

RJN # “2”

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes - (continued)

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant Desiring a CCW License (use additional sheets if needed).

My job requires that I enforce discipline in connection with allegations of misconduct by San Francisco Police Officers. Some of these people are or become unstable and all of them are armed. This requires that I have a gun for self protection.

Memorandum

San Francisco Police Department



To: Morris Tabak
Lieutenant
Special Investigation Div.

From: Inspector Robert Huegle #681

Date: Thursday, 03/27/03

Subject: Request for concealed weapons permit.

ISSUE: Request for CCW permit

DISC: Jerry W Akins
850 Bryant St/Rm 545
San Francisco, Ca. 94132
415-553-9527

APPROVED	YES	NO
Lt. Morris Tabak #409	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.I.D. <i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

This is a renewal request for a CCW permit. Subject has held a CCW permit with San Francisco for a number of years.

Computer records check are all negative for City, State and Federal. Subject is a attorney for the S.F.P.D.

Subject was interviewed by this Inspector.

RECOMM: None

COPIES: LEGAL, COP

RECEIVED
LEGAL OFFICE

2003 MAR 28 P 4: 51

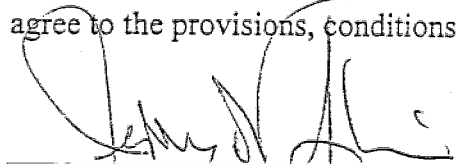
State of California, Department of Justice
Standard Application for CCW License

Section 8 - Certification and Release of Information

I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

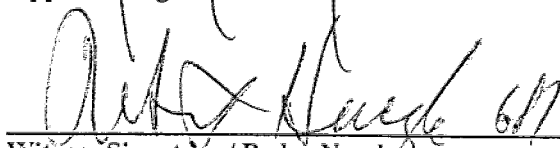
Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.



Applicant Signature

March 24, 2003
Date



Witness Signature / Badge Number

3-27-03
Date

State of California, Department of Justice
Standard Application for CCW License

Official Use Only - Type of Permit Requested
 Standard Judge
 Reserve Officer 90 Day

Public Disclosure Admonition

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

[Signature]
Applicant Signature

JANUARY 31, 2001
Date

[Signature] # 1041
Witness Signature / Badge Number

01/31/01
Date

Section 1 - Applicant Personal Information

Name: AKINS Last JERRY First WILLIAM Middle

If Applicable,
Maiden Name or Other Name(s) Used: n/a

City and County of Residence: City and County of San Francisco Country of Citizenship: United States of America

Date of Birth: [Redacted] Place of Birth: Grant's Pass Josephine Oregon
City County State

Height: 6' 1" Weight: 230 lbs. Color Eyes: Blue Color Hair: Brown

Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?
No Yes XX (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency San Francisco Police Dept. Issue Date 2/1/99 CCW# 2 94

2. Have you ever applied for and been denied a license to carry a concealed weapon?
No XX Yes (If yes, give agency name, date and reason for denial.)

RJN # “3”

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes - (continued)

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant Desiring a CCW License (use additional sheets if needed).

THREAT OF POSSIBLE PHYSICAL VIOLENCE EXISTS IN PERSON OF AN ARMED DEPUTY FACING TERMINATION WHO HAS EXHIBITED PSYCHOLOGICAL INSTABILITY AND FOCUSES ON APPLICANT. THIS PERSON HAS STATED HE KNOWS WHERE I LIVE AND WHAT CAR I DRIVE.

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes

Applicant Name: HARRIGAN JAMES F.
Last First Middle

Date of Birth: [REDACTED] Age: [REDACTED]

Social Security No.: [REDACTED]

California DL/ID No.: [REDACTED]

Driver's License Restrictions: NONE

Residence Address: [REDACTED] San Francisco Ca. [REDACTED]
Number Street Apt. City State Zip

Mailing Address (if different):
Number Street Apt. City State Zip

Home / Personal Phone Numbers: (415) [REDACTED]

Spouse's Name and Address: _____

Applicant Occupation: LEGAL COUNSEL TO SHERIFF OF SF

Business / Employer Name: CITY & COUNTY OF SAN FRANCISCO

Business Phone Number: (415) 554-7225

Business Address: Room 456, City Hall S.F., CA. 94102
Number Street Apt. City State Zip

1. List all previous home addresses for the past five years.

[REDACTED]

State of California, Department of Justice
Standard Application for CCW License

Section 8 - Certification and Release of Information

I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.

James J. Harquez
Applicant Signature

July 25, 2008
Date

Det. Mark Mallett #1427
Witness Signature / Badge Number

July 25, 2008
Date

License To Carry Concealed Pistol, Revolver, or Other Firearm
Within the State of California

Issued By:

Sgt. Steven Neri 10/3/08

Agency "ORI" [Redacted] Date of Issue

Local Agency Number 500269 CH # [Redacted] Expiration Date

Initial *Michael Skimming* Signature and Title of Issuing Officer

Subsequent

SECTION A

Name of Licensee *TOMAS E. HARRISAN*

Residence Address [Redacted]

City *SAN FRANCISCO* Zip [Redacted] County *SAN FRANCISCO*

Business Address *15 CITY HALL* Occupation *LEAD-CON*

Birthdate [Redacted] Hgt. *6'1"* Wgt. *210* Eye Color *BRN* Hair Color *BRN*

RJN # “4”

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

MACHAELA M. HOCTOR
Deputy City Attorney

DIRECT DIAL: (415) 554-3850
E-MAIL: machaela.hoctor@sfgov.org

November 9, 2006

PERSONAL & CONFIDENTIAL

Sheriff Mike Hennessey
San Francisco Sheriff's Department
1 Dr. Carlton B. Goodlett Place
City Hall - Room 456
San Francisco, CA 94102

Re: *Request for Concealed Weapon Permit*

Dear Sheriff Hennessey:

I am writing to request that you issue me a permit to carry a concealed weapon. I am the Deputy City Attorney handling the Civil Gang Injunction matter and I received a threat on my voicemail last night from an individual whom I believe is a member of the Oakdale Mob. I feel that my personal safety is in danger. I have filed a police report, SFPD no. 066195199, documenting this threat and my concerns.

I am requesting a permit to carry a concealed weapon and that this permit be issued as soon as possible. I fear for my safety and feel that I need protection. Please feel free to call me on my personal cell phone at (650) 580-4542 should you have any questions or require additional information. Thank you for considering this request.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Machaela M. Hoctor
Deputy City Attorney

cc: City Attorney Dennis J. Herrera

City and County of San Francisco

OFFICE OF THE SHERIFF



Michael Hennessey
SHERIFF

(415) 554-7225

March 5, 2007
Reference: 2007-025

Ms. Machaela Hoctor

[REDACTED]
[REDACTED], CA 94044

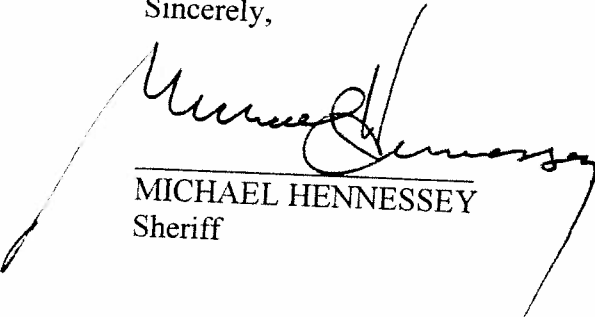
Dear Ms. Hoctor,

I understand that you are leaving employment as a Deputy City Attorney effective March 30, 2007.

The concealed weapons permit I issued to you on November 17, 2006, was in connection with your official duties as an attorney with the City and County of San Francisco. Accordingly, I am revoking your concealed weapons permit effective May 1, 2007.

Thank you for your positive contributions to our law enforcement efforts by way of civil injunctions. Best of luck in your chosen endeavors.

Sincerely,


MICHAEL HENNESSEY
Sheriff

cc: Department of Justice
Lt. Kennedy
Sgt. Mallet

RJN # “5”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S REQUEST FOR INSPECTION
AND PRODUCTION OF DOCUMENTS
AND THINGS, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
COUNTY OF SAN FRANCISCO; and STATE)
17 OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

INSPECTION
Date: December 15, 2011
Time: 9:30 a.m.
Location:
1207 Front St., Suite 15
Sacramento, CA 95814

18 Defendants.)
19 _____)

20 PLAINTIFF'S REQUEST FOR INSPECTION AND PRODUCTION OF DOCUMENTS
21 AND THINGS, SET ONE

22 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

23 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

24 SET NUMBER: ONE

25 NOW COMES Plaintiff, pursuant to Rule 34 of the Federal Rules of Civil Procedure, and
26 files, and demands that responding Defendant produce for inspection and copying at the LAW
27 OFFICES OF GARY W. GORSKI, 1207 Front Street, Suite 15, on December 15, 2011 at 9:30 a.m.
28 all of the documents which are described below in this set of Request for Production of Documents.

1 There may be full compliance by forwarding copies of said documents to Attorney Gorski's
2 aforementioned address, on or before the date said written response is due, at your own expense. If
3 there is not compliance by forwarding said copies, then the production for inspection and
4 photocopying shall take place at Attorney Gorski's office upon the first business day after the
5 expiration of thirty (30) days service, plus three (3) for mailing.

6 Demand is made for the supplementation of your answers as required by Rule 26(e), Federal
7 Rules of Civil Procedure.

8 In complying with Local Rule 250(a), this propounding party cannot reasonably calculate the
9 space necessary to enable the answering party to respond within it; hence, this propounding party
10 will email upon request, the propounded discovery in WordPerfect format.

11 Pursuant to Federal Rule of Civil Procedure, Rule 34, Plaintiff makes the following requests:

12 I.

13 DEFINITIONS AND INSTRUCTIONS

14 The following definitions and instructions are to be considered applicable with
15 respect to each Request for Production of Documents contained herein:

16 GENERAL INSTRUCTIONS

17 These are general instructions. (For time limitations, requirements for service on
18 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and 34 and the cases
19 construing these rules.)

20 1. **DOCUMENT.** As used herein, "document" shall mean to include all "writings
21 and recordings" and "photographs" as defined by Rule 1001 of the Federal Rules of Evidence, and
22 also all electronic data including, but not limited to, any written, typewritten, printed or recorded
23 material whatsoever, any notes, memoranda, letters, reports, telegrams, publications, contracts,
24 recordings, transcriptions of recordings, and business records and shall include, without limitation,
25 originals, duplicates, all file copies, all letter copies (with or without notes or changes thereon) no
26 matter how prepared, drafts, working papers, routing slips, computer generated data or information
27 and similar materials. "Document" also means a writing, as defined in Federal Rules of Evidence,
28 Rule 1001, and includes the original or a copy of handwriting, typewriting, printing, photostating,

1 photographing, and every other means of recording upon any tangible thing and form or
2 communicating or representation, including letters, words, pictures, sounds, or symbols, or
3 combinations of them.

4 2. **“Peace officers identified in the San Francisco Chronicle articles attached to**
5 **the Initial Disclosures.”** Each request extends to any documents in the possession, custody or
6 control of the Defendant that relates to all internal affairs investigations, administrative
7 investigations, criminal investigations, or any other document relating to the issue of peace officer
8 misconduct as reported by the San Francisco Chronicle, as presented in the 133 pages of news paper
9 articles on the subject. The information also includes the final disposition of any complaint and
10 investigation. The relevance of seeking this information relates to the issue of good cause and moral
11 character for issuance of CCWs. It further relates to the differing standards that apply to peace
12 officers which do not apply to non-peace officers of the general public.

13 3. Whenever used herein, the singular shall include the plural and vice versa.

14 4. Whenever used herein **"AND"** may be understood to mean **"OR"** and vice versa
15 whenever such construction results in a broader request for information.

16 5. **DEFENDANT** shall mean responding defendant and all agents, employees,
17 vendors, contractors, researches and attorneys.

18 6. With respect to each DOCUMENT to which a claim of privilege is asserted,
19 separately state the following: (a) the type of DOCUMENT; (b) its date; (c) the name, business
20 address and present position of its originator(s) or author(s); (d) the position of its originator(s) or
21 author(s) at the time the DOCUMENT was prepared; (e) the name, business address and present
22 position of each recipient of the DOCUMENT; (f) the position of each recipient at the time the
23 DOCUMENT was prepared, and the time it was received; (g) a general description of the subject
24 matter of the DOCUMENT; (h) the basis of any claim of privilege; and, (i) if work product immunity
25 is asserted, the proceeding for which the DOCUMENT was prepared.

26 7. If any requested DOCUMENT cannot be produced in full, it shall be produced to
27 the extent possible, indicating what DOCUMENT or portion of DOCUMENTS are being withheld
28 and the reason such DOCUMENTS are being withheld.

1 8. DOCUMENTS attached to each other should not be separated.

2 9. "**Incident**" includes the circumstances and events surrounding all allegations in
3 this action, including affirmative defenses.

4 10. "**You**" or "**your**" includes you, your agents, your employees, your insurance
5 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
6 anyone else acting on your behalf.

7 11. "**Person**" includes a natural person, firm, association, organization, partnership,
8 business, trust, corporation, or public entity.

9 12. Where "**CCW**" is used, it means a permit or license to carry a concealed weapon,
10 i.e. handgun. This also includes an honorably retired peace officers eligibility, right and/or privilege
11 for a license to carry a concealed handgun. CCW includes all grants to any person to carry a
12 concealed weapon that requires a license or permit to do so.

13 13. "**Disposition**" means any action taken as a direct result of a matter in question
14 including, but not limited to, fines, reprimands, suspension without pay, payment for damages,
15 incarceration, any type of criminal or administrative probation, termination of employment, punitive
16 damages, injunctions, restraining orders, and the like.

17 14. "**Complaint**" means an oral or written communication, either formal or
18 informal, that would notify you of a problem or concern of the complainant. It also means any oral
19 or written communication to you, including, but not limited to, civil actions, letters, phone calls,
20 correspondence, inter-department correspondence, survey's, or written notices regarding the
21 violation of your policy(s), or a person's dissatisfaction, disappointment, discontent, disfavor,
22 displeasure, annoyance, despondency, disillusionment, irritation. The word "complaint" herein is to
23 have the broadest possible meaning and is not to be narrowly construed.

24 15. "**Produce**" means to provide and identify all documents in your custody, care or
25 control or that you have legal access to.

26 16. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
27 jurisdiction, "**Shall Issue**" means (Taken from Wikipedia encyclopedia - see
28 http://en.wikipedia.org/wiki/Shall_issue):

1 For a shall-issue gun law, a government authority is required to issue a concealed
2 carry permit to any individual who requests it if he or she meets the law's issuance
3 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
4 background check, attending a certified handgun/firearms safety class, participating in
5 a range check before a certified trainer (for demonstrating safe firearms handling,
6 while shooting at a target with a handgun), and paying the required fee (if any). These
7 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
8 and "May-Issue"

9 **UNRESTRICTED**

10 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
11 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)
12 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
13 being discussed that would allow Vermont style carry.

14 **SHALL-ISSUE**

15 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
16 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
17 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
18 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
19 authority may issue a permit at their discretion. Typical permit requirements include residency,
20 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
21 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
22 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
23 requirement.

24 The following are Shall-Issue states, their respective laws may be reviewed as templates of
25 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
26 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
27 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
28 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,

1 Washington, West Virginia, and Wyoming.

2 **MAY-ISSUE**

3 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
4 where the granting of such permits is partially at the discretion of local authorities (frequently the
5 sheriff's department or police). The law typically states that a granting authority may issue a permit if
6 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
7 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
8 applicant must meet before a permit will be granted, such as providing adequate justification (or
9 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
10 itself may not be sufficient justification in some areas where justification is required). A state that is
11 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

12 **NO-ISSUE**

13 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
14 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
15 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

16 **REQUEST No. 1**

17 Please produce any and all documents evidencing all research conducted by you prior
18 to any firearm law, ordinance or policy being passed.

19 **REQUEST NO. 2**

20 Please produce all documents evidencing the expenditure of taxpayer funds for
21 research on the dangers of the public's access to firearms and who are not California peace officers.

22 **REQUEST NO. 3**

23 Please produce all documents relating to any publication, treatise, statistical data,
24 study or research YOU relied upon prior to your enactment of any firearm law, policy, regulation or
25 ordinance which is the subject matter of this action.

26 **REQUEST NO. 4**

27 Please produce all documents relating to any study or research YOU conducted
28 proving that after enacting the firearm laws, policies, regulations and ordinances which are the

1 subject matter of this action, the firearm laws pass have reduced firearm related deaths and crime.

2 **REQUEST NO. 5**

3 Please produce all documents showing any debate on the dangers of firearms that
4 YOU relied upon prior your enactment of any firearm law, policy, regulation or ordinance which is
5 the subject matter of this action.

6 **REQUEST NO. 6**

7 Please produce all statistical data relating to any study or research YOU relied upon
8 prior to your enactment of any firearm law, policy, regulation or ordinance which is the subject
9 matter of this action.

10 **REQUEST NO. 7**

11 Please produce all documents and data supporting your contention that your
12 enactment of any firearm law, policy, regulation or ordinance has actually reduced crime and saved
13 lives.

14 **REQUEST NO. 8**

15 If public funds were used to conduct research on the dangers of firearm ownership
16 and possession, please provide all documents relating to open and public bidding for the individuals
17 or entities who were awarded the contract to conduct the research.

18 **REQUEST NO. 9**

19 Please produce all documents that were relied upon to support your enactment of any
20 firearm law, policy, regulation or ordinance which is the subject matter of this action.

21 **REQUEST NO. 10**

22 Please produce all documents that you will rely upon to prove your enactment of any
23 firearm law, policy, regulation or ordinance, which is the subject matter of this action, can pass
24 intermediate scrutiny at a minimum.

25 **REQUEST NO. 11**

26 Please produce any and all documents which reflects the deliberative process in
27 enacting any firearm law, policy, regulation or ordinance which is the subject matter of this action.

28 **REQUEST NO. 12**

1 Please produce each and every file and document in your possession relating to each
2 and every person who has been issued a CCW since 2001, and this includes renewals.

3 **REQUEST NO. 13**

4 Please produce each and every file and document in your possession relating to each
5 and every person who has been denied a CCW since 2001.

6 **REQUEST NO. 14**

7 Please produce all documents you relied upon in rejecting the CCW application of
8 Plaintiff.

9 **REQUEST NO. 15**

10 Please produce all documents proving that you contacted Plaintiff for an interview by
11 an investigator so that an investigator could fill out Plaintiff's application where it states
12 "Investigator's Interview Notes", which the instructions in the CCW application specifically state for
13 the Applicant not to complete.

14 **REQUEST NO. 16**

15 Please produce any and all documents which you provided to Plaintiff.

16 **REQUEST NO. 17**

17 Please produce any and all documents supporting any contention that honorably
18 retired California peace officers have a greater probability of being a victim of crime than citizens of
19 the CITY AND COUNTY OF SAN FRANCISCO who were never associated with law enforcement.

20 **REQUEST NO. 18**

21 Please produce any and all documents which evidences that honorably retired peace
22 officers are at a greater risk of harm than individuals who have never been peace officers.

23 **REQUEST NO. 19**

24 Please produce all documents evidencing crime statistics, justifying the prima facie
25 good cause standard for issuance of a concealed weapons permits to an active or honorably separated
26 member of the criminal justice system directly responsible for the investigation, arrest, incarceration,
27 prosecution or imposition of sentence on criminal offenders and has received threats of harm to
28 person or family as a result of official duties.

1 **REQUEST NO. 20**

2 Please produce all documents evidencing any facts that would lead a reasonable
3 person to believe that an active or honorably separated member of the criminal justice system
4 directly responsible for the investigation, arrest, incarceration, prosecution or imposition of sentence
5 on criminal offenders has a greater probability of being a victim of crime as compared to individuals
6 who do not fall into such a category.

7 **REQUEST NO. 21**

8 Please produce all documents identifying all active or honorably separated member of
9 the criminal justice system directly responsible for the investigation, arrest, incarceration,
10 prosecution or imposition of sentence on criminal offenders, and who has actually filed a crime
11 report regarding a crime committed against them while OFF-DUTY OR AFTER THEY RETIRED
12 and which said crime was directly associated with the fact that they were responsible for the
13 investigation, arrest, incarceration, prosecution or imposition of sentence of the criminal offender.

14 **REQUEST NO. 22**

15 Please produce all documents identifying all active or honorably separated member of
16 the criminal justice system directly responsible for the investigation, arrest, incarceration,
17 prosecution or imposition of sentence on criminal offenders, and who has actually documented in
18 official criminal justice records a crime committed against them while OFF-DUTY OR AFTER
19 THEY RETIRED as they were the victim of criminal acts or threats because of being directly
20 associated with the fact that they were responsible for the investigation, arrest, incarceration,
21 prosecution or imposition of sentence of a criminal offender.

22 **REQUEST NO. 23**

23 Please produce all documented crime statistics which assisted you in determining the
24 firearm restrictions placed on individuals who have never been employed as a California peace
25 officer.

26 **REQUEST NO. 24**

27 Please produce all documented crime statistics which assisted you in determining the
28 amount or application of discretion afforded to the issuing authority under your CCW issuance laws,

1 rules, policies and regulations.

2 **REQUEST NO. 25**

3 Please produce any document which supports or justifies your CCW issuance policy.

4 **REQUEST NO. 26**

5 Please produce all research that you have ever had in your possession which proves
6 that CCW permit holders in “**shall issue**” states commit more gun related crimes per capita as
7 compared to the citizens of the State of California.

8 **REQUEST NO. 27**

9 Please produce all research or documents you relied upon to determine your CCW
10 issuance policy.

11 **REQUEST NO. 28**

12 Please produce all documents that would support your contention that Plaintiff did
13 not meet the good cause standard for issuance of a CCW.

14 **REQUEST NO. 29**

15 Please produce all documents that would support your contention that Plaintiff is not
16 qualified to be issued a CCW.

17 **REQUEST NO. 30**

18 Please produce all documents evidencing that Dianne Feinstein and/or Barbra Boxer
19 either applied for a CCW or were issued a CCW by any federal, state, or local authority.

