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12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**
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15 EDWARD PERUTA, MICHELLE)
LAXSON, JAMES DODD, DR. LESLIE)
16 BUNCHER, MARK CLEARY, and)
CALIFORNIA RIFLE AND PISTOL)
17 ASSOCIATION FOUNDATION)

18 Plaintiffs,

19 v.

20 COUNTY OF SAN DIEGO, WILLIAM D.)
GORE, INDIVIDUALLY AND IN HIS)
21 CAPACITY AS SHERIFF,)

22 Defendants.
23
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CASE NO: 09-CV-2371 IEG (BGS)

**DECLARATION OF SEAN BRADY IN
SUPPORT OF PLAINTIFFS' EX PARTE
MOTION FOR LEAVE TO FILE SUR
REPLY IN RESPONSE TO DEFENDANT'S
REPLY IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

Hon. Irma E. Gonzalez

Date Action Filed: October 23, 2009

DECLARATION OF SEAN BRADY

1
2 I, Sean Brady, am competent to state, and testify to the following based on my personal
3 knowledge:

4 1. I am counsel for the Plaintiffs in the above-captioned matter.

5 2. In accordance with the stipulated briefing schedule stipulated to by the parties and
6 granted by this Court on September 8, 2010, the following events occurred:

7 3. On September 3, 2010, Plaintiffs filed a Motion for Partial Summary Judgment, the
8 supporting Points and Authorities which were not to, and did not, exceed 25 pages.

9 4. On October 4, 2010, Defendants filed their Opposition to Plaintiffs' Motion, and
10 simultaneously Defendants' Cross-Motion for Summary Judgment, the supporting Points and
11 Authorities for which were not to, and did not exceed 35 pages total.

12 5. On October 5, 2010, due to the fact that the Brady Campaign also submitted a
13 lengthy and substantial amicus curiae brief in support of Defendant's Cross-Motion for Summary
14 Judgment and Opposition to Plaintiffs' Motion for Partial Summary Judgment, and the fact that
15 Defendants included a lengthy declaration by Mr. Franklin Zimring in support of their
16 Cross-Motion and Opposition to Plaintiffs' Motion for Partial Summary Judgment, the parties
17 filed a joint motion to amend the briefing schedule in order to allow Plaintiffs an additional week
18 to file their response. Plaintiffs also agreed to grant Defendants an extra week to file their Reply.

19 6. On October 18, 2010, Plaintiffs filed their Consolidated Reply to Defendant's
20 Opposition and Plaintiffs' Opposition to Defendants' Cross-Motion, the supporting Points and
21 Authorities for which were not to, and did not, exceed 20 pages total.

22 7. On November 1, 2010, Defendants filed their Reply to Plaintiffs' Opposition, the
23 supporting Points and Authorities for which were not exceed 10 pages. The issues addressed in
24 this Reply were to be limited to responding only to the issues raised in Plaintiffs' Opposition to
25 Defendants' Cross-Motion. Defendants sought leave to exceed the 10 page limitation by five
26 pages. The Court granted that request.

27 8. Defendants have filed 50 pages of briefing on this matter, while Plaintiffs have
28 only filed 45 pages. Plaintiffs seek an additional five (5) pages to address new arguments raised by

1 Defendants, and to have an equal amount of briefing, as originally agreed to.

2 9. On November 5, 2010, I attempted to contact Defendants' counsel, James Chapin,
3 via e-mail in order to determine whether Defendants would be willing to stipulate to allowing
4 Plaintiffs to file a five (5) page sur-reply.

5 10. Having not heard back from Defendants's counsel, I again sent an email to Mr.
6 Chapin on November 8, 2010.

7 11. Mr. Chapin responded to that communication, indicating that Defendants are
8 unwilling to stipulate to allow Plaintiffs to file a sur-reply.

9 I declare under penalty of perjury, that the foregoing is true and correct.

10 Executed in the United States on November 8, 2010.

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Sean A. Brady
Attorney for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD PERUTA, MICHELLE)	CASE NO. 09-CV-2371 IEG (BGS)
LAXSON, JAMES DODD, DR.)	
LESLIE BUNCHER, MARK)	CERTIFICATE OF SERVICE
CLEARY, and CALIFORNIA RIFLE)	
AND PISTOL ASSOCIATION)	
FOUNDATION)	
)	
Plaintiff,)	
)	
v.)	
)	
COUNTY OF SAN DIEGO,)	
WILLIAM D. GORE,)	
INDIVIDUALLY AND IN HIS)	
CAPACITY AS SHERIFF,)	
)	
Defendants.)	

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

DECLARATION OF SEAN BRADY IN SUPPORT OF PLAINTIFFS' EX PARTE MOTION FOR LEAVE TO FILE SUR REPLY IN RESPONSE TO DEFENDANT'S REPLY IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

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I declare under penalty of perjury that the foregoing is true and correct.
Executed on November 8, 2010.

/s/ C.D. Michel
C. D. Michel
Attorney for Plaintiffs