

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office
Phone (415) 355-7900 Fax (415) 355-8566
<http://www.ca9.uscourts.gov/mediation>

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	12-17803		
District Court/Agency Case Number(s):	09-02143 (RS)		
District Court/Agency Location:	United States District Court, Northern District of California		
Case Name:	Espanola Jackson, et al.	v.	City and County of San Francisco, et al.
If District Court, docket entry number(s) of order(s) appealed from:	150		
Name of party/parties submitting this form:	All Plaintiffs / Appellants		

Please briefly describe the dispute that gave rise to this lawsuit.

Plaintiffs presently seek to keep their handguns unlocked and operable for immediate self-defense within their homes. Several Plaintiffs also seek to purchase expanding and fragmenting ammunition and/or ammunition that "serves no sporting purpose" within San Francisco. San Francisco Police Code sections 4512 and 613.10(g), respectively, mandate locked storage of handguns at all times when not carried on the person of an adult over 18 or under the control of a peace officer and ban the sale of the ammunition Plaintiffs seek to purchase. Plaintiffs contend the laws violate the Second Amendment right to keep and bear arms. Defendants dispute this contention.

Briefly describe the result below and the main issues on appeal.

The district court denied Plaintiffs' Motion for Preliminary Injunction in its entirety. The main issues on appeal are:
1) Whether San Francisco Police Code section 4512, the city's locked-firearm-storage requirement, violates Plaintiffs' Second Amendment right to keep and bear arms.
2) Whether section 613.10(g), a ban on the sale of expanding/fragmenting ammunition and all ammunition serving "no sporting purpose" violates Plaintiffs' right to keep and bear arms.

Describe any proceedings remaining below or any related proceedings in other tribunals.

This appeal follows the district court's interlocutory order denying Plaintiffs' Motion for Preliminary Injunction. The remainder of the case is pending before the United States District Court in the Northern District of California. The parties will jointly seek a stay of further proceedings in the district court pending resolution of this appeal. Currently, there are no proceedings related to this matter in other tribunals.

Provide any other thoughts you would like to bring to the attention of the mediator.

This a case of first impression in the Ninth Circuit, and it involves critical constitutional issues that, once clarified, will further inform the scope of the right to bear arms and possibly the analytical framework for addressing Second Amendment claims.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

(see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

Espanola Jackson, et al. v. City of County of San Francisco, et. al.
District Court No.: CV-09-2143-RS
Appellate Court No. 12-17803

Wayne Snodgrass, Deputy City Attorney	Defendants-Appellees
Christine Van Aken, Deputy City Attorney	City and County of San Francisco,
Office of the City Attorney	the Mayor of San Francisco, the Chief of the
1 Drive Carlton B. Goodlett Place	San Francisco Police Department, in their
City Hall, Room 234	official capacities, and Does 1-10
San Francisco, CA 94102	
Tel: (415) 554-4633	
Fax: (415) 554-4699	
christine.van.aken@sfgov.org	