20 **REQUEST No. 31**

21 Please produce any and all applications for a CCW since 2001 for the City and
22 County of San Francisco.

23 **REQUEST NO. 32**

24 Please produce any known documents evidencing any surveillance of Plaintiff.

25 **REQUEST NO. 33**

26 Please produce all documents in your possession, custody or control which identifies
27 Plaintiff by name.

28 **REQUEST NO. 34**

1 Please produce all documents in your possession, custody or control which relates to
2 any investigation Plaintiff has been the subject matter of, including, but not limited to, incident
3 reports, internal affairs reports, divisional investigations, internal affairs documents, inquiries, arrest
4 reports, complaint reports, correspondence letters, notes, messages, recordings, search warrants, and
5 crime reports.

6 **REQUEST NO. 35**

7 Please produce any and all documents in your possession, custody or control which
8 relates to the application procedure in order to obtain a CCW, including written policy for issuance
9 and application.

10 **REQUEST NO. 36**

11 Please produce any and all documents demonstrating how the public is made aware
12 that they can apply for CCW.

13 **REQUEST NO. 37**

14 Please produce any and all documents which identifies the name of each individual
15 who is responsible for processing CCW applications since 2001.

16 **REQUEST NO. 38**

17 Please produce all documents relating to the issuance of a CCW to a Robert Menist.

18 **REQUEST NO. 39**

19 Please produce any and all documents that you relied upon to issue Robert Menist a
20 CCW.

21 **REQUEST NO. 40**

22 Please produce any and all documents in your possession, custody or control which
23 were provided to you by Robert Menist, even if unrelated to his CCW application.

24 **REQUEST NO. 41**

25 Please produce any and all documents that supports your contention that Robert
26 Menist is more deserving of a CCW than Plaintiff.

27 **REQUEST NO. 42**

28 Please produce any and all documents relating statistical data on hate crimes that you

1 maintain.

2 **REQUEST NO. 43**

3 Please produce all documents regarding the policy for processing CCW applications.

4 **REQUEST NO. 44**

5 Please produce any and all documents which shows the identity of every individual
6 who has filed a complaint for not receiving a CCW.

7 **REQUEST NO. 45**

8 Please produce any and all documents regarding the policy for the issuance of CCWs
9 to Deputy District Attorney's or Judges.

10 **REQUEST NO. 46**

11 Please produce any and all documents which were provided to you by any government
12 official regarding issuance of CCWs to deputy district attorneys or judges.

13 **REQUEST NO. 47**

14 Please produce any and all documents which identifies any action you have taken to
15 revoke the CCW of any peace officer who was terminated from your employment.

16 **REQUEST NO. 48**

17 Please produce any and all documents which evidences **COMPLAINTS** made
18 against California Peace Officers, including, but not limited to, the peace officers identified in the
19 San Francisco Chronicle articles attached to the Initial Disclosures.

20 **REQUEST NO. 49**

21 Please produce any and all documents which evidences the **DISPOSITION** of
22 complaints made against California Peace Officers, including, but not limited to, the peace officers
23 identified in the San Francisco Chronicle articles attached to the Initial Disclosures,

24 **REQUEST NO. 50**

25 Please produce any and all documents which evidences that because of
26 **COMPLAINTS** made against California Peace Officers, including, but not limited to, the peace
27 officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures, that the
28 California Peace Officers right or license to carry a concealed handgun was revoked or restricted.

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REQUEST NO. 51

Please produce all documents that were provided to you prior to the enactment of any law, statute, ordinance or policy, which gave you notice that firearm laws are ineffective.

REQUEST NO. 52

Please produce all documents that were provided to you prior to the enactment of any law, statute, ordinance or policy, which gave you notice that firearm laws are effective.

REQUEST NO. 53

Please produce all documents which supports any contention you may have that restrictions on the public's access to firearms has a beneficial affect to the public.

REQUEST NO. 54

Please produce all documents which identifies each and every honorably retired California Peace Officer who has received a CCW, including, but not limited to, the peace officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

REQUEST NO. 55

Please produce all documents which identifies each and every honorably retired California Peace Officer who has received a CCW, and who has committed suicide.

REQUEST NO. 56

Please produce all documents which identifies each and every honorably retired California Peace Officer who has received a CCW, and who has been arrested or charged with a crime, including, but not limited to, the peace officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

REQUEST NO. 57

Produce all documents supporting any contention you have that honorably retired California Peace Officer's can be trusted more with a firearm than an honorably discharged member of the armed forces, including, but not limited to, the peace officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

REQUEST NO. 58

1 Produce all documents you intend to rely upon at the time of trial, including, but not
2 limited to, the peace officers identified in the San Francisco Chronicle articles attached to the Initial
3 Disclosures.

4 **REQUEST NO. 59**

5 Please produce all documents relating to any publications, treatises, statistical data,
6 study or research demonstrating that after your enactment of any firearm law, policy, regulation or
7 ordinance, which is the subject matter of this action, had any effect on firearm related deaths, crime
8 or accidents.

9 **REQUEST NO. 60**

10 Please produce all documents relating to Plaintiff's application for a CCW, including
11 any investigative files.

12 **REQUEST NO. 61**

13 Please produce all documents relating to Plaintiff's application for a CCW, including
14 any investigative files.

15 **REQUEST NO. 62**

16 Please produce all documents relating to Plaintiff's character.

17 **REQUEST NO. 63**

18 Please produce all documents maintained in any government database that you have
19 access to, that is NOT a matter of public record.

20 **REQUEST NO. 64**

21 Please produce all documents maintained in any government criminal database that
22 you have access to, that is NOT a matter of public record.

23 **REQUEST NO. 65**

24 Please produce all investigative files relating the peace officers identified in the San
25 Francisco Chronicle articles attached to the Initial Disclosures.

26 **REQUEST NO. 65**

27 Please produce all criminal and disciplinary history documents regarding the peace
28 officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

1 **REQUEST NO. 66**

2 Please produce all internal affairs investigative logs showing all citizens
3 **COMPLAINTS** against peace officers ever employed by you, including, but not limited to, the
4 peace officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

5 **REQUEST NO. 67**

6 Please produce all data that supports all current gun control laws which are the subject
7 matter of this action.

8 **REQUEST NO. 68**

9 Please produce all investigative files and documents regarding each and every current
10 and former employee of the San Francisco Police Department who is identified in the attached
11 articles of the San Francisco Chronicle.

12 **REQUEST NO. 69**

13 Please produce all documents showing that any of the past or present employees of
14 the San Francisco Police Department who are identified in the attached articles of the San Francisco
15 Chronicle were permitted to carry a concealed weapon.

16 **REQUEST NO. 70**

17 Please produce all documents showing that any of the past or present employees of
18 the San Francisco Police Department who are identified in the attached articles of the San Francisco
19 Chronicle had their license or right to carry a concealed weapon revoked or restricted.

20 **REQUEST NO. 71**

21 Please produce all documents used or relied upon to respond to Interrogatories, Set
22 One, propounded upon you in this litigation.

23 **REQUEST NO. 72**

24 Please produce all documents which you identified in any discovery response.

25
26 Date: November 10, 2011

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI

27 GARY W. GORSKI
Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
3 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**
4 **PROOF OF SERVICE**

5 I, the undersigned, declare that:

6 I am a citizen of the United States, employed in the City of Sacramento, California.
7 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
8 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

9 I am readily familiar with GARY W. GORSKI's practice for collection and processing
10 of correspondence for mailing with the United States Postal Service the same day in the ordinary
11 course of business.

12 On November 10, 2011, I served the attached on all parties in said action as addressed
13 below by causing a true copy thereof to be:

14 _____ express mailed:

15 _____ Telecopied by facsimile:

16 _____ delivered by hand:

17 XXX Electronic Communication (email)

18 XXX Placed in sealed envelope with postage thereon fully
19 prepaid via **U.S. mail**

20 **Geoffrey L. Graybill**
21 **Deputy Attorney General**
22 **Government Law Section**
23 **1300 I Street**
24 **Sacramento, CA 95814**
25 **Telephone: 916-324-5465**
26 **Fax: 916-324-8835**
27 **Cell: 916-296-2472**

28 **Sherri Sokeland Kaiser**
29 **Deputy City Attorney**
30 **City Hall, Room 234**
31 **1 Dr. Carlton B. Goodlett Place**
32 **San Francisco, CA 94102-4682**
33 **(415) 554-4691 (direct)**
34 **(415) 554-4747 (fax)**

35 I declare under penalty of perjury that the foregoing is true and correct and that this
36 declaration is executed November 10, 2011 at Sacramento, California.

37 Gary W. Gorski
38 Name

Signature

RJN # “6”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S REQUEST FOR
ADMISSIONS, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
17 COUNTY OF SAN FRANCISCO; and STATE)
OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

18 Defendants.)
19 _____)

20 PLAINTIFF'S REQUEST FOR ADMISSIONS

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant SAN FRANCISCO POLICE DEPARTMENT CHIEF OF
23 POLICE GEORGE GASCON, in his official capacity

24 SET NUMBER: ONE

25 NOW COMES Plaintiff, pursuant to Rule 36 of the Federal Rules of Civil Procedure, and
26 files, and demands that responding Defendant admit or deny the following facts:

27 DEFINITIONS AND INSTRUCTIONS

28 The following definitions and instructions are to be considered applicable with

1 respect to each Request for Admissions of Fact contained herein:

2 GENERAL INSTRUCTIONS

3 These are general instructions. (For time limitations, requirements for service on
4 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and * and the cases
5 construing these rules.)

6 1. **"You"** or **"your"** includes you, your agents, your employees, your insurance
7 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
8 anyone else acting on your behalf.

9 2. **"Person"** includes a natural person, firm, association, organization, partnership,
10 business, trust, corporation, or public entity.

11 3. Where **"CCW"** is used, it means a permit or license to carry a concealed weapon,
12 i.e. handgun.

13 4. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
14 jurisdiction, **"Shall Issue"** means (Taken from Wikipedia encyclopedia - see
15 http://en.wikipedia.org/wiki/Shall_issue):

16 For a shall-issue gun law, a government authority is required to issue a concealed
17 carry permit to any individual who requests it if he or she meets the law's issuance
18 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
19 background check, attending a certified handgun/firearms safety class, participating in
20 a range check before a certified trainer (for demonstrating safe firearms handling,
21 while shooting at a target with a handgun), and paying the required fee (if any). These
22 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
23 and "May-Issue"

24 **UNRESTRICTED**

25 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
26 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)
27 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
28 being discussed that would allow Vermont style carry.

SHALL-ISSUE

1
2 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
3 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
4 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
5 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
6 authority may issue a permit at their discretion. Typical permit requirements include residency,
7 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
8 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
9 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
10 requirement.

11 The following are Shall-Issue states, their respective laws may be reviewed as templates of
12 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
13 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
14 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
15 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
16 Washington, West Virginia, and Wyoming.

MAY-ISSUE

17
18 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
19 where the granting of such permits is partially at the discretion of local authorities (frequently the
20 sheriff's department or police). The law typically states that a granting authority may issue a permit if
21 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
22 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
23 applicant must meet before a permit will be granted, such as providing adequate justification (or
24 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
25 itself may not be sufficient justification in some areas where justification is required). A state that is
26 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

NO-ISSUE

27
28 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed

1 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
2 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

3 **REQUEST FOR ADMISSION No. 1**

4 YOU conducted no research on the effects of the regulation of firearm prior to any
5 firearm laws or ordinances being passed or enforced.

6 **REQUEST FOR ADMISSION NO. 2**

7 YOU never used any taxpayer funds for research on the dangers of the public's access
8 to firearms and who are not California peace officers.

9 **REQUEST FOR ADMISSION NO. 3**

10 YOU did not rely on any publication, treatise, statistical data, study or research prior
11 to your enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
12 subject matter of this action.

13 **REQUEST FOR ADMISSION NO. 4**

14 There is no evidence that the prohibition of carrying concealed handguns by members
15 of the public, who are otherwise legally permitted to own a handgun, actually reduces firearm related
16 deaths and crime.

17 **REQUEST FOR ADMISSION NO. 5**

18 There has never been an open and public debate on the dangers of firearms prior to
19 YOUR enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
20 subject matter of this action.

21 **REQUEST FOR ADMISSION NO. 6**

22 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
23 their citizens to carry a concealed handgun, have less crime per capita than states with MAY-ISSUE
24 and NO-ISSUE type of conceal carry laws.

25 **REQUEST FOR ADMISSION NO. 7**

26 There are no documents or data supporting YOUR contention that your enactment or
27 enforcement of any firearm law, policy, regulation or ordinance has actually reduced crime and saved
28 lives.

1 **REQUEST FOR ADMISSION NO. 8**

2 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
3 their citizens to carry a concealed handgun, spend less on law enforcement services than states with
4 MAY-ISSUE and NO-ISSUE type of conceal carry laws.

5 **REQUEST FOR ADMISSION NO. 9**

6 At least one honorably retired California peace officer has been convicted of domestic
7 violence and still has a permit to carry a concealed weapon.

8 **REQUEST FOR ADMISSION NO. 10**

9 At least one honorably retired California peace officer has been convicted of driving
10 under the influence of alcohol and still has a permit to carry a concealed weapon.

11 **REQUEST FOR ADMISSION NO. 11**

12 There are no documented cases of any honorably retired California peace officer
13 being murdered by someone they either arrested or investigated while employed as a California
14 peace officer.

15 **REQUEST FOR ADMISSION NO. 12**

16 There are no documented cases of any honorably retired California peace officer
17 being threatened by someone they either arrested or investigated while employed as a California
18 peace officer.

19 **REQUEST FOR ADMISSION NO. 13**

20 Once a California peace officer is honorably retired, he or she is not required to
21 undergo periodic psychological testing in order to have CCW permit.

22 **REQUEST FOR ADMISSION NO. 14**

23 Once an individual passes a psychological test and is employed as a California peace
24 officer, he or she is not required to undergo periodic psychological testing in order to maintain their
25 status as a peace officer unless specifically ordered to do so in very limited circumstances.

26 **REQUEST FOR ADMISSION NO. 15**

27 A California peace officer's psychological profile will change at certain points during
28 the course of their employment as a peace officer.

1 **REQUEST FOR ADMISSION NO. 16**

2 A California peace officer is more likely to commit suicide than a person who is not a
3 California peace officer.

4 **REQUEST FOR ADMISSION NO. 17**

5 The average psychological profile of a California peace officer, as determined by the
6 Minnesota Multiphasic Personality Inventory I and II, is very similar to the average criminals
7 psychological profile.

8 **REQUEST FOR ADMISSION NO. 18**

9 The FBI held a Conference on Domestic Violence by Police Officers, in Quantico,
10 VA, September 16, 1998, the focus of which was the profiled personalities of male law enforcement
11 personnel who battered their female domestic partners.

12 **REQUEST FOR ADMISSION NO. 19**

13 Honorably retired California peace officers have no more good cause for the issuance
14 of a concealed weapons permit as compared to members of the public who were never a law
15 enforcement officer and who have never been prohibited from possessing a firearm.

16 **REQUEST FOR ADMISSION NO. 20**

17 Two reports that followed the Rodney King beating--the 1991 report of the
18 Independent Commission To Study the Los Angeles Police Department and the 1992 Los Angeles
19 County Sheriff's Report by James G. Kolt and staff--questioned the effectiveness of existing
20 psychological screening to predict propensity for violence by California peace officers.

21 **REQUEST FOR ADMISSION NO. 21**

22 Issuing concealed weapons permits to citizens who have never been peace officers has
23 no measurable effect on the increase in crime or gun violence.

24 **REQUEST FOR ADMISSION NO. 22**

25 Every single Federal Bureau of Investigation (FBI) report since 1987 shows that in the
26 fifteen (15) years following the passage of Florida's "shall issue" concealed carry law in 1987,
27 800,000 CCW permits have been issued and the homicide rate in Florida, which in 1987 was much
28 higher than the national average, fell 52% bringing it below the national average.

1 **REQUEST FOR ADMISSION NO. 23**

2 There is no factual reason why Plaintiff should not have been issued a CCW permit.

3 **REQUEST FOR ADMISSION NO. 24**

4 There are no facts supporting any law that favors the issuance of CCWs to honorably
5 retired California peace officers as compared to the same laws also being applied equally to
6 honorably retired members of the United States Armed Forces.

7 **REQUEST FOR ADMISSION NO. 25**

8 There is no evidence that CCW permit holders in “**shall issue**” states commit more
9 gun related crimes per capita as compared to the citizens of the State of California.

10
11
12 Date: November 10, 2011

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI

13 GARY W. GORSKI
14 Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
3 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**
4 **PROOF OF SERVICE**

5 I, the undersigned, declare that:

6 I am a citizen of the United States, employed in the City of Sacramento, California.
7 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
8 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

9 I am readily familiar with GARY W. GORSKI's practice for collection and processing
10 of correspondence for mailing with the United States Postal Service the same day in the ordinary
11 course of business.

12 On November 10, 2011, I served the attached on all parties in said action as addressed
13 below by causing a true copy thereof to be:

14 _____ express mailed:

15 _____ Telecopied by facsimile:

16 _____ delivered by hand:

17 XXX Electronic Communication (email)

18 XXX Placed in sealed envelope with postage thereon fully
19 prepaid via **U.S. mail**

20 **Geoffrey L. Graybill**
21 **Deputy Attorney General**
22 **Government Law Section**
23 **1300 I Street**
24 **Sacramento, CA 95814**
25 **Telephone: 916-324-5465**
26 **Fax: 916-324-8835**
27 **Cell: 916-296-2472**

28 **Sherri Sokeland Kaiser**
Deputy City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration is executed November 10, 2011 at Sacramento, California.

Gary W. Gorski
Name

Signature

RJN # “7”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S SPECIAL
INTERROGATORIES, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
COUNTY OF SAN FRANCISCO; and STATE)
17 OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

18 Defendants.)
19 _____)

20 PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant HEATHER FONG

23 SET NUMBER: ONE
24

25 NOW COMES Plaintiff pursuant to Rule 33 of the Federal Rules of Civil Procedure,
26 and files the attached Interrogatories to be propounded to Defendant. These questions are being
27 served upon the Defendant. These Interrogatories shall be answered separately and fully in writing
28 under oath and signed by the person making them.

1 Demand is made for the supplementation of your answers to these Interrogatories as
2 required by Rule 26(e), Federal Rules of Civil Procedure.

3 This propounding party cannot reasonably calculate the space necessary to enable the
4 answering party to respond within it; hence, this propounding party requests that each Interrogatory
5 be retyped along with the answer or objection. Plaintiff will EMAIL responding party the
6 interrogatories in an electronic format (WordPerfect) with all said requests.

7 GENERAL INSTRUCTIONS

8 These are general instructions. (For time limitations, requirements for service on
9 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and 33 and the cases
10 construing these rules.)

11 1. **DOCUMENT.** As used herein, "document" shall mean to include all "writings
12 and recordings" and "photographs" as defined by Rule 1001 of the Federal Rules of Evidence, and
13 also all electronic data including, but not limited to, any written, typewritten, printed or recorded
14 material whatsoever, any notes, memoranda, letters, reports, telegrams, publications, contracts,
15 recordings, transcriptions of recordings, and business records and shall include, without limitation,
16 originals, duplicates, all file copies, all letter copies (with or without notes or changes thereon) no
17 matter how prepared, drafts, working papers, routing slips, computer generated data or information
18 and similar materials. "Document" also means a writing, as defined in Federal Rules of Evidence,
19 Rule 1001, and includes the original or a copy of handwriting, typewriting, printing, photostating,
20 photographing, and every other means of recording upon any tangible thing and form or
21 communicating or representation, including letters, words, pictures, sounds, or symbols, or
22 combinations of them.

23 2. **POSSESSION, CARE, CUSTODY OR CONTROL.** Each request contained
24 herein extends to any DOCUMENTS in the POSSESSION, CUSTODY OR CONTROL of the
25 Defendant. The DOCUMENT is deemed to be in Defendant's POSSESSION, CUSTODY OR
26 CONTROL, if it is in the Defendant's physical custody, or if it is in the physical custody of any other
27 person and Defendant (a) owns such DOCUMENT in whole or in part; (b) has a right by contract,
28 statute or otherwise to use, inspect, examine or copy such DOCUMENT on any terms; (c) has an

1 understanding, expressed or implied, that Defendant may use, inspect, examine or copy such
2 DOCUMENT on any terms; or (d) has, as a practical matter, been able to use, inspect, examine or
3 copy such DOCUMENT when Defendant has sought to do so. Such DOCUMENT shall include,
4 without limitation, DOCUMENTS that are in the custody of Defendant's attorneys or other agents.

5 3. Whenever used herein, the singular shall include the plural and vice versa.

6 4. Whenever used herein "**AND**" may be understood to mean "**OR**" and vice versa
7 whenever such construction results in a broader request for information.

8 5. **DEFENDANT** shall mean responding defendant and all agents, employees,
9 vendors, contractors, researches and attorneys.

10 6. With respect to each DOCUMENT to which a claim of privilege is asserted,
11 separately state the following: (a) the type of DOCUMENT; (b) its date; (c) the name, business
12 address and present position of its originator(s) or author(s); (d) the position of its originator(s) or
13 author(s) at the time the DOCUMENT was prepared; (e) the name, business address and present
14 position of each recipient of the DOCUMENT; (f) the position of each recipient at the time the
15 DOCUMENT was prepared, and the time it was received; (g) a general description of the subject
16 matter of the DOCUMENT; (h) the basis of any claim of privilege; and, (i) if work product immunity
17 is asserted, the proceeding for which the DOCUMENT was prepared.

18 7. If any requested DOCUMENT cannot be produced in full, it shall be produced to
19 the extent possible, indicating what DOCUMENT or portion of DOCUMENTS are being withheld
20 and the reason such DOCUMENTS are being withheld.

21 8. DOCUMENTS attached to each other should not be separated.

22 9. "**Incident**" includes the circumstances and events surrounding all allegations in
23 this action, including affirmative defenses.

24 10. "**You**" or "**your**" includes you, your agents, your employees, your insurance
25 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
26 anyone else acting on your behalf.

27 11. "**Person**" includes a natural person, firm, association, organization, partnership,
28 business, trust, corporation, or public entity.

1 12. **"Address"** means the street address, including the city, state, and zip code.

