its pending motion to intervene, these appeals arguably call into question the constitutionality of the State's entire statutory scheme governing the public carrying of handguns. Thus, regardless of whether the State is permitted to intervene or is instead participating as an amicus curiae, the State has a strong interest in the issues before the en banc Court. The State also has a perspective on the issues different from that of the local officials who implement state law in their respective jurisdictions. The State thus believes that oral presentation of its arguments would be of assistance to the en banc Court.

The State proposes to divide the argument time allocated to the appellees equally with counsel for Sheriff Prieto and Yolo County in *Richards*. All of the defendants-appellees, as well as proposed intervenor the Brady Campaign to Prevent Gun Violence, support the State's

participation and the proposed division of the argument time.¹ The State would expect to address only the merits of the case, although it could also answer any questions the Court might have on the issue of intervention. The State anticipates that its argument would complement that of counsel for Sheriff Prieto, as the State could focus on the structure and constitutionality of the State's statutory scheme leaving a range of discretion to local authorities on concealed-carry issues, while counsel for the Sheriff could focus more closely on how that discretion is properly exercised in Yolo County.

For these reasons, the State respectfully requests leave to participate in oral argument in these consolidated appeals.

¹ Counsel for Sheriff Prieto has stated that he is amenable to dividing the argument time equally with the State. Counsel for the County of San Diego and Sheriff Gore has indicated that he would be available to answer any questions the Court may have at argument, but is otherwise willing to cede argument time to the State. The Brady Campaign has indicated that it intends to seek clarification regarding the scope of oral argument and would be prepared to argue on intervention should the Court request it, but is willing to cede any argument time on the merits to the State. Counsel for plaintiffs-appellants have indicated that they do not oppose the State's request to participate in oral argument. *See* 9th Cir. R. 27-1 advisory committee note, § 5.

Dated: May 12, 2015

Respectfully Submitted,

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9th Circuit Case Number(s)

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