2 13. **"Disposition"** means any action taken as a direct result of a matter in question
3 including, but not limited to, fines, reprimands, suspension without pay, payment for damages,
4 incarceration, any type of criminal or administrative probation, termination of employment, punitive
5 damages, injunctions, restraining orders, and the like.

6 14. **"Complaint"** means an oral or written communication, either formal or
7 informal, that would notify you of a problem or concern of the complainant. It also means any oral
8 or written communication to you, including, but not limited to, civil actions, letters, phone calls,
9 correspondence, inter-department correspondence, survey's, or written notices regarding the
10 violation of your policy(s), or a person's dissatisfaction, disappointment, discontent, disfavor,
11 displeasure, annoyance, despondency, disillusionment, irritation. The word "complaint" herein is to
12 have the broadest possible meaning and is not to be narrowly construed.

13 15. **"Produce"** means to provide and identify all documents in your custody, care or
14 control or that you have legal access to.

15 16. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
16 jurisdiction, **"Shall Issue"** means (Taken from Wikipedia encyclopedia - see
17 http://en.wikipedia.org/wiki/Shall_issue):

18 For a shall-issue gun law, a government authority is required to issue a concealed
19 carry permit to any individual who requests it if he or she meets the law's issuance
20 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
21 background check, attending a certified handgun/firearms safety class, participating in
22 a range check before a certified trainer (for demonstrating safe firearms handling,
23 while shooting at a target with a handgun), and paying the required fee (if any). These
24 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
25 and "May-Issue"

26 **UNRESTRICTED**

27 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
28 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)

1 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
2 being discussed that would allow Vermont style carry.

3 **SHALL-ISSUE**

4 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
5 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
6 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
7 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
8 authority may issue a permit at their discretion. Typical permit requirements include residency,
9 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
10 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
11 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
12 requirement.

13 The following are Shall-Issue states, their respective laws may be reviewed as templates of
14 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
15 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
16 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
17 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
18 Washington, West Virginia, and Wyoming.

19 **MAY-ISSUE**

20 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
21 where the granting of such permits is partially at the discretion of local authorities (frequently the
22 sheriff's department or police). The law typically states that a granting authority may issue a permit if
23 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
24 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
25 applicant must meet before a permit will be granted, such as providing adequate justification (or
26 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
27 itself may not be sufficient justification in some areas where justification is required). A state that is
28 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

1 California falls under this definition.

2 **NO-ISSUE**

3 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
4 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
5 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

6 INTERROGATORY NO. 1:

7 Please identify the name and address of each individual who has ever been issued a
8 CCW by YOU (Where "CCW" is used, it means a permit or license to carry a concealed weapon, i.e.
9 handgun.) from January 1, 2000 to the present.

10 INTERROGATORY NO. 2:

11 Please identify the name, telephone and address of each individual who was NOT
12 issued a CCW by YOU, even though they applied for a CCW, from January 1, 2000 to the present.

13 INTERROGATORY NO. 3:

14 Please identify the name and address of each California Peace Officer who has ever
15 been convicted of a crime, and who was either issued a CCW or permitted to carry a concealed
16 weapon off-duty or after termination from employment as a peace officer.

17 INTERROGATORY NO. 4:

18 Is it your contention that gun control laws decrease gun related deaths and injuries?

19 INTERROGATORY NO. 5:

20 If your answer to interrogatory number 4 is yes, please state all facts which supports
21 your contention.

22 INTERROGATORY NO. 6:

23 If your answer to interrogatory number 4 is yes, please identify all documents which
24 support your contention.

25 INTERROGATORY NO. 7:

26 If your answer to interrogatory number 4 is yes, please identify all witnesses who have
27 information supporting your contention.

28 INTERROGATORY NO. 8:

1 Is it your contention that honorably retired California peace officers have a greater
2 probability of being the victim of crime than members of the public who have never been California
3 peace officer?

4 INTERROGATORY NO. 9:

5 If your answer to interrogatory number 8 is yes, please state all facts which supports
6 your contention.

7 INTERROGATORY NO. 10:

8 If your answer to interrogatory number 8 is yes, please identify all documents which
9 support your contention.

10 INTERROGATORY NO. 11:

11 If your answer to interrogatory number 8 is yes, please identify all witnesses who have
12 information supporting your contention.

13 INTERROGATORY NO. 12:

14 Is it your contention that states that are "SHALL-ISSUE" and UNRESTRICTED have
15 a higher percentage of crimes committed with a handgun than states that are "MAY-ISSUE" and
16 "NO-ISSUE"?

17 INTERROGATORY NO. 13:

18 If your answer to interrogatory number 12 is yes, please state all facts which supports
19 your contention.

20 INTERROGATORY NO. 14:

21 If your answer to interrogatory number 12 is yes, please identify all documents which
22 support your contention.

23 INTERROGATORY NO. 15:

24 If your answer to interrogatory number 12 is yes, please identify all witnesses who
25 have information supporting your contention.

26 INTERROGATORY NO. 16:

27 Is it your contention that an honorably retired California peace officer has a greater
28 probability of being physically attacked as compared to a person who was never employed as a

1 California peace officer?

2 INTERROGATORY NO. 17:

3 If your answer to interrogatory number 16 is yes, please state all facts which supports
4 your contention.

5 INTERROGATORY NO. 18:

6 If your answer to interrogatory number 16 is yes, please identify all documents which
7 support your contention.

8 INTERROGATORY NO. 19:

9 If your answer to interrogatory number 16 is yes, please identify all witnesses who
10 have information supporting your contention.

11 INTERROGATORY NO. 20:

12 If your response to each request for admission served with these interrogatories is
13 other than an unqualified admission, for each such response,

- 14 (a) state the number of the request;
- 15 (b) state all facts upon which you base your response;
- 16 (c) state the names, addresses, and telephone numbers of all persons who have
17 knowledge of those facts, including but not limited to colleagues, associates, parties, or witnesses;
18 and
- 19 (d) identify all documents and other tangible things that support your response and state
20 the name, address and telephone number of the person who has each document or thing.

21 Respectfully submitted,
22 LAW OFFICES OF GARY W. GORSKI

23 DATED: November 10, 2011

24 _____
25 GARY W. GORSKI,
26 Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 **PROOF OF SERVICE**

4 I, the undersigned, declare that:

5 I am a citizen of the United States, employed in the City of Sacramento, California.
6 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
7 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

8 I am readily familiar with GARY W. GORSKI's practice for collection and processing
9 of correspondence for mailing with the United States Postal Service the same day in the ordinary
10 course of business.

11 On November 10, 2011, I served the attached on all parties in said action as addressed
12 below by causing a true copy thereof to be:

13 express mailed:

14 Telecopied by facsimile:

15 delivered by hand:

16 XXX Electronic Communication (email)

17 XXX Placed in sealed envelope with postage thereon fully
18 prepaid via **U.S. mail**

19 **Geoffrey L. Graybill**
20 **Deputy Attorney General**
21 **Government Law Section**
22 **1300 I Street**
23 **Sacramento, CA 95814**
24 **Telephone: 916-324-5465**
Fax: 916-324-8835
Cell: 916-296-2472

25 **Sherri Sokeland Kaiser**
26 **Deputy City Attorney**
27 **City Hall, Room 234**
28 **1 Dr. Carlton B. Goodlett Place**
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration is executed November 10, 2011 at Sacramento, California.

Gary W. Gorski
Name

Signature

RJN # “8”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S REQUEST FOR
ADMISSIONS, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
17 COUNTY OF SAN FRANCISCO; and STATE)
OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

18 Defendants.)
19 _____)

20 PLAINTIFF'S REQUEST FOR ADMISSIONS

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant SAN FRANCISCO SHERIFF MICHAEL HENNESSEY,
23 in both his individual and official capacities

24 SET NUMBER: ONE

25 NOW COMES Plaintiff, pursuant to Rule 36 of the Federal Rules of Civil Procedure, and
26 files, and demands that responding Defendant admit or deny the following facts:

27 DEFINITIONS AND INSTRUCTIONS

28 The following definitions and instructions are to be considered applicable with

1 respect to each Request for Admissions of Fact contained herein:

2 GENERAL INSTRUCTIONS

3 These are general instructions. (For time limitations, requirements for service on
4 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and * and the cases
5 construing these rules.)

6 1. **"You"** or **"your"** includes you, your agents, your employees, your insurance
7 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
8 anyone else acting on your behalf.

9 2. **"Person"** includes a natural person, firm, association, organization, partnership,
10 business, trust, corporation, or public entity.

11 3. Where **"CCW"** is used, it means a permit or license to carry a concealed weapon,
12 i.e. handgun.

13 4. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
14 jurisdiction, **"Shall Issue"** means (Taken from Wikipedia encyclopedia - see
15 http://en.wikipedia.org/wiki/Shall_issue):

16 For a shall-issue gun law, a government authority is required to issue a concealed
17 carry permit to any individual who requests it if he or she meets the law's issuance
18 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
19 background check, attending a certified handgun/firearms safety class, participating in
20 a range check before a certified trainer (for demonstrating safe firearms handling,
21 while shooting at a target with a handgun), and paying the required fee (if any). These
22 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
23 and "May-Issue"

24 **UNRESTRICTED**

25 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
26 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)
27 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
28 being discussed that would allow Vermont style carry.

SHALL-ISSUE

1
2 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
3 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
4 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
5 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
6 authority may issue a permit at their discretion. Typical permit requirements include residency,
7 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
8 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
9 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
10 requirement.

11 The following are Shall-Issue states, their respective laws may be reviewed as templates of
12 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
13 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
14 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
15 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
16 Washington, West Virginia, and Wyoming.

MAY-ISSUE

17
18 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
19 where the granting of such permits is partially at the discretion of local authorities (frequently the
20 sheriff's department or police). The law typically states that a granting authority may issue a permit if
21 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
22 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
23 applicant must meet before a permit will be granted, such as providing adequate justification (or
24 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
25 itself may not be sufficient justification in some areas where justification is required). A state that is
26 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

NO-ISSUE

27
28 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed

1 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
2 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

3 **ADMISSIONS**

4 **REQUEST FOR ADMISSION No. 1**

5 YOU conducted no research on the effects of the regulation of firearms prior to any
6 firearm laws or ordinances being passed or enforced.

7 **REQUEST FOR ADMISSION NO. 2**

8 YOU never used any taxpayer funds for research on the dangers of the public's access
9 to firearms and who are not California peace officers.

10 **REQUEST FOR ADMISSION NO. 3**

11 YOU did not rely on any publication, treatise, statistical data, study or research prior
12 to your enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
13 subject matter of this action.

14 **REQUEST FOR ADMISSION NO. 4**

15 There is no evidence that the prohibition of carrying concealed handguns by members
16 of the public, who are otherwise legally permitted to own a handgun, actually reduces firearm related
17 deaths and crime.

18 **REQUEST FOR ADMISSION NO. 5**

19 There has never been an open and public debate on the dangers of firearms prior to
20 YOUR enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
21 subject matter of this action.

22 **REQUEST FOR ADMISSION NO. 6**

23 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
24 their citizens to carry a concealed handgun, have less crime per capita than states with MAY-ISSUE
25 and NO-ISSUE type of conceal carry laws.

26 **REQUEST FOR ADMISSION NO. 7**

27 There are no documents or data supporting YOUR contention that your enactment or
28 enforcement of any firearm law, policy, regulation or ordinance has actually reduced crime and saved

1 lives.

2 **REQUEST FOR ADMISSION NO. 8**

3 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
4 their citizens to carry a concealed handgun, spend less on law enforcement services than states with
5 MAY-ISSUE and NO-ISSUE type of conceal carry laws.

6 **REQUEST FOR ADMISSION NO. 9**

7 At least one honorably retired California peace officer has been convicted of domestic
8 violence and still has a permit to carry a concealed weapon.

9 **REQUEST FOR ADMISSION NO. 10**

10 At least one honorably retired California peace officer has been convicted of driving
11 under the influence of alcohol and still has a permit to carry a concealed weapon.

12 **REQUEST FOR ADMISSION NO. 11**

13 There are no documented cases of any honorably retired California peace officer
14 being murdered by someone they either arrested or investigated while employed as a California
15 peace officer.

16 **REQUEST FOR ADMISSION NO. 12**

17 There are no documented cases of any honorably retired California peace officer
18 being threatened by someone they either arrested or investigated while employed as a California
19 peace officer.

20 **REQUEST FOR ADMISSION NO. 13**

21 Once a California peace officer is honorably retired, he or she is not required to
22 undergo periodic psychological testing in order to have CCW permit.

23 **REQUEST FOR ADMISSION NO. 14**

24 Once an individual passes a psychological test and is employed as a California peace
25 officer, he or she is not required to undergo periodic psychological testing in order to maintain their
26 status as a peace officer unless specifically ordered to do so in very limited circumstances.

27 **REQUEST FOR ADMISSION NO. 15**

28 A California peace officer's psychological profile will change at certain points during

1 the course of their employment as a peace officer.

2 **REQUEST FOR ADMISSION NO. 16**

3 A California peace officer is more likely to commit suicide than a person who is not a
4 California peace officer.

5 **REQUEST FOR ADMISSION NO. 17**

6 The average psychological profile of a California peace officer, as determined by the
7 Minnesota Multiphasic Personality Inventory I and II, is very similar to the average criminals
8 psychological profile.

9 **REQUEST FOR ADMISSION NO. 18**

10 The FBI held a Conference on Domestic Violence by Police Officers, in Quantico,
11 VA, September 16, 1998, the focus of which was the profiled personalities of male law enforcement
12 personnel who battered their female domestic partners.

13 **REQUEST FOR ADMISSION NO. 19**

14 Honorably retired California peace officers have no more good cause for the issuance
15 of a concealed weapons permit as compared to members of the public who were never a law
16 enforcement officer and who have never been prohibited from possessing a firearm.

17 **REQUEST FOR ADMISSION NO. 20**

18 Two reports that followed the Rodney King beating--the 1991 report of the
19 Independent Commission To Study the Los Angeles Police Department and the 1992 Los Angeles
20 County Sheriff's Report by James G. Kolt and staff – concluded the lack of effectiveness of
21 psychological screening to predict propensity for violence by California peace officers.

22 **REQUEST FOR ADMISSION NO. 21**

23 Issuing concealed weapons permits to citizens who have never been peace officers has
24 no measurable effect on the increase in crime or gun violence.

25 **REQUEST FOR ADMISSION NO. 22**

26 Every single Federal Bureau of Investigation (FBI) report since 1987 shows that in the
27 fifteen (15) years following the passage of Florida's "shall issue" concealed carry law in 1987,
28 800,000 CCW permits have been issued and the homicide rate in Florida, which in 1987 was much

1 higher than the national average, fell 52% bringing it below the national average.

2 **REQUEST FOR ADMISSION NO. 23**

3 There is no factual reason why Plaintiff should not have been issued a CCW permit.

4 **REQUEST FOR ADMISSION NO. 24**

5 There are no facts supporting any law that favors the issuance of CCWs to honorably
6 retired California peace officers as compared to the same laws also being applied equally to
7 honorably retired members of the United States Armed Forces.

8 **REQUEST FOR ADMISSION NO. 25**

9 There is no evidence that CCW permit holders in “**shall issue**” states commit more
10 gun related crimes per capita as compared to the citizens of the State of California.

11
12 Date: November 10, 2011

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI

13 GARY W. GORSKI
14 Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 **PROOF OF SERVICE**

4 I, the undersigned, declare that:

5 I am a citizen of the United States, employed in the City of Sacramento, California.
6 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
7 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

8 I am readily familiar with GARY W. GORSKI's practice for collection and processing
9 of correspondence for mailing with the United States Postal Service the same day in the ordinary
10 course of business.

11 On November 10, 2011, I served the attached on all parties in said action as addressed
12 below by causing a true copy thereof to be:

13 _____ express mailed:

14 _____ Telecopied by facsimile:

15 _____ delivered by hand:

16 XXX Electronic Communication (email)

17 XXX Placed in sealed envelope with postage thereon fully prepaid via **U.S. mail**

18 **Geoffrey L. Graybill**
19 **Deputy Attorney General**
20 **Government Law Section**
21 **1300 I Street**
22 **Sacramento, CA 95814**
23 **Telephone: 916-324-5465**
24 **Fax: 916-324-8835**
25 **Cell: 916-296-2472**

26 **Sherri Sokeland Kaiser**
27 **Deputy City Attorney**
28 **City Hall, Room 234**
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration is executed November 10, 2011 at Sacramento, California.

Name

Signature

RJN # “9”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S REQUEST FOR
ADMISSIONS, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
17 COUNTY OF SAN FRANCISCO; and STATE)
OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

18 Defendants.)
19 _____)

20 PLAINTIFF'S REQUEST FOR ADMISSIONS

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant STATE OF CALIFORNIA ATTORNEY GENERAL
23 EDMUND G. BROWN (now Kamala D. Harris), in his/her official
24 capacity

25 SET NUMBER: ONE

26 NOW COMES Plaintiff, pursuant to Rule 36 of the Federal Rules of Civil Procedure, and
27 files, and demands that responding Defendant admit or deny the following facts:

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2 respect to each Request for Admissions of Fact contained herein:

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8 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
9 anyone else acting on your behalf.

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11 business, trust, corporation, or public entity.

12 3. Where **"CCW"** is used, it means a permit or license to carry a concealed weapon,
13 i.e. handgun.

14 4. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
15 jurisdiction, **"Shall Issue"** means (Taken from Wikipedia encyclopedia - see
16 http://en.wikipedia.org/wiki/Shall_issue):

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21 a range check before a certified trainer (for demonstrating safe firearms handling,
22 while shooting at a target with a handgun), and paying the required fee (if any). These
23 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
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28 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are

1 being discussed that would allow Vermont style carry.

2 **SHALL-ISSUE**

3 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
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16 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
17 Washington, West Virginia, and Wyoming.

18 **MAY-ISSUE**

19 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
20 where the granting of such permits is partially at the discretion of local authorities (frequently the
21 sheriff's department or police). The law typically states that a granting authority may issue a permit if
22 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
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26 itself may not be sufficient justification in some areas where justification is required). A state that is
27 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

28 **NO-ISSUE**

1 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
2 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
3 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

4 **REQUEST FOR ADMISSION No. 1**

5 YOU conducted no research on the effects of the regulation of firearm prior to any
6 firearm laws or ordinances being passed or enforced.

7 **REQUEST FOR ADMISSION NO. 2**

8 YOU never used any taxpayer funds for research on the dangers of the public's access
9 to firearms and who are not California peace officers.

10 **REQUEST FOR ADMISSION NO. 3**

11 YOU did not rely on any publication, treatise, statistical data, study or research prior
12 to your enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
13 subject matter of this action.

14 **REQUEST FOR ADMISSION NO. 4**

15 There is no evidence that the prohibition of carrying concealed handguns by members
16 of the public, who are otherwise legally permitted to own a handgun, actually reduces firearm related
17 deaths and crime.

18 **REQUEST FOR ADMISSION NO. 5**

19 There has never been an open and public debate on the dangers of firearms prior to
20 YOUR enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
21 subject matter of this action.

22 **REQUEST FOR ADMISSION NO. 6**

23 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
24 their citizens to carry a concealed handgun, have less crime per capita than states with MAY-ISSUE
25 and NO-ISSUE type of conceal carry laws.

26 **REQUEST FOR ADMISSION NO. 7**

27 There are no documents or data supporting YOUR contention that your enactment or
28 enforcement of any firearm law, policy, regulation or ordinance has actually reduced crime and saved

1 lives.

2 **REQUEST FOR ADMISSION NO. 8**

3 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
4 their citizens to carry a concealed handgun, spend less on law enforcement services than states with
5 MAY-ISSUE and NO-ISSUE type of conceal carry laws.

6 **REQUEST FOR ADMISSION NO. 9**

7 At least one honorably retired California peace officer has been convicted of domestic
8 violence and still has a permit to carry a concealed weapon.

9 **REQUEST FOR ADMISSION NO. 10**

10 At least one honorably retired California peace officer has been convicted of driving
11 under the influence of alcohol and still has a permit to carry a concealed weapon.

12 **REQUEST FOR ADMISSION NO. 11**

13 There are no documented cases of any honorably retired California peace officer
14 being murdered by someone they either arrested or investigated while employed as a California
15 peace officer.

16 **REQUEST FOR ADMISSION NO. 12**

17 There are no documented cases of any honorably retired California peace officer
18 being threatened by someone they either arrested or investigated while employed as a California
19 peace officer.

20 **REQUEST FOR ADMISSION NO. 13**

21 Once a California peace officer is honorably retired, he or she is not required to
22 undergo periodic psychological testing in order to have CCW permit.

23 **REQUEST FOR ADMISSION NO. 14**

24 Once an individual passes a psychological test and is employed as a California peace
25 officer, he or she is not required to undergo periodic psychological testing in order to maintain their
26 status as a peace officer unless specifically ordered to do so in very limited circumstances.

27 **REQUEST FOR ADMISSION NO. 15**

28 A California peace officer's psychological profile will change at certain points during

1 the course of their employment as a peace officer.

2 **REQUEST FOR ADMISSION NO. 16**

3 A California peace officer is more likely to commit suicide than a person who is not a
4 California peace officer.

5 **REQUEST FOR ADMISSION NO. 17**

6 The average psychological profile of a California peace officer, as determined by the
7 Minnesota Multiphasic Personality Inventory I and II, is very similar to the average criminals
8 psychological profile.

9 **REQUEST FOR ADMISSION NO. 18**

10 The FBI held a Conference on Domestic Violence by Police Officers, in Quantico,
11 VA, September 16, 1998, the focus of which was the profiled personalities of male law enforcement
12 personnel who battered their female domestic partners.

13 **REQUEST FOR ADMISSION NO. 19**

14 Honorably retired California peace officers have no more good cause for the issuance
15 of a concealed weapons permit as compared to members of the public who were never a law
16 enforcement officer and who have never been prohibited from possessing a firearm.

17 **REQUEST FOR ADMISSION NO. 20**

18 Two reports that followed the Rodney King beating--the 1991 report of the
19 Independent Commission To Study the Los Angeles Police Department and the 1992 Los Angeles
20 County Sheriff's Report by James G. Kolt and staff--questioned the effectiveness of existing
21 psychological screening to predict propensity for violence by California peace officers.

22 **REQUEST FOR ADMISSION NO. 21**

23 Issuing concealed weapons permits to citizens who have never been peace officers has
24 no measurable effect on the increase in crime or gun violence.

25 **REQUEST FOR ADMISSION NO. 22**

26 Every single Federal Bureau of Investigation (FBI) report since 1987 shows that in the
27 fifteen (15) years following the passage of Florida's "shall issue" concealed carry law in 1987,
28 800,000 CCW permits have been issued and the homicide rate in Florida, which in 1987 was much

1 higher than the national average, fell 52% bringing it below the national average.

2 **REQUEST FOR ADMISSION NO. 23**

3 There is no factual reason why Plaintiff should not have been issued a CCW permit.

4 **REQUEST FOR ADMISSION NO. 24**

5 There are no facts supporting any law that favors the issuance of CCWs to honorably
6 retired California peace officers as compared to the same laws also being applied equally to
7 honorably retired members of the United States Armed Forces.

8 **REQUEST FOR ADMISSION NO. 25**

9 There is no evidence that CCW permit holders in “**shall issue**” states commit more
10 gun related crimes per capita as compared to the citizens of the State of California.

11
12
13 Date: November 10, 2011

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI

14 GARY W. GORSKI
Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 **PROOF OF SERVICE**

4 I, the undersigned, declare that:

5 I am a citizen of the United States, employed in the City of Sacramento, California.
6 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
7 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

8 I am readily familiar with GARY W. GORSKI's practice for collection and processing
9 of correspondence for mailing with the United States Postal Service the same day in the ordinary
10 course of business.

11 On November 10, 2011, I served the attached on all parties in said action as addressed
12 below by causing a true copy thereof to be:

13 express mailed:

14 Telecopied by facsimile:

15 delivered by hand:

16 XXX Electronic Communication (email)

17 XXX Placed in sealed envelope with postage thereon fully
18 prepaid via **U.S. mail**

19 **Geoffrey L. Graybill**
20 **Deputy Attorney General**
21 **Government Law Section**
22 **1300 I Street**
23 **Sacramento, CA 95814**
24 **Telephone: 916-324-5465**
Fax: 916-324-8835
Cell: 916-296-2472

25 **Sherri Sokeland Kaiser**
26 **Deputy City Attorney**
27 **City Hall, Room 234**
28 **1 Dr. Carlton B. Goodlett Place**
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration is executed November 10, 2011 at Sacramento, California.

Gary W. Gorski
Name

Signature

RJN # “10”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S REQUEST FOR
ADMISSIONS, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
17 COUNTY OF SAN FRANCISCO; and STATE)
OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

18 Defendants.)
19 _____)

20 PLAINTIFF'S REQUEST FOR ADMISSIONS

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

23 SET NUMBER: ONE

24 NOW COMES Plaintiff, pursuant to Rule 36 of the Federal Rules of Civil Procedure, and
25 files, and demands that responding Defendant admit or deny the following facts:

26 DEFINITIONS AND INSTRUCTIONS

27 The following definitions and instructions are to be considered applicable with
28 respect to each Request for Admissions of Fact contained herein:

1 GENERAL INSTRUCTIONS

2 These are general instructions. (For time limitations, requirements for service on
3 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and * and the cases
4 construing these rules.)

5 1. **"You"** or **"your"** includes you, your agents, your employees, your insurance
6 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
7 anyone else acting on your behalf.

8 2. **"Person"** includes a natural person, firm, association, organization, partnership,
9 business, trust, corporation, or public entity.

10 3. Where **"CCW"** is used, it means a permit or license to carry a concealed weapon,
11 i.e. handgun.

12 4. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
13 jurisdiction, **"Shall Issue"** means (Taken from Wikipedia encyclopedia - see
14 http://en.wikipedia.org/wiki/Shall_issue):

15 For a shall-issue gun law, a government authority is required to issue a concealed
16 carry permit to any individual who requests it if he or she meets the law's issuance
17 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
18 background check, attending a certified handgun/firearms safety class, participating in
19 a range check before a certified trainer (for demonstrating safe firearms handling,
20 while shooting at a target with a handgun), and paying the required fee (if any). These
21 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
22 and "May-Issue"

23 **UNRESTRICTED**

24 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
25 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)
26 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
27 being discussed that would allow Vermont style carry.

28 **SHALL-ISSUE**

1 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
2 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
3 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
4 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
5 authority may issue a permit at their discretion. Typical permit requirements include residency,
6 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
7 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
8 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
9 requirement.

10 The following are Shall-Issue states, their respective laws may be reviewed as templates of
11 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
12 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
13 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
14 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
15 Washington, West Virginia, and Wyoming.

16 **MAY-ISSUE**

17 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
18 where the granting of such permits is partially at the discretion of local authorities (frequently the
19 sheriff's department or police). The law typically states that a granting authority may issue a permit if
20 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
21 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
22 applicant must meet before a permit will be granted, such as providing adequate justification (or
23 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
24 itself may not be sufficient justification in some areas where justification is required). A state that is
25 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

26 **NO-ISSUE**

27 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
28 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,

1 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

2 **REQUEST FOR ADMISSION No. 1**

3 YOU conducted no research on the effects of the regulation of firearm prior to any
4 firearm laws or ordinances being passed or enforced.

5 **REQUEST FOR ADMISSION NO. 2**

6 YOU never used any taxpayer funds for research on the dangers of the public's access
7 to firearms and who are not California peace officers.

8 **REQUEST FOR ADMISSION NO. 3**

9 YOU did not rely on any publication, treatise, statistical data, study or research prior
10 to your enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
11 subject matter of this action.

12 **REQUEST FOR ADMISSION NO. 4**

13 There is no evidence that the prohibition of carrying concealed handguns by members
14 of the public, who are otherwise legally permitted to own a handgun, actually reduces firearm related
15 deaths and crime.

16 **REQUEST FOR ADMISSION NO. 5**

17 There has never been an open and public debate on the dangers of firearms prior to
18 YOUR enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
19 subject matter of this action.

20 **REQUEST FOR ADMISSION NO. 6**

21 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
22 their citizens to carry a concealed handgun, have less crime per capita than states with MAY-ISSUE
23 and NO-ISSUE type of conceal carry laws.

24 **REQUEST FOR ADMISSION NO. 7**

25 There are no documents or data supporting YOUR contention that your enactment or
26 enforcement of any firearm law, policy, regulation or ordinance has actually reduced crime and saved
27 lives.

28 **REQUEST FOR ADMISSION NO. 8**

1 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
2 their citizens to carry a concealed handgun, spend less on law enforcement services than states with
3 MAY-ISSUE and NO-ISSUE type of conceal carry laws.

4 **REQUEST FOR ADMISSION NO. 9**

5 At least one honorably retired California peace officer has been convicted of domestic
6 violence and still has a permit to carry a concealed weapon.

7 **REQUEST FOR ADMISSION NO. 10**

8 At least one honorably retired California peace officer has been convicted of driving
9 under the influence of alcohol and still has a permit to carry a concealed weapon.

10 **REQUEST FOR ADMISSION NO. 11**

11 There are no documented cases of any honorably retired California peace officer
12 being murdered by someone they either arrested or investigated while employed as a California
13 peace officer.

14 **REQUEST FOR ADMISSION NO. 12**

15 There are no documented cases of any honorably retired California peace officer
16 being threatened by someone they either arrested or investigated while employed as a California
17 peace officer.

18 **REQUEST FOR ADMISSION NO. 13**

19 Once a California peace officer is honorably retired, he or she is not required to
20 undergo periodic psychological testing in order to have CCW permit.

21 **REQUEST FOR ADMISSION NO. 14**

22 Once an individual passes a psychological test and is employed as a California peace
23 officer, he or she is not required to undergo periodic psychological testing in order to maintain their
24 status as a peace officer unless specifically ordered to do so in very limited circumstances.

25 **REQUEST FOR ADMISSION NO. 15**

26 A California peace officer's psychological profile will change at certain points during
27 the course of their employment as a peace officer.

28 **REQUEST FOR ADMISSION NO. 16**

1 A California peace officer is more likely to commit suicide than a person who is not a
2 California peace officer.

3 **REQUEST FOR ADMISSION NO. 17**

4 The average psychological profile of a California peace officer, as determined by the
5 Minnesota Multiphasic Personality Inventory I and II, is very similar to the average criminals
6 psychological profile.

7 **REQUEST FOR ADMISSION NO. 18**

8 The FBI held a Conference on Domestic Violence by Police Officers, in Quantico,
9 VA, September 16, 1998, the focus of which was the profiled personalities of male law enforcement
10 personnel who battered their female domestic partners.

11 **REQUEST FOR ADMISSION NO. 19**

12 Honorably retired California peace officers have no more good cause for the issuance
13 of a concealed weapons permit as compared to members of the public who were never a law
14 enforcement officer and who have never been prohibited from possessing a firearm.

15 **REQUEST FOR ADMISSION NO. 20**

16 Two reports that followed the Rodney King beating--the 1991 report of the
17 Independent Commission To Study the Los Angeles Police Department and the 1992 Los Angeles
18 County Sheriff's Report by James G. Kolt and staff--questioned the effectiveness of existing
19 psychological screening to predict propensity for violence by California peace officers.

20 **REQUEST FOR ADMISSION NO. 21**

21 Issuing concealed weapons permits to citizens who have never been peace officers has
22 no measurable effect on the increase in crime or gun violence.

23 **REQUEST FOR ADMISSION NO. 22**

24 Every single Federal Bureau of Investigation (FBI) report since 1987 shows that in the
25 fifteen (15) years following the passage of Florida's "shall issue" concealed carry law in 1987,
26 800,000 CCW permits have been issued and the homicide rate in Florida, which in 1987 was much
27 higher than the national average, fell 52% bringing it below the national average.

28 **REQUEST FOR ADMISSION NO. 23**

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There is no factual reason why Plaintiff should not have been issued a CCW permit.

REQUEST FOR ADMISSION NO. 24

There are no facts supporting any law that favors the issuance of CCWs to honorably retired California peace officers as compared to the same laws also being applied equally to honorably retired members of the United States Armed Forces.

REQUEST FOR ADMISSION NO. 25

There is no evidence that CCW permit holders in “**shall issue**” states commit more gun related crimes per capita as compared to the citizens of the State of California.

Date: November 10, 2011

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI

GARY W. GORSKI
Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
3 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**
4 **PROOF OF SERVICE**

5 I, the undersigned, declare that:

6 I am a citizen of the United States, employed in the City of Sacramento, California.
7 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
8 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

9 I am readily familiar with GARY W. GORSKI's practice for collection and processing
10 of correspondence for mailing with the United States Postal Service the same day in the ordinary
11 course of business.

12 On November 10, 2011, I served the attached on all parties in said action as addressed
13 below by causing a true copy thereof to be:

14 _____ express mailed:

15 _____ Telecopied by facsimile:

16 _____ delivered by hand:

17 XXX Electronic Communication (email)

18 XXX Placed in sealed envelope with postage thereon fully
19 prepaid via **U.S. mail**

20 **Geoffrey L. Graybill**
21 **Deputy Attorney General**
22 **Government Law Section**
23 **1300 I Street**
24 **Sacramento, CA 95814**
25 **Telephone: 916-324-5465**
26 **Fax: 916-324-8835**
27 **Cell: 916-296-2472**

28 **Sherri Sokeland Kaiser**
Deputy City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed November 10, 2011 at Sacramento, California.

Name

Signature

RJN # “11”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S REQUEST FOR INSPECTION
AND PRODUCTION OF DOCUMENTS
AND THINGS, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
COUNTY OF SAN FRANCISCO; and STATE)
17 OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

INSPECTION
Date: December 15, 2011
Time: 9:30 a.m.
Location:
1207 Front St., Suite 15
Sacramento, CA 95814

18 Defendants.)
19 _____)

20 PLAINTIFF'S REQUEST FOR INSPECTION AND PRODUCTION OF DOCUMENTS
21 AND THINGS, SET ONE

22 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

23 RESPONDING PARTY: Defendant SAN FRANCISCO SHERIFF MICHAEL HENNESSEY,
24 in his official capacity

25 SET NUMBER: ONE

26 NOW COMES Plaintiff, pursuant to Rule 34 of the Federal Rules of Civil Procedure, and
27 files, and demands that responding Defendant produce for inspection and copying at the LAW
28 OFFICES OF GARY W. GORSKI, 1207 Front Street, Suite 15, on December 15, 2011 at 9:30 a.m.

1 all of the documents which are described below in this set of Request for Production of Documents.

2 There may be full compliance by forwarding copies of said documents to Attorney Gorski's
3 aforementioned address, on or before the date said written response is due, at your own expense. If
4 there is not compliance by forwarding said copies, then the production for inspection and
5 photocopying shall take place at Attorney Gorski's office upon the first business day after the
6 expiration of thirty (30) days service, plus three (3) for mailing.

7 Demand is made for the supplementation of your answers as required by Rule 26(e), Federal
8 Rules of Civil Procedure.

9 In complying with Local Rule 250(a), this propounding party cannot reasonably calculate the
10 space necessary to enable the answering party to respond within it; hence, this propounding party
11 will email upon request, the propounded discovery in WordPerfect format.

12 Pursuant to Federal Rule of Civil Procedure, Rule 34, Plaintiff makes the following requests:

13 I.

14 DEFINITIONS AND INSTRUCTIONS

15 The following definitions and instructions are to be considered applicable with
16 respect to each Request for Production of Documents contained herein:

17 GENERAL INSTRUCTIONS

18 These are general instructions. (For time limitations, requirements for service on
19 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and 34 and the cases
20 construing these rules.)

21 1. **DOCUMENT.** As used herein, "document" shall mean to include all "writings
22 and recordings" and "photographs" as defined by Rule 1001 of the Federal Rules of Evidence, and
23 also all electronic data including, but not limited to, any written, typewritten, printed or recorded
24 material whatsoever, any notes, memoranda, letters, reports, telegrams, publications, contracts,
25 recordings, transcriptions of recordings, and business records and shall include, without limitation,
26 originals, duplicates, all file copies, all letter copies (with or without notes or changes thereon) no
27 matter how prepared, drafts, working papers, routing slips, computer generated data or information
28 and similar materials. "Document" also means a writing, as defined in Federal Rules of Evidence,

1 Rule 1001, and includes the original or a copy of handwriting, typewriting, printing, photostating,
2 photographing, and every other means of recording upon any tangible thing and form or
3 communicating or representation, including letters, words, pictures, sounds, or symbols, or
4 combinations of them.

5 2. **“Peace officers identified in the San Francisco Chronicle articles attached to**
6 **the Initial Disclosures.”** Each request extends to any documents in the possession, custody or
7 control of the Defendant that relates to all internal affairs investigations, administrative
8 investigations, criminal investigations, or any other document relating to the issue of peace officer
9 misconduct as reported by the San Francisco Chronicle, as presented in the 133 pages of news paper
10 articles on the subject. The information also includes the final disposition of any complaint and
11 investigation. The relevance of seeking this information relates to the issue of good cause and moral
12 character for issuance of CCWs. It further relates to the differing standards that apply to peace
13 officers which do not apply to non-peace officers of the general public.

14 3. Whenever used herein, the singular shall include the plural and vice versa.

15 4. Whenever used herein **"AND"** may be understood to mean **"OR"** and vice versa
16 whenever such construction results in a broader request for information.

17 5. **DEFENDANT** shall mean responding defendant and all agents, employees,
18 vendors, contractors, researches and attorneys.

19 6. With respect to each DOCUMENT to which a claim of privilege is asserted,
20 separately state the following: (a) the type of DOCUMENT; (b) its date; (c) the name, business
21 address and present position of its originator(s) or author(s); (d) the position of its originator(s) or
22 author(s) at the time the DOCUMENT was prepared; (e) the name, business address and present
23 position of each recipient of the DOCUMENT; (f) the position of each recipient at the time the
24 DOCUMENT was prepared, and the time it was received; (g) a general description of the subject
25 matter of the DOCUMENT; (h) the basis of any claim of privilege; and, (i) if work product immunity
26 is asserted, the proceeding for which the DOCUMENT was prepared.

27 7. If any requested DOCUMENT cannot be produced in full, it shall be produced to
28 the extent possible, indicating what DOCUMENT or portion of DOCUMENTS are being withheld

1 and the reason such DOCUMENTS are being withheld.

2 8. DOCUMENTS attached to each other should not be separated.

3 9. "**Incident**" includes the circumstances and events surrounding all allegations in
4 this action, including affirmative defenses.

5 10. "**You**" or "**your**" includes you, your agents, your employees, your insurance
6 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
7 anyone else acting on your behalf.

8 11. "**Person**" includes a natural person, firm, association, organization, partnership,
9 business, trust, corporation, or public entity.

10 12. Where "**CCW**" is used, it means a permit or license to carry a concealed weapon,
11 i.e. handgun. This also includes an honorably retired peace officers eligibility, right and/or privilege
12 for a license to carry a concealed handgun. CCW includes all grants to any person to carry a
13 concealed weapon that requires a license or permit to do so.

14 13. "**Disposition**" means any action taken as a direct result of a matter in question
15 including, but not limited to, fines, reprimands, suspension without pay, payment for damages,
16 incarceration, any type of criminal or administrative probation, termination of employment, punitive
17 damages, injunctions, restraining orders, and the like.

18 14. "**Complaint**" means an oral or written communication, either formal or
19 informal, that would notify you of a problem or concern of the complainant. It also means any oral
20 or written communication to you, including, but not limited to, civil actions, letters, phone calls,
21 correspondence, inter-department correspondence, survey's, or written notices regarding the
22 violation of your policy(s), or a person's dissatisfaction, disappointment, discontent, disfavor,
23 displeasure, annoyance, despondency, disillusionment, irritation. The word "complaint" herein is to
24 have the broadest possible meaning and is not to be narrowly construed.

25 15. "**Produce**" means to provide and identify all documents in your custody, care or
26 control or that you have legal access to.

27 16. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
28 jurisdiction, "**Shall Issue**" means (Taken from Wikipedia encyclopedia - see

1 http://en.wikipedia.org/wiki/Shall_issue):

2 For a shall-issue gun law, a government authority is required to issue a concealed
3 carry permit to any individual who requests it if he or she meets the law's issuance
4 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
5 background check, attending a certified handgun/firearms safety class, participating in
6 a range check before a certified trainer (for demonstrating safe firearms handling,
7 while shooting at a target with a handgun), and paying the required fee (if any). These
8 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
9 and "May-Issue"

10 **UNRESTRICTED**

11 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
12 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)
13 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
14 being discussed that would allow Vermont style carry.

15 **SHALL-ISSUE**

16 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
17 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
18 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
19 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
20 authority may issue a permit at their discretion. Typical permit requirements include residency,
21 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
22 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
23 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
24 requirement.

25 The following are Shall-Issue states, their respective laws may be reviewed as templates of
26 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
27 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
28 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,

1 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
2 Washington, West Virginia, and Wyoming.

3 **MAY-ISSUE**

4 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
5 where the granting of such permits is partially at the discretion of local authorities (frequently the
6 sheriff's department or police). The law typically states that a granting authority may issue a permit if
7 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
8 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
9 applicant must meet before a permit will be granted, such as providing adequate justification (or
10 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
11 itself may not be sufficient justification in some areas where justification is required). A state that is
12 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

13 **NO-ISSUE**

14 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
15 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
16 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

17 **REQUEST No. 1**

18 Please produce any and all documents evidencing all research conducted by you prior
19 to any firearm law, ordinance or policy being passed.

20 **REQUEST NO. 2**

21 Please produce all documents evidencing the expenditure of taxpayer funds for
22 research on the dangers of the public's access to firearms and who are not California peace officers.

23 **REQUEST NO. 3**

24 Please produce all documents relating to any publication, treatise, statistical data,
25 study or research YOU relied upon prior to your enactment of any firearm law, policy, regulation or
26 ordinance which is the subject matter of this action.

27 **REQUEST NO. 4**

28 Please produce all documents relating to any study or research YOU conducted

1 proving that after enacting the firearm laws, policies, regulations and ordinances which are the
2 subject matter of this action, the firearm laws pass have reduced firearm related deaths and crime.

3 **REQUEST NO. 5**

4 Please produce all documents showing any debate on the dangers of firearms that
5 YOU relied upon prior your enactment of any firearm law, policy, regulation or ordinance which is
6 the subject matter of this action.

7 **REQUEST NO. 6**

8 Please produce all statistical data relating to any study or research YOU relied upon
9 prior to your enactment of any firearm law, policy, regulation or ordinance which is the subject
10 matter of this action.

11 **REQUEST NO. 7**

12 Please produce all documents and data supporting your contention that your
13 enactment of any firearm law, policy, regulation or ordinance has actually reduced crime and saved
14 lives.

15 **REQUEST NO. 8**

16 If public funds were used to conduct research on the dangers of firearm ownership
17 and possession, please provide all documents relating to open and public bidding for the individuals
18 or entities who were awarded the contract to conduct the research.

19 **REQUEST NO. 9**

20 Please produce all documents that were relied upon to support your enactment of any
21 firearm law, policy, regulation or ordinance which is the subject matter of this action.

22 **REQUEST NO. 10**

23 Please produce all documents that you will rely upon to prove your enactment of any
24 firearm law, policy, regulation or ordinance, which is the subject matter of this action, can pass
25 intermediate scrutiny at a minimum.

26 **REQUEST NO. 11**

27 Please produce any and all documents which reflects the deliberative process in
28 enacting any firearm law, policy, regulation or ordinance which is the subject matter of this action.

1 **REQUEST NO. 12**

2 Please produce each and every file and document in your possession relating to each
3 and every person who has been issued a CCW since 2001, and this includes renewals.

4 **REQUEST NO. 13**

5 Please produce each and every file and document in your possession relating to each
6 and every person who has been denied a CCW since 2001.

7 **REQUEST NO. 14**

8 Please produce all documents you relied upon in rejecting the CCW application of
9 Plaintiff.

10 **REQUEST NO. 15**

11 Please produce all documents proving that you contacted Plaintiff for an interview by
12 an investigator so that an investigator could fill out Plaintiff's application where it states
13 "Investigator's Interview Notes", which the instructions in the CCW application specifically state for
14 the Applicant not to complete.

15 **REQUEST NO. 16**

16 Please produce any and all documents which you provided to Plaintiff.

17 **REQUEST NO. 17**

18 Please produce any and all documents supporting any contention that honorably
19 retired California peace officers have a greater probability of being a victim of crime than citizens of
20 the CITY AND COUNTY OF SAN FRANCISCO who were never associated with law enforcement.

21 **REQUEST NO. 18**

22 Please produce any and all documents which evidences that honorably retired peace
23 officers are at a greater risk of harm than individuals who have never been peace officers.

24 **REQUEST NO. 19**

25 Please produce all documents evidencing crime statistics, justifying the prima facie
26 good cause standard for issuance of a concealed weapons permits to an active or honorably separated
27 member of the criminal justice system directly responsible for the investigation, arrest, incarceration,
28 prosecution or imposition of sentence on criminal offenders and has received threats of harm to

1 person or family as a result of official duties.

2 **REQUEST NO. 20**

3 Please produce all documents evidencing any facts that would lead a reasonable
4 person to believe that an active or honorably separated member of the criminal justice system
5 directly responsible for the investigation, arrest, incarceration, prosecution or imposition of sentence
6 on criminal offenders has a greater probability of being a victim of crime as compared to individuals
7 who do not fall into such a category.

8 **REQUEST NO. 21**

9 Please produce all documents identifying all active or honorably separated member of
10 the criminal justice system directly responsible for the investigation, arrest, incarceration,
11 prosecution or imposition of sentence on criminal offenders, and who has actually filed a crime
12 report regarding a crime committed against them while OFF-DUTY OR AFTER THEY RETIRED
13 and which said crime was directly associated with the fact that they were responsible for the
14 investigation, arrest, incarceration, prosecution or imposition of sentence of the criminal offender.

15 **REQUEST NO. 22**

16 Please produce all documents identifying all active or honorably separated member of
17 the criminal justice system directly responsible for the investigation, arrest, incarceration,
18 prosecution or imposition of sentence on criminal offenders, and who has actually documented in
19 official criminal justice records a crime committed against them while OFF-DUTY OR AFTER
20 THEY RETIRED as they were the victim of criminal acts or threats because of being directly
21 associated with the fact that they were responsible for the investigation, arrest, incarceration,
22 prosecution or imposition of sentence of a criminal offender.

23 **REQUEST NO. 23**

24 Please produce all documented crime statistics which assisted you in determining the
25 firearm restrictions placed on individuals who have never been employed as a California peace
26 officer.

27 **REQUEST NO. 24**

28 Please produce all documented crime statistics which assisted you in determining the

1 amount or application of discretion afforded to the issuing authority under your CCW issuance laws,
2 rules, policies and regulations.

3 **REQUEST NO. 25**

4 Please produce any document which supports or justifies your CCW issuance policy.

5 **REQUEST NO. 26**

6 Please produce all research that you have ever had in your possession which proves
7 that CCW permit holders in “**shall issue**” states commit more gun related crimes per capita as
8 compared to the citizens of the State of California.

9 **REQUEST NO. 27**

10 Please produce all research or documents you relied upon to determine your CCW
11 issuance policy.

12 **REQUEST NO. 28**

13 Please produce all documents that would support your contention that Plaintiff did
14 not meet the good cause standard for issuance of a CCW.

15 **REQUEST NO. 29**

16 Please produce all documents that would support your contention that Plaintiff is not
17 qualified to be issued a CCW.

18 **REQUEST NO. 30**

19 Please produce all documents evidencing that Dianne Feinstein and/or Barbra Boxer
20 either applied for a CCW or were issued a CCW by any federal, state, or local authority.

21 **REQUEST No. 31**

22 Please produce any and all applications for a CCW since 2001 for the City and
23 County of San Francisco.

24 **REQUEST NO. 32**

25 Please produce any known documents evidencing any surveillance of Plaintiff.

26 **REQUEST NO. 33**

27 Please produce all documents in your possession, custody or control which identifies
28 Plaintiff by name.

1 **REQUEST NO. 34**

2 Please produce all documents in your possession, custody or control which relates to
3 any investigation Plaintiff has been the subject matter of, including, but not limited to, incident
4 reports, internal affairs reports, divisional investigations, internal affairs documents, inquiries, arrest
5 reports, complaint reports, correspondence letters, notes, messages, recordings, search warrants, and
6 crime reports.

7 **REQUEST NO. 35**

8 Please produce any and all documents in your possession, custody or control which
9 relates to the application procedure in order to obtain a CCW, including written policy for issuance
10 and application.

11 **REQUEST NO. 36**

12 Please produce any and all documents demonstrating how the public is made aware
13 that they can apply for CCW.

14 **REQUEST NO. 37**

15 Please produce any and all documents which identifies the name of each individual
16 who is responsible for processing CCW applications since 2001.

17 **REQUEST NO. 38**

18 Please produce all documents relating to the issuance of a CCW to a Robert Menist.

19 **REQUEST NO. 39**

20 Please produce any and all documents that you relied upon to issue Robert Menist a
21 CCW.

22 **REQUEST NO. 40**

23 Please produce any and all documents in your possession, custody or control which
24 were provided to you by Robert Menist, even if unrelated to his CCW application.

25 **REQUEST NO. 41**

26 Please produce any and all documents that supports your contention that Robert
27 Menist is more deserving of a CCW than Plaintiff.

28 **REQUEST NO. 42**

1 Please produce any and all documents relating statistical data on hate crimes that you
2 maintain.

3 **REQUEST NO. 43**

4 Please produce all documents regarding the policy for processing CCW applications.

5 **REQUEST NO. 44**

6 Please produce any and all documents which shows the identity of every individual
7 who has filed a complaint for not receiving a CCW.

8 **REQUEST NO. 45**

9 Please produce any and all documents regarding the policy for the issuance of CCWs
10 to Deputy District Attorney's or Judges.

11 **REQUEST NO. 46**

12 Please produce any and all documents which were provided to you by any government
13 official regarding issuance of CCWs to deputy district attorneys or judges.

14 **REQUEST NO. 47**

15 Please produce any and all documents which identifies any action you have taken to
16 revoke the CCW of any peace officer who was terminated from your employment.

17 **REQUEST NO. 48**

18 Please produce any and all documents which evidences **COMPLAINTS** made
19 against California Peace Officers, including, but not limited to, the peace officers identified in the
20 San Francisco Chronicle articles attached to the Initial Disclosures.

21 **REQUEST NO. 49**

22 Please produce any and all documents which evidences the **DISPOSITION** of
23 complaints made against California Peace Officers, including, but not limited to, the peace officers
24 identified in the San Francisco Chronicle articles attached to the Initial Disclosures,

25 **REQUEST NO. 50**

26 Please produce any and all documents which evidences that because of
27 **COMPLAINTS** made against California Peace Officers, including, but not limited to, the peace
28 officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures, that the

1 California Peace Officers right or license to carry a concealed handgun was revoked or restricted.

2
3 **REQUEST NO. 51**

4 Please produce all documents that were provided to you prior to the enactment of any
5 law, statute, ordinance or policy, which gave you notice that firearm laws are ineffective.

6 **REQUEST NO. 52**

7 Please produce all documents that were provided to you prior to the enactment of any
8 law, statute, ordinance or policy, which gave you notice that firearm laws are effective.

9 **REQUEST NO. 53**

10 Please produce all documents which supports any contention you may have that
11 restrictions on the public's access to firearms has a beneficial affect to the public.

12 **REQUEST NO. 54**

13 Please produce all documents which identifies each and every honorably retired
14 California Peace Officer who has received a CCW, including, but not limited to, the peace officers
15 identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

16 **REQUEST NO. 55**

17 Please produce all documents which identifies each and every honorably retired
18 California Peace Officer who has received a CCW, and who has committed suicide.

19 **REQUEST NO. 56**

20 Please produce all documents which identifies each and every honorably retired
21 California Peace Officer who has received a CCW, and who has been arrested or charged with a
22 crime, including, but not limited to, the peace officers identified in the San Francisco Chronicle
23 articles attached to the Initial Disclosures.

24 **REQUEST NO. 57**

25 Produce all documents supporting any contention you have that honorably retired
26 California Peace Officer's can be trusted more with a firearm than an honorably discharged member
27 of the armed forces, including, but not limited to, the peace officers identified in the San Francisco
28 Chronicle articles attached to the Initial Disclosures.

1 **REQUEST NO. 58**

2 Produce all documents you intend to rely upon at the time of trial, including, but not
3 limited to, the peace officers identified in the San Francisco Chronicle articles attached to the Initial
4 Disclosures.

5 **REQUEST NO. 59**

6 Please produce all documents relating to any publications, treatises, statistical data,
7 study or research demonstrating that after your enactment of any firearm law, policy, regulation or
8 ordinance, which is the subject matter of this action, had any effect on firearm related deaths, crime
9 or accidents.

10 **REQUEST NO. 60**

11 Please produce all documents relating to Plaintiff's application for a CCW, including
12 any investigative files.

13 **REQUEST NO. 61**

14 Please produce all documents relating to Plaintiff's application for a CCW, including
15 any investigative files.

16 **REQUEST NO. 62**

17 Please produce all documents relating to Plaintiff's character.

18 **REQUEST NO. 63**

19 Please produce all documents maintained in any government database that you have
20 access to, that is NOT a matter of public record.

21 **REQUEST NO. 64**

22 Please produce all documents maintained in any government criminal database that
23 you have access to, that is NOT a matter of public record.

24 **REQUEST NO. 65**

25 Please produce all investigative files relating the peace officers identified in the San
26 Francisco Chronicle articles attached to the Initial Disclosures.

27 **REQUEST NO. 65**

28 Please produce all criminal and disciplinary history documents regarding the peace

1 officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

2 **REQUEST NO. 66**

3 Please produce all internal affairs investigative logs showing all citizens
4 **COMPLAINTS** against peace officers ever employed by you, including, but not limited to, the
5 peace officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

6 **REQUEST NO. 67**

7 Please produce all data that supports all current gun control laws which are the subject
8 matter of this action.

9 **REQUEST NO. 68**

10 Please produce all investigative files and documents regarding each and every current
11 and former employee of the San Francisco Police Department who is identified in the attached
12 articles of the San Francisco Chronicle.

13 **REQUEST NO. 69**

14 Please produce all documents showing that any of the past or present employees of
15 the San Francisco Police Department who are identified in the attached articles of the San Francisco
16 Chronicle were permitted to carry a concealed weapon.

17 **REQUEST NO. 70**

18 Please produce all documents showing that any of the past or present employees of
19 the San Francisco Police Department who are identified in the attached articles of the San Francisco
20 Chronicle had their license or right to carry a concealed weapon revoked or restricted.

21 **REQUEST NO. 71**

22 Please produce all documents used or relied upon to respond to Interrogatories, Set
23 One, propounded upon you in this litigation.

24 **REQUEST NO. 72**

25 Please produce all documents which you identified in any discovery response.

26
27 Date: November 10, 2011

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI

28 GARY W. GORSKI
Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
3 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**
4 **PROOF OF SERVICE**

5 I, the undersigned, declare that:

6 I am a citizen of the United States, employed in the City of Sacramento, California.
7 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
8 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

9 I am readily familiar with GARY W. GORSKI's practice for collection and processing
10 of correspondence for mailing with the United States Postal Service the same day in the ordinary
11 course of business.

12 On November 10, 2011, I served the attached on all parties in said action as addressed
13 below by causing a true copy thereof to be:

14 _____ express mailed:

15 _____ Telecopied by facsimile:

16 _____ delivered by hand:

17 XXX Electronic Communication (email)

18 XXX Placed in sealed envelope with postage thereon fully
19 prepaid via **U.S. mail**

20 **Geoffrey L. Graybill**
21 **Deputy Attorney General**
22 **Government Law Section**
23 **1300 I Street**
24 **Sacramento, CA 95814**
25 **Telephone: 916-324-5465**
26 **Fax: 916-324-8835**
27 **Cell: 916-296-2472**

28 **Sherri Sokeland Kaiser**
29 **Deputy City Attorney**
30 **City Hall, Room 234**
31 **1 Dr. Carlton B. Goodlett Place**
32 **San Francisco, CA 94102-4682**
33 **(415) 554-4691 (direct)**
34 **(415) 554-4747 (fax)**

35 I declare under penalty of perjury that the foregoing is true and correct and that this
36 declaration is executed November 10, 2011 at Sacramento, California.

37 Gary W. Gorski
38 Name

Signature

RJN # “12”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S REQUEST FOR INSPECTION
AND PRODUCTION OF DOCUMENTS
AND THINGS, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
COUNTY OF SAN FRANCISCO; and STATE)
17 OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

INSPECTION
Date: December 15, 2011
Time: 9:30 a.m.
Location:
1207 Front St., Suite 15
Sacramento, CA 95814

18 Defendants.)
19 _____)

20 PLAINTIFF'S REQUEST FOR INSPECTION AND PRODUCTION OF DOCUMENTS
21 AND THINGS, SET ONE

22 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

23 RESPONDING PARTY: Defendant STATE OF CALIFORNIA ATTORNEY GENERAL
24 EDMUND G. BROWN (now Kamala D. Harris), in his/her official
25 capacity

26 SET NUMBER: ONE

27 NOW COMES Plaintiff, pursuant to Rule 34 of the Federal Rules of Civil Procedure, and
28 files, and demands that responding Defendant produce for inspection and copying at the LAW

1 OFFICES OF GARY W. GORSKI, 1207 Front Street, Suite 15, on December 15, 2011 at 9:30 a.m.
2 all of the documents which are described below in this set of Request for Production of Documents.

3 There may be full compliance by forwarding copies of said documents to Attorney Gorski's
4 aforementioned address, on or before the date said written response is due, at your own expense. If
5 there is not compliance by forwarding said copies, then the production for inspection and
6 photocopying shall take place at Attorney Gorski's office upon the first business day after the
7 expiration of thirty (30) days service, plus three (3) for mailing.

8 Demand is made for the supplementation of your answers as required by Rule 26(e), Federal
9 Rules of Civil Procedure.

10 In complying with Local Rule 250(a), this propounding party cannot reasonably calculate the
11 space necessary to enable the answering party to respond within it; hence, this propounding party
12 will email upon request, the propounded discovery in WordPerfect format.

13 Pursuant to Federal Rule of Civil Procedure, Rule 34, Plaintiff makes the following requests:

14 I.

15 DEFINITIONS AND INSTRUCTIONS

16 The following definitions and instructions are to be considered applicable with
17 respect to each Request for Production of Documents contained herein:

18 GENERAL INSTRUCTIONS

19 These are general instructions. (For time limitations, requirements for service on
20 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and 34 and the cases
21 construing these rules.)

22 1. **DOCUMENT.** As used herein, "document" shall mean to include all "writings
23 and recordings" and "photographs" as defined by Rule 1001 of the Federal Rules of Evidence, and
24 also all electronic data including, but not limited to, any written, typewritten, printed or recorded
25 material whatsoever, any notes, memoranda, letters, reports, telegrams, publications, contracts,
26 recordings, transcriptions of recordings, and business records and shall include, without limitation,
27 originals, duplicates, all file copies, all letter copies (with or without notes or changes thereon) no
28 matter how prepared, drafts, working papers, routing slips, computer generated data or information

1 and similar materials. "Document" also means a writing, as defined in Federal Rules of Evidence,
2 Rule 1001, and includes the original or a copy of handwriting, typewriting, printing, photostating,
3 photographing, and every other means of recording upon any tangible thing and form or
4 communicating or representation, including letters, words, pictures, sounds, or symbols, or
5 combinations of them.

6 2. **"Peace officers identified in the San Francisco Chronicle articles attached to**
7 **the Initial Disclosures."** Each request extends to any documents in the possession, custody or
8 control of the Defendant that relates to all internal affairs investigations, administrative
9 investigations, criminal investigations, or any other document relating to the issue of peace officer
10 misconduct as reported by the San Francisco Chronicle, as presented in the 133 pages of news paper
11 articles on the subject. The information also includes the final disposition of any complaint and
12 investigation. The relevance of seeking this information relates to the issue of good cause and moral
13 character for issuance of CCWs. It further relates to the differing standards that apply to peace
14 officers which do not apply to non-peace officers of the general public.

15 3. Whenever used herein, the singular shall include the plural and vice versa.

16 4. Whenever used herein "**AND**" may be understood to mean "**OR**" and vice versa
17 whenever such construction results in a broader request for information.

18 5. **DEFENDANT** shall mean responding defendant and all agents, employees,
19 vendors, contractors, researches and attorneys.

20 6. With respect to each DOCUMENT to which a claim of privilege is asserted,
21 separately state the following: (a) the type of DOCUMENT; (b) its date; (c) the name, business
22 address and present position of its originator(s) or author(s); (d) the position of its originator(s) or
23 author(s) at the time the DOCUMENT was prepared; (e) the name, business address and present
24 position of each recipient of the DOCUMENT; (f) the position of each recipient at the time the
25 DOCUMENT was prepared, and the time it was received; (g) a general description of the subject
26 matter of the DOCUMENT; (h) the basis of any claim of privilege; and, (i) if work product immunity
27 is asserted, the proceeding for which the DOCUMENT was prepared.

28 7. If any requested DOCUMENT cannot be produced in full, it shall be produced to

1 the extent possible, indicating what DOCUMENT or portion of DOCUMENTS are being withheld
2 and the reason such DOCUMENTS are being withheld.

3 8. DOCUMENTS attached to each other should not be separated.

4 9. "**Incident**" includes the circumstances and events surrounding all allegations in
5 this action, including affirmative defenses.

6 10. "**You**" or "**your**" includes you, your agents, your employees, your insurance
7 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
8 anyone else acting on your behalf.

9 11. "**Person**" includes a natural person, firm, association, organization, partnership,
10 business, trust, corporation, or public entity.

11 12. Where "**CCW**" is used, it means a permit or license to carry a concealed weapon,
12 i.e. handgun. This also includes an honorably retired peace officers eligibility, right and/or privilege
13 for a license to carry a concealed handgun. CCW includes all grants to any person to carry a
14 concealed weapon that requires a license or permit to do so.

15 13. "**Disposition**" means any action taken as a direct result of a matter in question
16 including, but not limited to, fines, reprimands, suspension without pay, payment for damages,
17 incarceration, any type of criminal or administrative probation, termination of employment, punitive
18 damages, injunctions, restraining orders, and the like.

19 14. "**Complaint**" means an oral or written communication, either formal or
20 informal, that would notify you of a problem or concern of the complainant. It also means any oral
21 or written communication to you, including, but not limited to, civil actions, letters, phone calls,
22 correspondence, inter-department correspondence, survey's, or written notices regarding the
23 violation of your policy(s), or a person's dissatisfaction, disappointment, discontent, disfavor,
24 displeasure, annoyance, despondency, disillusionment, irritation. The word "complaint" herein is to
25 have the broadest possible meaning and is not to be narrowly construed.

26 15. "**Produce**" means to provide and identify all documents in your custody, care or
27 control or that you have legal access to.

28 16. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"

1 jurisdiction, “**Shall Issue**” means (Taken from Wikipedia encyclopedia - see
2 http://en.wikipedia.org/wiki/Shall_issue):

3 For a shall-issue gun law, a government authority is required to issue a concealed
4 carry permit to any individual who requests it if he or she meets the law’s issuance
5 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
6 background check, attending a certified handgun/firearms safety class, participating in
7 a range check before a certified trainer (for demonstrating safe firearms handling,
8 while shooting at a target with a handgun), and paying the required fee (if any). These
9 requirements vary by state into essentially four types, “Unrestricted”, “Shall-Issue”,
10 and “May-Issue”

11 **UNRESTRICTED**

12 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
13 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)
14 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
15 being discussed that would allow Vermont style carry.

16 **SHALL-ISSUE**

17 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
18 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
19 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
20 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
21 authority may issue a permit at their discretion. Typical permit requirements include residency,
22 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
23 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
24 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
25 requirement.

26 The following are Shall-Issue states, their respective laws may be reviewed as templates of
27 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
28 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,

1 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
2 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
3 Washington, West Virginia, and Wyoming.

4 **MAY-ISSUE**

5 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
6 where the granting of such permits is partially at the discretion of local authorities (frequently the
7 sheriff's department or police). The law typically states that a granting authority may issue a permit if
8 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
9 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
10 applicant must meet before a permit will be granted, such as providing adequate justification (or
11 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
12 itself may not be sufficient justification in some areas where justification is required). A state that is
13 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

14 **NO-ISSUE**

15 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
16 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
17 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

18 **REQUEST No. 1**

19 Please produce any and all documents evidencing all research conducted by you prior
20 to any firearm law, ordinance or policy being passed.

21 **REQUEST NO. 2**

22 Please produce all documents evidencing the expenditure of taxpayer funds for
23 research on the dangers of the public's access to firearms and who are not California peace officers.

24 **REQUEST NO. 3**

25 Please produce all documents relating to any publication, treatise, statistical data,
26 study or research YOU relied upon prior to your enactment of any firearm law, policy, regulation or
27 ordinance which is the subject matter of this action.

28 **REQUEST NO. 4**

1 Please produce all documents relating to any study or research YOU conducted
2 proving that after enacting the firearm laws, policies, regulations and ordinances which are the
3 subject matter of this action, the firearm laws pass have reduced firearm related deaths and crime.

4 **REQUEST NO. 5**

5 Please produce all documents showing any debate on the dangers of firearms that
6 YOU relied upon prior your enactment of any firearm law, policy, regulation or ordinance which is
7 the subject matter of this action.

8 **REQUEST NO. 6**

9 Please produce all statistical data relating to any study or research YOU relied upon
10 prior to your enactment of any firearm law, policy, regulation or ordinance which is the subject
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15 lives.

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18 and possession, please provide all documents relating to open and public bidding for the individuals
19 or entities who were awarded the contract to conduct the research.

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22 firearm law, policy, regulation or ordinance which is the subject matter of this action.

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25 firearm law, policy, regulation or ordinance, which is the subject matter of this action, can pass
26 intermediate scrutiny at a minimum.

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10 Plaintiff.

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13 an investigator so that an investigator could fill out Plaintiff's application where it states
14 "Investigator's Interview Notes", which the instructions in the CCW application specifically state for
15 the Applicant not to complete.

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21 the CITY AND COUNTY OF SAN FRANCISCO who were never associated with law enforcement.

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25 **REQUEST NO. 19**

26 Please produce all documents evidencing crime statistics, justifying the prima facie
27 good cause standard for issuance of a concealed weapons permits to an active or honorably separated
28 member of the criminal justice system directly responsible for the investigation, arrest, incarceration,

1 prosecution or imposition of sentence on criminal offenders and has received threats of harm to
2 person or family as a result of official duties.

3 **REQUEST NO. 20**

4 Please produce all documents evidencing any facts that would lead a reasonable
5 person to believe that an active or honorably separated member of the criminal justice system
6 directly responsible for the investigation, arrest, incarceration, prosecution or imposition of sentence
7 on criminal offenders has a greater probability of being a victim of crime as compared to individuals
8 who do not fall into such a category.

9 **REQUEST NO. 21**

10 Please produce all documents identifying all active or honorably separated member of
11 the criminal justice system directly responsible for the investigation, arrest, incarceration,
12 prosecution or imposition of sentence on criminal offenders, and who has actually filed a crime
13 report regarding a crime committed against them while OFF-DUTY OR AFTER THEY RETIRED
14 and which said crime was directly associated with the fact that they were responsible for the
15 investigation, arrest, incarceration, prosecution or imposition of sentence of the criminal offender.

16 **REQUEST NO. 22**

17 Please produce all documents identifying all active or honorably separated member of
18 the criminal justice system directly responsible for the investigation, arrest, incarceration,
19 prosecution or imposition of sentence on criminal offenders, and who has actually documented in
20 official criminal justice records a crime committed against them while OFF-DUTY OR AFTER
21 THEY RETIRED as they were the victim of criminal acts or threats because of being directly
22 associated with the fact that they were responsible for the investigation, arrest, incarceration,
23 prosecution or imposition of sentence of a criminal offender.

24 **REQUEST NO. 23**

25 Please produce all documented crime statistics which assisted you in determining the
26 firearm restrictions placed on individuals who have never been employed as a California peace
27 officer.

28 **REQUEST NO. 24**

1 Please produce all documented crime statistics which assisted you in determining the
2 amount or application of discretion afforded to the issuing authority under your CCW issuance laws,
3 rules, policies and regulations.

4 **REQUEST NO. 25**

5 Please produce any document which supports or justifies your CCW issuance policy.

6 **REQUEST NO. 26**

7 Please produce all research that you have ever had in your possession which proves
8 that CCW permit holders in “**shall issue**” states commit more gun related crimes per capita as
9 compared to the citizens of the State of California.

10 **REQUEST NO. 27**

11 Please produce all research or documents you relied upon to determine your CCW
12 issuance policy.

13 **REQUEST NO. 28**

14 Please produce all documents that would support your contention that Plaintiff did
15 not meet the good cause standard for issuance of a CCW.

16 **REQUEST NO. 29**

17 Please produce all documents that would support your contention that Plaintiff is not
18 qualified to be issued a CCW.

19 **REQUEST NO. 30**

20 Please produce all documents evidencing that Dianne Feinstein and/or Barbra Boxer
21 either applied for a CCW or were issued a CCW by any federal, state, or local authority.

22 **REQUEST No. 31**

23 Please produce any and all applications for a CCW since 2001 for the City and
24 County of San Francisco.

25 **REQUEST NO. 32**

26 Please produce any known documents evidencing any surveillance of Plaintiff.

27 **REQUEST NO. 33**

28 Please produce all documents in your possession, custody or control which identifies

1 Plaintiff by name.

2 **REQUEST NO. 34**

3 Please produce all documents in your possession, custody or control which relates to
4 any investigation Plaintiff has been the subject matter of, including, but not limited to, incident
5 reports, internal affairs reports, divisional investigations, internal affairs documents, inquiries, arrest
6 reports, complaint reports, correspondence letters, notes, messages, recordings, search warrants, and
7 crime reports.

8 **REQUEST NO. 35**

9 Please produce any and all documents in your possession, custody or control which
10 relates to the application procedure in order to obtain a CCW, including written policy for issuance
11 and application.

12 **REQUEST NO. 36**

13 Please produce any and all documents demonstrating how the public is made aware
14 that they can apply for CCW.

15 **REQUEST NO. 37**

16 Please produce any and all documents which identifies the name of each individual
17 who is responsible for processing CCW applications since 2001.

18 **REQUEST NO. 38**

19 Please produce all documents relating to the issuance of a CCW to a Robert Menist.

20 **REQUEST NO. 39**

21 Please produce any and all documents that you relied upon to issue Robert Menist a
22 CCW.

23 **REQUEST NO. 40**

24 Please produce any and all documents in your possession, custody or control which
25 were provided to you by Robert Menist, even if unrelated to his CCW application.

26 **REQUEST NO. 41**

27 Please produce any and all documents that supports your contention that Robert
28 Menist is more deserving of a CCW than Plaintiff.

1 **REQUEST NO. 42**

2 Please produce any and all documents relating statistical data on hate crimes that you
3 maintain.

4 **REQUEST NO. 43**

5 Please produce all documents regarding the policy for processing CCW applications.

6 **REQUEST NO. 44**

7 Please produce any and all documents which shows the identity of every individual
8 who has filed a complaint for not receiving a CCW.

9 **REQUEST NO. 45**

10 Please produce any and all documents regarding the policy for the issuance of CCWs
11 to Deputy District Attorney's or Judges.

12 **REQUEST NO. 46**

13 Please produce any and all documents which were provided to you by any government
14 official regarding issuance of CCWs to deputy district attorneys or judges.

15 **REQUEST NO. 47**

16 Please produce any and all documents which identifies any action you have taken to
17 revoke the CCW of any peace officer who was terminated from your employment.

18 **REQUEST NO. 48**

19 Please produce any and all documents which evidences **COMPLAINTS** made
20 against California Peace Officers, including, but not limited to, the peace officers identified in the
21 San Francisco Chronicle articles attached to the Initial Disclosures.

22 **REQUEST NO. 49**

23 Please produce any and all documents which evidences the **DISPOSITION** of
24 complaints made against California Peace Officers, including, but not limited to, the peace officers
25 identified in the San Francisco Chronicle articles attached to the Initial Disclosures,

26 **REQUEST NO. 50**

27 Please produce any and all documents which evidences that because of
28 **COMPLAINTS** made against California Peace Officers, including, but not limited to, the peace

1 officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures, that the
2 California Peace Officers right or license to carry a concealed handgun was revoked or restricted.

3
4 **REQUEST NO. 51**

5 Please produce all documents that were provided to you prior to the enactment of any
6 law, statute, ordinance or policy, which gave you notice that firearm laws are ineffective.

7 **REQUEST NO. 52**

8 Please produce all documents that were provided to you prior to the enactment of any
9 law, statute, ordinance or policy, which gave you notice that firearm laws are effective.

10 **REQUEST NO. 53**

11 Please produce all documents which supports any contention you may have that
12 restrictions on the public's access to firearms has a beneficial affect to the public.

13 **REQUEST NO. 54**

14 Please produce all documents which identifies each and every honorably retired
15 California Peace Officer who has received a CCW, including, but not limited to, the peace officers
16 identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

17 **REQUEST NO. 55**

18 Please produce all documents which identifies each and every honorably retired
19 California Peace Officer who has received a CCW, and who has committed suicide.

20 **REQUEST NO. 56**

21 Please produce all documents which identifies each and every honorably retired
22 California Peace Officer who has received a CCW, and who has been arrested or charged with a
23 crime, including, but not limited to, the peace officers identified in the San Francisco Chronicle
24 articles attached to the Initial Disclosures.

25 **REQUEST NO. 57**

26 Produce all documents supporting any contention you have that honorably retired
27 California Peace Officer's can be trusted more with a firearm than an honorably discharged member
28 of the armed forces, including, but not limited to, the peace officers identified in the San Francisco

1 Chronicle articles attached to the Initial Disclosures.

2 **REQUEST NO. 58**

3 Produce all documents you intend to rely upon at the time of trial, including, but not
4 limited to, the peace officers identified in the San Francisco Chronicle articles attached to the Initial
5 Disclosures.

6 **REQUEST NO. 59**

7 Please produce all documents relating to any publications, treatises, statistical data,
8 study or research demonstrating that after your enactment of any firearm law, policy, regulation or
9 ordinance, which is the subject matter of this action, had any effect on firearm related deaths, crime
10 or accidents.

11 **REQUEST NO. 60**

12 Please produce all documents relating to Plaintiff's application for a CCW, including
13 any investigative files.

14 **REQUEST NO. 61**

15 Please produce all documents relating to Plaintiff's application for a CCW, including
16 any investigative files.

17 **REQUEST NO. 62**

18 Please produce all documents relating to Plaintiff's character.

19 **REQUEST NO. 63**

20 Please produce all documents maintained in any government database that you have
21 access to, that is NOT a matter of public record.

22 **REQUEST NO. 64**

23 Please produce all documents maintained in any government criminal database that
24 you have access to, that is NOT a matter of public record.

25 **REQUEST NO. 65**

26 Please produce all investigative files relating the peace officers identified in the San
27 Francisco Chronicle articles attached to the Initial Disclosures.

28 **REQUEST NO. 65**

1 Please produce all criminal and disciplinary history documents regarding the peace
2 officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

3 **REQUEST NO. 66**

4 Please produce all internal affairs investigative logs showing all citizens
5 **COMPLAINTS** against peace officers ever employed by you, including, but not limited to, the
6 peace officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

7 **REQUEST NO. 67**

8 Please produce all data that supports all current gun control laws which are the subject
9 matter of this action.

10 **REQUEST NO. 68**

11 Please produce all investigative files and documents regarding each and every current
12 and former employee of the San Francisco Police Department who is identified in the attached
13 articles of the San Francisco Chronicle.

14 **REQUEST NO. 69**

15 Please produce all documents showing that any of the past or present employees of
16 the San Francisco Police Department who are identified in the attached articles of the San Francisco
17 Chronicle were permitted to carry a concealed weapon.

18 **REQUEST NO. 70**

19 Please produce all documents showing that any of the past or present employees of
20 the San Francisco Police Department who are identified in the attached articles of the San Francisco
21 Chronicle had their license or right to carry a concealed weapon revoked or restricted.

22 **REQUEST NO. 71**

23 Please produce all documents used or relied upon to respond to Interrogatories, Set
24 One, propounded upon you in this litigation.

25 **REQUEST NO. 72**

26 Please produce all documents which you identified in any discovery response.

27 Respectfully submitted,
28 LAW OFFICES OF GARY W. GORSKI

Date: November 10, 2011

GARY W. GORSKI
Attorney for Plaintiff

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1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 **PROOF OF SERVICE**

4 I, the undersigned, declare that:

5 I am a citizen of the United States, employed in the City of Sacramento, California.
6 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
7 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

8 I am readily familiar with GARY W. GORSKI's practice for collection and processing
9 of correspondence for mailing with the United States Postal Service the same day in the ordinary
10 course of business.

11 On November 10, 2011, I served the attached on all parties in said action as addressed
12 below by causing a true copy thereof to be:

13 _____ express mailed:

14 _____ Telecopied by facsimile:

15 _____ delivered by hand:

16 XXX Electronic Communication (email)

17 XXX Placed in sealed envelope with postage thereon fully
18 prepaid via **U.S. mail**

19 **Geoffrey L. Graybill**
20 **Deputy Attorney General**
21 **Government Law Section**
22 **1300 I Street**
23 **Sacramento, CA 95814**
24 **Telephone: 916-324-5465**
Fax: 916-324-8835
Cell: 916-296-2472

25 **Sherri Sokeland Kaiser**
26 **Deputy City Attorney**
27 **City Hall, Room 234**
28 **1 Dr. Carlton B. Goodlett Place**
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration is executed November 10, 2011 at Sacramento, California.

Gary W. Gorski
Name

Signature

RJN # “13”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8	THERESE MARIE PIZZO,)	Case No. 09-cv-04493-CW
)	
9	Plaintiff,)	
)	
10	vs.)	PLAINTIFF'S SPECIAL
)	INTERROGATORIES, SET ONE
11	CITY AND COUNTY OF SAN FRANCISCO)	
	MAYOR GAVIN NEWSOM, in both his)	
12	individual and official capacities; FORMER)	
	SAN FRANCISCO POLICE DEPARTMENT;)	
13	CHIEF OF POLICE HEATHER FONG, in both)	
	her individual and official capacities; SAN)	
14	FRANCISCO POLICE DEPARTMENT CHIEF)	
	OF POLICE GEORGE GASCON, in his official)	
15	capacity; SAN FRANCISCO SHERIFF)	
	MICHAEL HENNESSEY, in both his)	
16	individual and official capacities; CITY AND)	
	COUNTY OF SAN FRANCISCO; and STATE)	
17	OF CALIFORNIA ATTORNEY GENERAL)	
	EDMUND G. BROWN, in his official capacity,)	
18)	
	Defendants.)	
19)	

20 PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant SAN FRANCISCO SHERIFF MICHAEL HENNESSEY,
23 in both his individual and official capacities

24 SET NUMBER: ONE

25 NOW COMES Plaintiff pursuant to Rule 33 of the Federal Rules of Civil Procedure,
26 and files the attached Interrogatories to be propounded to Defendant. These questions are being
27 served upon the Defendant. These Interrogatories shall be answered separately and fully in writing
28 under oath and signed by the person making them.

1 Demand is made for the supplementation of your answers to these Interrogatories as
2 required by Rule 26(e), Federal Rules of Civil Procedure.

3 This propounding party cannot reasonably calculate the space necessary to enable the
4 answering party to respond within it; hence, this propounding party requests that each Interrogatory
5 be retyped along with the answer or objection. Plaintiff will EMAIL responding party the
6 interrogatories in an electronic format (WordPerfect) with all said requests.

7 GENERAL INSTRUCTIONS

8 These are general instructions. (For time limitations, requirements for service on
9 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and 33 and the cases
10 construing these rules.)

11 1. **DOCUMENT.** As used herein, "document" shall mean to include all "writings
12 and recordings" and "photographs" as defined by Rule 1001 of the Federal Rules of Evidence, and
13 also all electronic data including, but not limited to, any written, typewritten, printed or recorded
14 material whatsoever, any notes, memoranda, letters, reports, telegrams, publications, contracts,
15 recordings, transcriptions of recordings, and business records and shall include, without limitation,
16 originals, duplicates, all file copies, all letter copies (with or without notes or changes thereon) no
17 matter how prepared, drafts, working papers, routing slips, computer generated data or information
18 and similar materials. "Document" also means a writing, as defined in Federal Rules of Evidence,
19 Rule 1001, and includes the original or a copy of handwriting, typewriting, printing, photostating,
20 photographing, and every other means of recording upon any tangible thing and form or
21 communicating or representation, including letters, words, pictures, sounds, or symbols, or
22 combinations of them.

23 2. **POSSESSION, CARE, CUSTODY OR CONTROL.** Each request contained
24 herein extends to any DOCUMENTS in the POSSESSION, CUSTODY OR CONTROL of the
25 Defendant. The DOCUMENT is deemed to be in Defendant's POSSESSION, CUSTODY OR
26 CONTROL, if it is in the Defendant's physical custody, or if it is in the physical custody of any other
27 person and Defendant (a) owns such DOCUMENT in whole or in part; (b) has a right by contract,
28 statute or otherwise to use, inspect, examine or copy such DOCUMENT on any terms; (c) has an

1 understanding, expressed or implied, that Defendant may use, inspect, examine or copy such
2 DOCUMENT on any terms; or (d) has, as a practical matter, been able to use, inspect, examine or
3 copy such DOCUMENT when Defendant has sought to do so. Such DOCUMENT shall include,
4 without limitation, DOCUMENTS that are in the custody of Defendant's attorneys or other agents.

5 3. Whenever used herein, the singular shall include the plural and vice versa.

6 4. Whenever used herein "**AND**" may be understood to mean "**OR**" and vice versa
7 whenever such construction results in a broader request for information.

8 5. **DEFENDANT** shall mean responding defendant and all agents, employees,
9 vendors, contractors, researches and attorneys.

10 6. With respect to each DOCUMENT to which a claim of privilege is asserted,
11 separately state the following: (a) the type of DOCUMENT; (b) its date; (c) the name, business
12 address and present position of its originator(s) or author(s); (d) the position of its originator(s) or
13 author(s) at the time the DOCUMENT was prepared; (e) the name, business address and present
14 position of each recipient of the DOCUMENT; (f) the position of each recipient at the time the
15 DOCUMENT was prepared, and the time it was received; (g) a general description of the subject
16 matter of the DOCUMENT; (h) the basis of any claim of privilege; and, (i) if work product immunity
17 is asserted, the proceeding for which the DOCUMENT was prepared.

18 7. If any requested DOCUMENT cannot be produced in full, it shall be produced to
19 the extent possible, indicating what DOCUMENT or portion of DOCUMENTS are being withheld
20 and the reason such DOCUMENTS are being withheld.

21 8. DOCUMENTS attached to each other should not be separated.

22 9. "**Incident**" includes the circumstances and events surrounding all allegations in
23 this action, including affirmative defenses.

24 10. "**You**" or "**your**" includes you, your agents, your employees, your insurance
25 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
26 anyone else acting on your behalf.

27 11. "**Person**" includes a natural person, firm, association, organization, partnership,
28 business, trust, corporation, or public entity.

1 12. **"Address"** means the street address, including the city, state, and zip code.

2 13. **"Disposition"** means any action taken as a direct result of a matter in question
3 including, but not limited to, fines, reprimands, suspension without pay, payment for damages,
4 incarceration, any type of criminal or administrative probation, termination of employment, punitive
5 damages, injunctions, restraining orders, and the like.

6 14. **"Complaint"** means an oral or written communication, either formal or
7 informal, that would notify you of a problem or concern of the complainant. It also means any oral
8 or written communication to you, including, but not limited to, civil actions, letters, phone calls,
9 correspondence, inter-department correspondence, survey's, or written notices regarding the
10 violation of your policy(s), or a person's dissatisfaction, disappointment, discontent, disfavor,
11 displeasure, annoyance, despondency, disillusionment, irritation. The word "complaint" herein is to
12 have the broadest possible meaning and is not to be narrowly construed.

13 15. **"Produce"** means to provide and identify all documents in your custody, care or
14 control or that you have legal access to.

15 16. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
16 jurisdiction, **"Shall Issue"** means (Taken from Wikipedia encyclopedia - see
17 http://en.wikipedia.org/wiki/Shall_issue):

18 For a shall-issue gun law, a government authority is required to issue a concealed
19 carry permit to any individual who requests it if he or she meets the law's issuance
20 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
21 background check, attending a certified handgun/firearms safety class, participating in
22 a range check before a certified trainer (for demonstrating safe firearms handling,
23 while shooting at a target with a handgun), and paying the required fee (if any). These
24 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
25 and "May-Issue"

26 **UNRESTRICTED**

27 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
28 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)

1 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
2 being discussed that would allow Vermont style carry.

3 **SHALL-ISSUE**

4 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
5 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
6 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
7 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
8 authority may issue a permit at their discretion. Typical permit requirements include residency,
9 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
10 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
11 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
12 requirement.

13 The following are Shall-Issue states, their respective laws may be reviewed as templates of
14 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
15 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
16 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
17 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
18 Washington, West Virginia, and Wyoming.

19 **MAY-ISSUE**

20 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
21 where the granting of such permits is partially at the discretion of local authorities (frequently the
22 sheriff's department or police). The law typically states that a granting authority may issue a permit if
23 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
24 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
25 applicant must meet before a permit will be granted, such as providing adequate justification (or
26 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
27 itself may not be sufficient justification in some areas where justification is required). A state that is
28 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

1 California falls under this definition.

2 **NO-ISSUE**

3 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
4 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
5 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

6 INTERROGATORY NO. 1:

7 Please identify the name and address of each individual who has ever been issued a
8 CCW by YOU (Where "CCW" is used, it means a permit or license to carry a concealed weapon, i.e.
9 handgun.) from January 1, 2000 to the present.

10 INTERROGATORY NO. 2:

11 Please identify the name, telephone and address of each individual who was NOT
12 issued a CCW by YOU, even though they applied for a CCW, from January 1, 2000 to the present.

13 INTERROGATORY NO. 3:

14 Please identify the name and address of each California Peace Officer who has ever
15 been convicted of a crime, and who was either issued a CCW or permitted to carry a concealed
16 weapon off-duty or after termination from employment as a peace officer.

17 INTERROGATORY NO. 4:

18 Is it your contention that gun control laws decrease gun related deaths and injuries?

19 INTERROGATORY NO. 5:

20 If your answer to interrogatory number 4 is yes, please state all facts which supports
21 your contention.

22 INTERROGATORY NO. 6:

23 If your answer to interrogatory number 4 is yes, please identify all documents which
24 support your contention.

25 INTERROGATORY NO. 7:

26 If your answer to interrogatory number 4 is yes, please identify all witnesses who have
27 information supporting your contention.

28 INTERROGATORY NO. 8:

1 Is it your contention that honorably retired California peace officers have a greater
2 probability of being the victim of crime than members of the public who have never been California
3 peace officer?

4 INTERROGATORY NO. 9:

5 If your answer to interrogatory number 8 is yes, please state all facts which supports
6 your contention.

7 INTERROGATORY NO. 10:

8 If your answer to interrogatory number 8 is yes, please identify all documents which
9 support your contention.

10 INTERROGATORY NO. 11:

11 If your answer to interrogatory number 8 is yes, please identify all witnesses who have
12 information supporting your contention.

13 INTERROGATORY NO. 12:

14 Is it your contention that states that are "SHALL-ISSUE" and UNRESTRICTED have
15 a higher percentage of crimes committed with a handgun than states that are "MAY-ISSUE" and
16 "NO-ISSUE"?

17 INTERROGATORY NO. 13:

18 If your answer to interrogatory number 12 is yes, please state all facts which supports
19 your contention.

20 INTERROGATORY NO. 14:

21 If your answer to interrogatory number 12 is yes, please identify all documents which
22 support your contention.

23 INTERROGATORY NO. 15:

24 If your answer to interrogatory number 12 is yes, please identify all witnesses who
25 have information supporting your contention.

26 INTERROGATORY NO. 16:

27 Is it your contention that an honorably retired California peace officer has a greater
28 probability of being physically attacked as compared to a person who was never employed as a

1 California peace officer?

2 INTERROGATORY NO. 17:

3 If your answer to interrogatory number 16 is yes, please state all facts which supports
4 your contention.

5 INTERROGATORY NO. 18:

6 If your answer to interrogatory number 16 is yes, please identify all documents which
7 support your contention.

8 INTERROGATORY NO. 19:

9 If your answer to interrogatory number 16 is yes, please identify all witnesses who
10 have information supporting your contention.

11 INTERROGATORY NO. 20:

12 If your response to each request for admission served with these interrogatories is
13 other than an unqualified admission, for each such response,

- 14 (a) state the number of the request;
- 15 (b) state all facts upon which you base your response;
- 16 (c) state the names, addresses, and telephone numbers of all persons who have
17 knowledge of those facts, including but not limited to colleagues, associates, parties, or witnesses;
18 and
- 19 (d) identify all documents and other tangible things that support your response and state
20 the name, address and telephone number of the person who has each document or thing.

21 Respectfully submitted,
22 LAW OFFICES OF GARY W. GORSKI

23 DATED: November 10, 2011

24 GARY W. GORSKI,
25 Attorney for Plaintiff

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27
28

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 **PROOF OF SERVICE**

4 I, the undersigned, declare that:

5 I am a citizen of the United States, employed in the City of Sacramento, California.
6 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
7 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

8 I am readily familiar with GARY W. GORSKI's practice for collection and processing
9 of correspondence for mailing with the United States Postal Service the same day in the ordinary
10 course of business.

11 On November 10, 2011, I served the attached on all parties in said action as addressed
12 below by causing a true copy thereof to be:

13 _____ express mailed:

14 _____ Telecopied by facsimile:

15 _____ delivered by hand:

16 XXX Electronic Communication (email)

17 XXX Placed in sealed envelope with postage thereon fully
18 prepaid via **U.S. mail**

19 **Geoffrey L. Graybill**
20 **Deputy Attorney General**
21 **Government Law Section**
22 **1300 I Street**
23 **Sacramento, CA 95814**
24 **Telephone: 916-324-5465**
Fax: 916-324-8835
Cell: 916-296-2472

25 **Sherri Sokeland Kaiser**
26 **Deputy City Attorney**
27 **City Hall, Room 234**
28 **1 Dr. Carlton B. Goodlett Place**
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration is executed November 10, 2011 at Sacramento, California.

Gary W. Gorski
Name

Signature

RJN # “14”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8	THERESE MARIE PIZZO,)	Case No. 09-cv-04493-CW
)	
9	Plaintiff,)	
)	
10	vs.)	PLAINTIFF'S SPECIAL
)	INTERROGATORIES, SET ONE
11	CITY AND COUNTY OF SAN FRANCISCO)	
	MAYOR GAVIN NEWSOM, in both his)	
12	individual and official capacities; FORMER)	
	SAN FRANCISCO POLICE DEPARTMENT;)	
13	CHIEF OF POLICE HEATHER FONG, in both)	
	her individual and official capacities; SAN)	
14	FRANCISCO POLICE DEPARTMENT CHIEF)	
	OF POLICE GEORGE GASCON, in his official)	
15	capacity; SAN FRANCISCO SHERIFF)	
	MICHAEL HENNESSEY, in both his)	
16	individual and official capacities; CITY AND)	
	COUNTY OF SAN FRANCISCO; and STATE)	
17	OF CALIFORNIA ATTORNEY GENERAL)	
	EDMUND G. BROWN, in his official capacity,)	
18)	
	Defendants.)	
19)	

20 PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant SAN FRANCISCO POLICE DEPARTMENT CHIEF OF
23 POLICE GEORGE GASCON, in his official capacity

24 SET NUMBER: ONE

25 NOW COMES Plaintiff pursuant to Rule 33 of the Federal Rules of Civil Procedure,
26 and files the attached Interrogatories to be propounded to Defendant. These questions are being
27 served upon the Defendant. These Interrogatories shall be answered separately and fully in writing
28 under oath and signed by the person making them.

1 Demand is made for the supplementation of your answers to these Interrogatories as
2 required by Rule 26(e), Federal Rules of Civil Procedure.

3 This propounding party cannot reasonably calculate the space necessary to enable the
4 answering party to respond within it; hence, this propounding party requests that each Interrogatory
5 be retyped along with the answer or objection. Plaintiff will EMAIL responding party the
6 interrogatories in an electronic format (WordPerfect) with all said requests.

7 GENERAL INSTRUCTIONS

8 These are general instructions. (For time limitations, requirements for service on
9 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and 33 and the cases
10 construing these rules.)

11 1. **DOCUMENT.** As used herein, "document" shall mean to include all "writings
12 and recordings" and "photographs" as defined by Rule 1001 of the Federal Rules of Evidence, and
13 also all electronic data including, but not limited to, any written, typewritten, printed or recorded
14 material whatsoever, any notes, memoranda, letters, reports, telegrams, publications, contracts,
15 recordings, transcriptions of recordings, and business records and shall include, without limitation,
16 originals, duplicates, all file copies, all letter copies (with or without notes or changes thereon) no
17 matter how prepared, drafts, working papers, routing slips, computer generated data or information
18 and similar materials. "Document" also means a writing, as defined in Federal Rules of Evidence,
19 Rule 1001, and includes the original or a copy of handwriting, typewriting, printing, photostating,
20 photographing, and every other means of recording upon any tangible thing and form or
21 communicating or representation, including letters, words, pictures, sounds, or symbols, or
22 combinations of them.

23 2. **POSSESSION, CARE, CUSTODY OR CONTROL.** Each request contained
24 herein extends to any DOCUMENTS in the POSSESSION, CUSTODY OR CONTROL of the
25 Defendant. The DOCUMENT is deemed to be in Defendant's POSSESSION, CUSTODY OR
26 CONTROL, if it is in the Defendant's physical custody, or if it is in the physical custody of any other
27 person and Defendant (a) owns such DOCUMENT in whole or in part; (b) has a right by contract,
28 statute or otherwise to use, inspect, examine or copy such DOCUMENT on any terms; (c) has an

1 understanding, expressed or implied, that Defendant may use, inspect, examine or copy such
2 DOCUMENT on any terms; or (d) has, as a practical matter, been able to use, inspect, examine or
3 copy such DOCUMENT when Defendant has sought to do so. Such DOCUMENT shall include,
4 without limitation, DOCUMENTS that are in the custody of Defendant's attorneys or other agents.

5 3. Whenever used herein, the singular shall include the plural and vice versa.

6 4. Whenever used herein "**AND**" may be understood to mean "**OR**" and vice versa
7 whenever such construction results in a broader request for information.

8 5. **DEFENDANT** shall mean responding defendant and all agents, employees,
9 vendors, contractors, researches and attorneys.

10 6. With respect to each DOCUMENT to which a claim of privilege is asserted,
11 separately state the following: (a) the type of DOCUMENT; (b) its date; (c) the name, business
12 address and present position of its originator(s) or author(s); (d) the position of its originator(s) or
13 author(s) at the time the DOCUMENT was prepared; (e) the name, business address and present
14 position of each recipient of the DOCUMENT; (f) the position of each recipient at the time the
15 DOCUMENT was prepared, and the time it was received; (g) a general description of the subject
16 matter of the DOCUMENT; (h) the basis of any claim of privilege; and, (i) if work product immunity
17 is asserted, the proceeding for which the DOCUMENT was prepared.

18 7. If any requested DOCUMENT cannot be produced in full, it shall be produced to
19 the extent possible, indicating what DOCUMENT or portion of DOCUMENTS are being withheld
20 and the reason such DOCUMENTS are being withheld.

21 8. DOCUMENTS attached to each other should not be separated.

22 9. "**Incident**" includes the circumstances and events surrounding all allegations in
23 this action, including affirmative defenses.

24 10. "**You**" or "**your**" includes you, your agents, your employees, your insurance
25 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
26 anyone else acting on your behalf.

27 11. "**Person**" includes a natural person, firm, association, organization, partnership,
28 business, trust, corporation, or public entity.

1 12. **"Address"** means the street address, including the city, state, and zip code.

2 13. **"Disposition"** means any action taken as a direct result of a matter in question
3 including, but not limited to, fines, reprimands, suspension without pay, payment for damages,
4 incarceration, any type of criminal or administrative probation, termination of employment, punitive
5 damages, injunctions, restraining orders, and the like.

6 14. **"Complaint"** means an oral or written communication, either formal or
7 informal, that would notify you of a problem or concern of the complainant. It also means any oral
8 or written communication to you, including, but not limited to, civil actions, letters, phone calls,
9 correspondence, inter-department correspondence, survey's, or written notices regarding the
10 violation of your policy(s), or a person's dissatisfaction, disappointment, discontent, disfavor,
11 displeasure, annoyance, despondency, disillusionment, irritation. The word "complaint" herein is to
12 have the broadest possible meaning and is not to be narrowly construed.

13 15. **"Produce"** means to provide and identify all documents in your custody, care or
14 control or that you have legal access to.

15 16. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
16 jurisdiction, **"Shall Issue"** means (Taken from Wikipedia encyclopedia - see
17 http://en.wikipedia.org/wiki/Shall_issue):

18 For a shall-issue gun law, a government authority is required to issue a concealed
19 carry permit to any individual who requests it if he or she meets the law's issuance
20 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
21 background check, attending a certified handgun/firearms safety class, participating in
22 a range check before a certified trainer (for demonstrating safe firearms handling,
23 while shooting at a target with a handgun), and paying the required fee (if any). These
24 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
25 and "May-Issue"

26 **UNRESTRICTED**

27 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
28 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)

1 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
2 being discussed that would allow Vermont style carry.

3 **SHALL-ISSUE**

4 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
5 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
6 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
7 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
8 authority may issue a permit at their discretion. Typical permit requirements include residency,
9 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
10 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
11 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
12 requirement.

13 The following are Shall-Issue states, their respective laws may be reviewed as templates of
14 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
15 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
16 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
17 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
18 Washington, West Virginia, and Wyoming.

19 **MAY-ISSUE**

20 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
21 where the granting of such permits is partially at the discretion of local authorities (frequently the
22 sheriff's department or police). The law typically states that a granting authority may issue a permit if
23 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
24 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
25 applicant must meet before a permit will be granted, such as providing adequate justification (or
26 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
27 itself may not be sufficient justification in some areas where justification is required). A state that is
28 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

1 California falls under this definition.

2 **NO-ISSUE**

3 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
4 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
5 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

6 INTERROGATORY NO. 1:

7 Please identify the name and address of each individual who has ever been issued a
8 CCW by YOU (Where "CCW" is used, it means a permit or license to carry a concealed weapon, i.e.
9 handgun.) from January 1, 2000 to the present.

10 INTERROGATORY NO. 2:

11 Please identify the name, telephone and address of each individual who was NOT
12 issued a CCW by YOU, even though they applied for a CCW, from January 1, 2000 to the present.

13 INTERROGATORY NO. 3:

14 Please identify the name and address of each California Peace Officer who has ever
15 been convicted of a crime, and who was either issued a CCW or permitted to carry a concealed
16 weapon off-duty or after termination from employment as a peace officer.

17 INTERROGATORY NO. 4:

18 Is it your contention that gun control laws decrease gun related deaths and injuries?

19 INTERROGATORY NO. 5:

20 If your answer to interrogatory number 4 is yes, please state all facts which supports
21 your contention.

22 INTERROGATORY NO. 6:

23 If your answer to interrogatory number 4 is yes, please identify all documents which
24 support your contention.

25 INTERROGATORY NO. 7:

26 If your answer to interrogatory number 4 is yes, please identify all witnesses who have
27 information supporting your contention.

28 INTERROGATORY NO. 8:

1 Is it your contention that honorably retired California peace officers have a greater
2 probability of being the victim of crime than members of the public who have never been California
3 peace officer?

4 INTERROGATORY NO. 9:

5 If your answer to interrogatory number 8 is yes, please state all facts which supports
6 your contention.

7 INTERROGATORY NO. 10:

8 If your answer to interrogatory number 8 is yes, please identify all documents which
9 support your contention.

10 INTERROGATORY NO. 11:

11 If your answer to interrogatory number 8 is yes, please identify all witnesses who have
12 information supporting your contention.

13 INTERROGATORY NO. 12:

14 Is it your contention that states that are "SHALL-ISSUE" and UNRESTRICTED have
15 a higher percentage of crimes committed with a handgun than states that are "MAY-ISSUE" and
16 "NO-ISSUE"?

17 INTERROGATORY NO. 13:

18 If your answer to interrogatory number 12 is yes, please state all facts which supports
19 your contention.

20 INTERROGATORY NO. 14:

21 If your answer to interrogatory number 12 is yes, please identify all documents which
22 support your contention.

23 INTERROGATORY NO. 15:

24 If your answer to interrogatory number 12 is yes, please identify all witnesses who
25 have information supporting your contention.

26 INTERROGATORY NO. 16:

27 Is it your contention that an honorably retired California peace officer has a greater
28 probability of being physically attacked as compared to a person who was never employed as a

1 California peace officer?

2 INTERROGATORY NO. 17:

3 If your answer to interrogatory number 16 is yes, please state all facts which supports
4 your contention.

5 INTERROGATORY NO. 18:

6 If your answer to interrogatory number 16 is yes, please identify all documents which
7 support your contention.

8 INTERROGATORY NO. 19:

9 If your answer to interrogatory number 16 is yes, please identify all witnesses who
10 have information supporting your contention.

11 INTERROGATORY NO. 20:

12 If your response to each request for admission served with these interrogatories is
13 other than an unqualified admission, for each such response,

- 14 (a) state the number of the request;
- 15 (b) state all facts upon which you base your response;
- 16 (c) state the names, addresses, and telephone numbers of all persons who have
17 knowledge of those facts, including but not limited to colleagues, associates, parties, or witnesses;
18 and
- 19 (d) identify all documents and other tangible things that support your response and state
20 the name, address and telephone number of the person who has each document or thing.

21 Respectfully submitted,
22 LAW OFFICES OF GARY W. GORSKI

23 DATED: November 10, 2011

24 _____
25 GARY W. GORSKI,
26 Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 **PROOF OF SERVICE**

4 I, the undersigned, declare that:

5 I am a citizen of the United States, employed in the City of Sacramento, California.
6 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
7 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

8 I am readily familiar with GARY W. GORSKI's practice for collection and processing
9 of correspondence for mailing with the United States Postal Service the same day in the ordinary
10 course of business.

11 On November 10, 2011, I served the attached on all parties in said action as addressed
12 below by causing a true copy thereof to be:

13 express mailed:

14 Telecopied by facsimile:

15 delivered by hand:

16 XXX Electronic Communication (email)

17 XXX Placed in sealed envelope with postage thereon fully
18 prepaid via **U.S. mail**

19 **Geoffrey L. Graybill**
20 **Deputy Attorney General**
21 **Government Law Section**
22 **1300 I Street**
23 **Sacramento, CA 95814**
24 **Telephone: 916-324-5465**
Fax: 916-324-8835
Cell: 916-296-2472

25 **Sherri Sokeland Kaiser**
26 **Deputy City Attorney**
27 **City Hall, Room 234**
28 **1 Dr. Carlton B. Goodlett Place**
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration is executed November 10, 2011 at Sacramento, California.

Gary W. Gorski
Name

Signature

RJN # “15”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S REQUEST FOR INSPECTION
AND PRODUCTION OF DOCUMENTS
AND THINGS, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
COUNTY OF SAN FRANCISCO; and STATE)
17 OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

INSPECTION
Date: December 15, 2011
Time: 9:30 a.m.
Location:
1207 Front St., Suite 15
Sacramento, CA 95814

18 Defendants.)
19 _____)

20 PLAINTIFF'S REQUEST FOR INSPECTION AND PRODUCTION OF DOCUMENTS

21 AND THINGS, SET ONE

22 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

23 RESPONDING PARTY: Defendant SAN FRANCISCO POLICE DEPARTMENT CHIEF OF
24 POLICE GEORGE GASCON, in his official capacity

25 SET NUMBER: ONE

26 NOW COMES Plaintiff, pursuant to Rule 34 of the Federal Rules of Civil Procedure, and
27 files, and demands that responding Defendant produce for inspection and copying at the LAW
28 OFFICES OF GARY W. GORSKI, 1207 Front Street, Suite 15, on December 15, 2011 at 9:30 a.m.

1 Rule 1001, and includes the original or a copy of handwriting, typewriting, printing, photostating,
2 photographing, and every other means of recording upon any tangible thing and form or
3 communicating or representation, including letters, words, pictures, sounds, or symbols, or
4 combinations of them.

5 2. **“Peace officers identified in the San Francisco Chronicle articles attached to**
6 **the Initial Disclosures.”** Each request extends to any documents in the possession, custody or
7 control of the Defendant that relates to all internal affairs investigations, administrative
8 investigations, criminal investigations, or any other document relating to the issue of peace officer
9 misconduct as reported by the San Francisco Chronicle, as presented in the 133 pages of news paper
10 articles on the subject. The information also includes the final disposition of any complaint and
11 investigation. The relevance of seeking this information relates to the issue of good cause and moral
12 character for issuance of CCWs. It further relates to the differing standards that apply to peace
13 officers which do not apply to non-peace officers of the general public.

14 3. Whenever used herein, the singular shall include the plural and vice versa.

15 4. Whenever used herein **"AND"** may be understood to mean **"OR"** and vice versa
16 whenever such construction results in a broader request for information.

17 5. **DEFENDANT** shall mean responding defendant and all agents, employees,
18 vendors, contractors, researches and attorneys.

19 6. With respect to each DOCUMENT to which a claim of privilege is asserted,
20 separately state the following: (a) the type of DOCUMENT; (b) its date; (c) the name, business
21 address and present position of its originator(s) or author(s); (d) the position of its originator(s) or
22 author(s) at the time the DOCUMENT was prepared; (e) the name, business address and present
23 position of each recipient of the DOCUMENT; (f) the position of each recipient at the time the
24 DOCUMENT was prepared, and the time it was received; (g) a general description of the subject
25 matter of the DOCUMENT; (h) the basis of any claim of privilege; and, (i) if work product immunity
26 is asserted, the proceeding for which the DOCUMENT was prepared.

27 7. If any requested DOCUMENT cannot be produced in full, it shall be produced to
28 the extent possible, indicating what DOCUMENT or portion of DOCUMENTS are being withheld

1 and the reason such DOCUMENTS are being withheld.

2 8. DOCUMENTS attached to each other should not be separated.

3 9. "**Incident**" includes the circumstances and events surrounding all allegations in
4 this action, including affirmative defenses.

5 10. "**You**" or "**your**" includes you, your agents, your employees, your insurance
6 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
7 anyone else acting on your behalf.

8 11. "**Person**" includes a natural person, firm, association, organization, partnership,
9 business, trust, corporation, or public entity.

10 12. Where "**CCW**" is used, it means a permit or license to carry a concealed weapon,
11 i.e. handgun. This also includes an honorably retired peace officers eligibility, right and/or privilege
12 for a license to carry a concealed handgun. CCW includes all grants to any person to carry a
13 concealed weapon that requires a license or permit to do so.

14 13. "**Disposition**" means any action taken as a direct result of a matter in question
15 including, but not limited to, fines, reprimands, suspension without pay, payment for damages,
16 incarceration, any type of criminal or administrative probation, termination of employment, punitive
17 damages, injunctions, restraining orders, and the like.

18 14. "**Complaint**" means an oral or written communication, either formal or
19 informal, that would notify you of a problem or concern of the complainant. It also means any oral
20 or written communication to you, including, but not limited to, civil actions, letters, phone calls,
21 correspondence, inter-department correspondence, survey's, or written notices regarding the
22 violation of your policy(s), or a person's dissatisfaction, disappointment, discontent, disfavor,
23 displeasure, annoyance, despondency, disillusionment, irritation. The word "complaint" herein is to
24 have the broadest possible meaning and is not to be narrowly construed.

25 15. "**Produce**" means to provide and identify all documents in your custody, care or
26 control or that you have legal access to.

27 16. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
28 jurisdiction, "**Shall Issue**" means (Taken from Wikipedia encyclopedia - see

1 http://en.wikipedia.org/wiki/Shall_issue):

2 For a shall-issue gun law, a government authority is required to issue a concealed
3 carry permit to any individual who requests it if he or she meets the law's issuance
4 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
5 background check, attending a certified handgun/firearms safety class, participating in
6 a range check before a certified trainer (for demonstrating safe firearms handling,
7 while shooting at a target with a handgun), and paying the required fee (if any). These
8 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
9 and "May-Issue"

10 **UNRESTRICTED**

11 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
12 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)
13 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
14 being discussed that would allow Vermont style carry.

15 **SHALL-ISSUE**

16 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
17 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
18 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
19 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
20 authority may issue a permit at their discretion. Typical permit requirements include residency,
21 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
22 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
23 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
24 requirement.

25 The following are Shall-Issue states, their respective laws may be reviewed as templates of
26 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
27 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
28 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,

1 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
2 Washington, West Virginia, and Wyoming.

3 **MAY-ISSUE**

4 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
5 where the granting of such permits is partially at the discretion of local authorities (frequently the
6 sheriff's department or police). The law typically states that a granting authority may issue a permit if
7 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
8 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
9 applicant must meet before a permit will be granted, such as providing adequate justification (or
10 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
11 itself may not be sufficient justification in some areas where justification is required). A state that is
12 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

13 **NO-ISSUE**

14 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
15 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
16 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

17 **REQUEST No. 1**

18 Please produce any and all documents evidencing all research conducted by you prior
19 to any firearm law, ordinance or policy being passed.

20 **REQUEST NO. 2**

21 Please produce all documents evidencing the expenditure of taxpayer funds for
22 research on the dangers of the public's access to firearms and who are not California peace officers.

23 **REQUEST NO. 3**

24 Please produce all documents relating to any publication, treatise, statistical data,
25 study or research YOU relied upon prior to your enactment of any firearm law, policy, regulation or
26 ordinance which is the subject matter of this action.

27 **REQUEST NO. 4**

28 Please produce all documents relating to any study or research YOU conducted

1 proving that after enacting the firearm laws, policies, regulations and ordinances which are the
2 subject matter of this action, the firearm laws pass have reduced firearm related deaths and crime.

3 **REQUEST NO. 5**

4 Please produce all documents showing any debate on the dangers of firearms that
5 YOU relied upon prior your enactment of any firearm law, policy, regulation or ordinance which is
6 the subject matter of this action.

7 **REQUEST NO. 6**

8 Please produce all statistical data relating to any study or research YOU relied upon
9 prior to your enactment of any firearm law, policy, regulation or ordinance which is the subject
10 matter of this action.

11 **REQUEST NO. 7**

12 Please produce all documents and data supporting your contention that your
13 enactment of any firearm law, policy, regulation or ordinance has actually reduced crime and saved
14 lives.

15 **REQUEST NO. 8**

16 If public funds were used to conduct research on the dangers of firearm ownership
17 and possession, please provide all documents relating to open and public bidding for the individuals
18 or entities who were awarded the contract to conduct the research.

19 **REQUEST NO. 9**

20 Please produce all documents that were relied upon to support your enactment of any
21 firearm law, policy, regulation or ordinance which is the subject matter of this action.

22 **REQUEST NO. 10**

23 Please produce all documents that you will rely upon to prove your enactment of any
24 firearm law, policy, regulation or ordinance, which is the subject matter of this action, can pass
25 intermediate scrutiny at a minimum.

26 **REQUEST NO. 11**

27 Please produce any and all documents which reflects the deliberative process in
28 enacting any firearm law, policy, regulation or ordinance which is the subject matter of this action.

1 **REQUEST NO. 12**

2 Please produce each and every file and document in your possession relating to each
3 and every person who has been issued a CCW since 2001, and this includes renewals.

4 **REQUEST NO. 13**

5 Please produce each and every file and document in your possession relating to each
6 and every person who has been denied a CCW since 2001.

7 **REQUEST NO. 14**

8 Please produce all documents you relied upon in rejecting the CCW application of
9 Plaintiff.

10 **REQUEST NO. 15**

11 Please produce all documents proving that you contacted Plaintiff for an interview by
12 an investigator so that an investigator could fill out Plaintiff's application where it states
13 "Investigator's Interview Notes", which the instructions in the CCW application specifically state for
14 the Applicant not to complete.

15 **REQUEST NO. 16**

16 Please produce any and all documents which you provided to Plaintiff.

17 **REQUEST NO. 17**

18 Please produce any and all documents supporting any contention that honorably
19 retired California peace officers have a greater probability of being a victim of crime than citizens of
20 the CITY AND COUNTY OF SAN FRANCISCO who were never associated with law enforcement.

21 **REQUEST NO. 18**

22 Please produce any and all documents which evidences that honorably retired peace
23 officers are at a greater risk of harm than individuals who have never been peace officers.

24 **REQUEST NO. 19**

25 Please produce all documents evidencing crime statistics, justifying the prima facie
26 good cause standard for issuance of a concealed weapons permits to an active or honorably separated
27 member of the criminal justice system directly responsible for the investigation, arrest, incarceration,
28 prosecution or imposition of sentence on criminal offenders and has received threats of harm to

1 person or family as a result of official duties.

2 **REQUEST NO. 20**

3 Please produce all documents evidencing any facts that would lead a reasonable
4 person to believe that an active or honorably separated member of the criminal justice system
5 directly responsible for the investigation, arrest, incarceration, prosecution or imposition of sentence
6 on criminal offenders has a greater probability of being a victim of crime as compared to individuals
7 who do not fall into such a category.

8 **REQUEST NO. 21**

9 Please produce all documents identifying all active or honorably separated member of
10 the criminal justice system directly responsible for the investigation, arrest, incarceration,
11 prosecution or imposition of sentence on criminal offenders, and who has actually filed a crime
12 report regarding a crime committed against them while OFF-DUTY OR AFTER THEY RETIRED
13 and which said crime was directly associated with the fact that they were responsible for the
14 investigation, arrest, incarceration, prosecution or imposition of sentence of the criminal offender.

15 **REQUEST NO. 22**

16 Please produce all documents identifying all active or honorably separated member of
17 the criminal justice system directly responsible for the investigation, arrest, incarceration,
18 prosecution or imposition of sentence on criminal offenders, and who has actually documented in
19 official criminal justice records a crime committed against them while OFF-DUTY OR AFTER
20 THEY RETIRED as they were the victim of criminal acts or threats because of being directly
21 associated with the fact that they were responsible for the investigation, arrest, incarceration,
22 prosecution or imposition of sentence of a criminal offender.

23 **REQUEST NO. 23**

24 Please produce all documented crime statistics which assisted you in determining the
25 firearm restrictions placed on individuals who have never been employed as a California peace
26 officer.

27 **REQUEST NO. 24**

28 Please produce all documented crime statistics which assisted you in determining the

1 amount or application of discretion afforded to the issuing authority under your CCW issuance laws,
2 rules, policies and regulations.

3 **REQUEST NO. 25**

4 Please produce any document which supports or justifies your CCW issuance policy.

5 **REQUEST NO. 26**

6 Please produce all research that you have ever had in your possession which proves
7 that CCW permit holders in “**shall issue**” states commit more gun related crimes per capita as
8 compared to the citizens of the State of California.

9 **REQUEST NO. 27**

10 Please produce all research or documents you relied upon to determine your CCW
11 issuance policy.

12 **REQUEST NO. 28**

13 Please produce all documents that would support your contention that Plaintiff did
14 not meet the good cause standard for issuance of a CCW.

15 **REQUEST NO. 29**

16 Please produce all documents that would support your contention that Plaintiff is not
17 qualified to be issued a CCW.

18 **REQUEST NO. 30**

19 Please produce all documents evidencing that Dianne Feinstein and/or Barbra Boxer
20 either applied for a CCW or were issued a CCW by any federal, state, or local authority.

21 **REQUEST No. 31**

22 Please produce any and all applications for a CCW since 2001 for the City and
23 County of San Francisco.

24 **REQUEST NO. 32**

25 Please produce any known documents evidencing any surveillance of Plaintiff.

26 **REQUEST NO. 33**

27 Please produce all documents in your possession, custody or control which identifies
28 Plaintiff by name.

1 **REQUEST NO. 34**

2 Please produce all documents in your possession, custody or control which relates to
3 any investigation Plaintiff has been the subject matter of, including, but not limited to, incident
4 reports, internal affairs reports, divisional investigations, internal affairs documents, inquiries, arrest
5 reports, complaint reports, correspondence letters, notes, messages, recordings, search warrants, and
6 crime reports.

7 **REQUEST NO. 35**

8 Please produce any and all documents in your possession, custody or control which
9 relates to the application procedure in order to obtain a CCW, including written policy for issuance
10 and application.

11 **REQUEST NO. 36**

12 Please produce any and all documents demonstrating how the public is made aware
13 that they can apply for CCW.

14 **REQUEST NO. 37**

15 Please produce any and all documents which identifies the name of each individual
16 who is responsible for processing CCW applications since 2001.

17 **REQUEST NO. 38**

18 Please produce all documents relating to the issuance of a CCW to a Robert Menist.

19 **REQUEST NO. 39**

20 Please produce any and all documents that you relied upon to issue Robert Menist a
21 CCW.

22 **REQUEST NO. 40**

23 Please produce any and all documents in your possession, custody or control which
24 were provided to you by Robert Menist, even if unrelated to his CCW application.

25 **REQUEST NO. 41**

26 Please produce any and all documents that supports your contention that Robert
27 Menist is more deserving of a CCW than Plaintiff.

28 **REQUEST NO. 42**

1 Please produce any and all documents relating statistical data on hate crimes that you
2 maintain.

3 **REQUEST NO. 43**

4 Please produce all documents regarding the policy for processing CCW applications.

5 **REQUEST NO. 44**

6 Please produce any and all documents which shows the identity of every individual
7 who has filed a complaint for not receiving a CCW.

8 **REQUEST NO. 45**

9 Please produce any and all documents regarding the policy for the issuance of CCWs
10 to Deputy District Attorney's or Judges.

11 **REQUEST NO. 46**

12 Please produce any and all documents which were provided to you by any government
13 official regarding issuance of CCWs to deputy district attorneys or judges.

14 **REQUEST NO. 47**

15 Please produce any and all documents which identifies any action you have taken to
16 revoke the CCW of any peace officer who was terminated from your employment.

17 **REQUEST NO. 48**

18 Please produce any and all documents which evidences **COMPLAINTS** made
19 against California Peace Officers, including, but not limited to, the peace officers identified in the
20 San Francisco Chronicle articles attached to the Initial Disclosures.

21 **REQUEST NO. 49**

22 Please produce any and all documents which evidences the **DISPOSITION** of
23 complaints made against California Peace Officers, including, but not limited to, the peace officers
24 identified in the San Francisco Chronicle articles attached to the Initial Disclosures,

25 **REQUEST NO. 50**

26 Please produce any and all documents which evidences that because of
27 **COMPLAINTS** made against California Peace Officers, including, but not limited to, the peace
28 officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures, that the

1 California Peace Officers right or license to carry a concealed handgun was revoked or restricted.

2
3 **REQUEST NO. 51**

4 Please produce all documents that were provided to you prior to the enactment of any
5 law, statute, ordinance or policy, which gave you notice that firearm laws are ineffective.

6 **REQUEST NO. 52**

7 Please produce all documents that were provided to you prior to the enactment of any
8 law, statute, ordinance or policy, which gave you notice that firearm laws are effective.

9 **REQUEST NO. 53**

10 Please produce all documents which supports any contention you may have that
11 restrictions on the public's access to firearms has a beneficial affect to the public.

12 **REQUEST NO. 54**

13 Please produce all documents which identifies each and every honorably retired
14 California Peace Officer who has received a CCW, including, but not limited to, the peace officers
15 identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

16 **REQUEST NO. 55**

17 Please produce all documents which identifies each and every honorably retired
18 California Peace Officer who has received a CCW, and who has committed suicide.

19 **REQUEST NO. 56**

20 Please produce all documents which identifies each and every honorably retired
21 California Peace Officer who has received a CCW, and who has been arrested or charged with a
22 crime, including, but not limited to, the peace officers identified in the San Francisco Chronicle
23 articles attached to the Initial Disclosures.

24 **REQUEST NO. 57**

25 Produce all documents supporting any contention you have that honorably retired
26 California Peace Officer's can be trusted more with a firearm than an honorably discharged member
27 of the armed forces, including, but not limited to, the peace officers identified in the San Francisco
28 Chronicle articles attached to the Initial Disclosures.

1 **REQUEST NO. 58**

2 Produce all documents you intend to rely upon at the time of trial, including, but not
3 limited to, the peace officers identified in the San Francisco Chronicle articles attached to the Initial
4 Disclosures.

5 **REQUEST NO. 59**

6 Please produce all documents relating to any publications, treatises, statistical data,
7 study or research demonstrating that after your enactment of any firearm law, policy, regulation or
8 ordinance, which is the subject matter of this action, had any effect on firearm related deaths, crime
9 or accidents.

10 **REQUEST NO. 60**

11 Please produce all documents relating to Plaintiff's application for a CCW, including
12 any investigative files.

13 **REQUEST NO. 61**

14 Please produce all documents relating to Plaintiff's application for a CCW, including
15 any investigative files.

16 **REQUEST NO. 62**

17 Please produce all documents relating to Plaintiff's character.

18 **REQUEST NO. 63**

19 Please produce all documents maintained in any government database that you have
20 access to, that is NOT a matter of public record.

21 **REQUEST NO. 64**

22 Please produce all documents maintained in any government criminal database that
23 you have access to, that is NOT a matter of public record.

24 **REQUEST NO. 65**

25 Please produce all investigative files relating the peace officers identified in the San
26 Francisco Chronicle articles attached to the Initial Disclosures.

27 **REQUEST NO. 65**

28 Please produce all criminal and disciplinary history documents regarding the peace

1 officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

2 **REQUEST NO. 66**

3 Please produce all internal affairs investigative logs showing all citizens
4 **COMPLAINTS** against peace officers ever employed by you, including, but not limited to, the
5 peace officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

6 **REQUEST NO. 67**

7 Please produce all data that supports all current gun control laws which are the subject
8 matter of this action.

9 **REQUEST NO. 68**

10 Please produce all investigative files and documents regarding each and every current
11 and former employee of the San Francisco Police Department who is identified in the attached
12 articles of the San Francisco Chronicle.

13 **REQUEST NO. 69**

14 Please produce all documents showing that any of the past or present employees of
15 the San Francisco Police Department who are identified in the attached articles of the San Francisco
16 Chronicle were permitted to carry a concealed weapon.

17 **REQUEST NO. 70**

18 Please produce all documents showing that any of the past or present employees of
19 the San Francisco Police Department who are identified in the attached articles of the San Francisco
20 Chronicle had their license or right to carry a concealed weapon revoked or restricted.

21 **REQUEST NO. 71**

22 Please produce all documents used or relied upon to respond to Interrogatories, Set
23 One, propounded upon you in this litigation.

24 **REQUEST NO. 72**

25 Please produce all documents which you identified in any discovery response.

26
27 Date: November 10, 2011

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI

28 GARY W. GORSKI
Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 **PROOF OF SERVICE**

4 I, the undersigned, declare that:

5 I am a citizen of the United States, employed in the City of Sacramento, California.
6 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
7 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

8 I am readily familiar with GARY W. GORSKI's practice for collection and processing
9 of correspondence for mailing with the United States Postal Service the same day in the ordinary
10 course of business.

11 On November 10, 2011, I served the attached on all parties in said action as addressed
12 below by causing a true copy thereof to be:

13 _____ express mailed:

14 _____ Telecopied by facsimile:

15 _____ delivered by hand:

16 XXX Electronic Communication (email)

17 XXX Placed in sealed envelope with postage thereon fully
18 prepaid via **U.S. mail**

19 **Geoffrey L. Graybill**
20 **Deputy Attorney General**
21 **Government Law Section**
22 **1300 I Street**
23 **Sacramento, CA 95814**
24 **Telephone: 916-324-5465**
Fax: 916-324-8835
Cell: 916-296-2472

25 **Sherri Sokeland Kaiser**
26 **Deputy City Attorney**
27 **City Hall, Room 234**
28 **1 Dr. Carlton B. Goodlett Place**
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration is executed November 10, 2011 at Sacramento, California.

Gary W. Gorski
Name

Signature

RJN # “16”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S SPECIAL
INTERROGATORIES, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
17 COUNTY OF SAN FRANCISCO; and STATE)
OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

18 Defendants.)
19 _____)

20 PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

23 SET NUMBER: ONE
24

25 NOW COMES Plaintiff pursuant to Rule 33 of the Federal Rules of Civil Procedure,
26 and files the attached Interrogatories to be propounded to Defendant. These questions are being
27 served upon the Defendant. These Interrogatories shall be answered separately and fully in writing
28 under oath and signed by the person making them.

1 Demand is made for the supplementation of your answers to these Interrogatories as
2 required by Rule 26(e), Federal Rules of Civil Procedure.

3 This propounding party cannot reasonably calculate the space necessary to enable the
4 answering party to respond within it; hence, this propounding party requests that each Interrogatory
5 be retyped along with the answer or objection. Plaintiff will EMAIL responding party the
6 interrogatories in an electronic format (WordPerfect) with all said requests.

7 GENERAL INSTRUCTIONS

8 These are general instructions. (For time limitations, requirements for service on
9 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and 33 and the cases
10 construing these rules.)

11 1. **DOCUMENT.** As used herein, "document" shall mean to include all "writings
12 and recordings" and "photographs" as defined by Rule 1001 of the Federal Rules of Evidence, and
13 also all electronic data including, but not limited to, any written, typewritten, printed or recorded
14 material whatsoever, any notes, memoranda, letters, reports, telegrams, publications, contracts,
15 recordings, transcriptions of recordings, and business records and shall include, without limitation,
16 originals, duplicates, all file copies, all letter copies (with or without notes or changes thereon) no
17 matter how prepared, drafts, working papers, routing slips, computer generated data or information
18 and similar materials. "Document" also means a writing, as defined in Federal Rules of Evidence,
19 Rule 1001, and includes the original or a copy of handwriting, typewriting, printing, photostating,
20 photographing, and every other means of recording upon any tangible thing and form or
21 communicating or representation, including letters, words, pictures, sounds, or symbols, or
22 combinations of them.

23 2. **POSSESSION, CARE, CUSTODY OR CONTROL.** Each request contained
24 herein extends to any DOCUMENTS in the POSSESSION, CUSTODY OR CONTROL of the
25 Defendant. The DOCUMENT is deemed to be in Defendant's POSSESSION, CUSTODY OR
26 CONTROL, if it is in the Defendant's physical custody, or if it is in the physical custody of any other
27 person and Defendant (a) owns such DOCUMENT in whole or in part; (b) has a right by contract,
28 statute or otherwise to use, inspect, examine or copy such DOCUMENT on any terms; (c) has an

1 understanding, expressed or implied, that Defendant may use, inspect, examine or copy such
2 DOCUMENT on any terms; or (d) has, as a practical matter, been able to use, inspect, examine or
3 copy such DOCUMENT when Defendant has sought to do so. Such DOCUMENT shall include,
4 without limitation, DOCUMENTS that are in the custody of Defendant's attorneys or other agents.

5 3. Whenever used herein, the singular shall include the plural and vice versa.

6 4. Whenever used herein "**AND**" may be understood to mean "**OR**" and vice versa
7 whenever such construction results in a broader request for information.

8 5. **DEFENDANT** shall mean responding defendant and all agents, employees,
9 vendors, contractors, researches and attorneys.

10 6. With respect to each DOCUMENT to which a claim of privilege is asserted,
11 separately state the following: (a) the type of DOCUMENT; (b) its date; (c) the name, business
12 address and present position of its originator(s) or author(s); (d) the position of its originator(s) or
13 author(s) at the time the DOCUMENT was prepared; (e) the name, business address and present
14 position of each recipient of the DOCUMENT; (f) the position of each recipient at the time the
15 DOCUMENT was prepared, and the time it was received; (g) a general description of the subject
16 matter of the DOCUMENT; (h) the basis of any claim of privilege; and, (i) if work product immunity
17 is asserted, the proceeding for which the DOCUMENT was prepared.

18 7. If any requested DOCUMENT cannot be produced in full, it shall be produced to
19 the extent possible, indicating what DOCUMENT or portion of DOCUMENTS are being withheld
20 and the reason such DOCUMENTS are being withheld.

21 8. DOCUMENTS attached to each other should not be separated.

22 9. "**Incident**" includes the circumstances and events surrounding all allegations in
23 this action, including affirmative defenses.

24 10. "**You**" or "**your**" includes you, your agents, your employees, your insurance
25 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
26 anyone else acting on your behalf.

27 11. "**Person**" includes a natural person, firm, association, organization, partnership,
28 business, trust, corporation, or public entity.

1 12. **"Address"** means the street address, including the city, state, and zip code.

2 13. **"Disposition"** means any action taken as a direct result of a matter in question
3 including, but not limited to, fines, reprimands, suspension without pay, payment for damages,
4 incarceration, any type of criminal or administrative probation, termination of employment, punitive
5 damages, injunctions, restraining orders, and the like.

6 14. **"Complaint"** means an oral or written communication, either formal or
7 informal, that would notify you of a problem or concern of the complainant. It also means any oral
8 or written communication to you, including, but not limited to, civil actions, letters, phone calls,
9 correspondence, inter-department correspondence, survey's, or written notices regarding the
10 violation of your policy(s), or a person's dissatisfaction, disappointment, discontent, disfavor,
11 displeasure, annoyance, despondency, disillusionment, irritation. The word "complaint" herein is to
12 have the broadest possible meaning and is not to be narrowly construed.

13 15. **"Produce"** means to provide and identify all documents in your custody, care or
14 control or that you have legal access to.

15 16. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
16 jurisdiction, **"Shall Issue"** means (Taken from Wikipedia encyclopedia - see
17 http://en.wikipedia.org/wiki/Shall_issue):

18 For a shall-issue gun law, a government authority is required to issue a concealed
19 carry permit to any individual who requests it if he or she meets the law's issuance
20 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
21 background check, attending a certified handgun/firearms safety class, participating in
22 a range check before a certified trainer (for demonstrating safe firearms handling,
23 while shooting at a target with a handgun), and paying the required fee (if any). These
24 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
25 and "May-Issue"

26 **UNRESTRICTED**

27 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
28 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)

1 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
2 being discussed that would allow Vermont style carry.

3 **SHALL-ISSUE**

4 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
5 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
6 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
7 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
8 authority may issue a permit at their discretion. Typical permit requirements include residency,
9 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
10 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
11 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
12 requirement.

13 The following are Shall-Issue states, their respective laws may be reviewed as templates of
14 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
15 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
16 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
17 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
18 Washington, West Virginia, and Wyoming.

19 **MAY-ISSUE**

20 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
21 where the granting of such permits is partially at the discretion of local authorities (frequently the
22 sheriff's department or police). The law typically states that a granting authority may issue a permit if
23 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
24 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
25 applicant must meet before a permit will be granted, such as providing adequate justification (or
26 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
27 itself may not be sufficient justification in some areas where justification is required). A state that is
28 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

1 California falls under this definition.

2 **NO-ISSUE**

3 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
4 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
5 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

6 INTERROGATORY NO. 1:

7 Please identify the name and address of each individual who has ever been issued a
8 CCW by YOU (Where "CCW" is used, it means a permit or license to carry a concealed weapon, i.e.
9 handgun.) from January 1, 2000 to the present.

10 INTERROGATORY NO. 2:

11 Please identify the name, telephone and address of each individual who was NOT
12 issued a CCW by YOU, even though they applied for a CCW, from January 1, 2000 to the present.

13 INTERROGATORY NO. 3:

14 Please identify the name and address of each California Peace Officer who has ever
15 been convicted of a crime, and who was either issued a CCW or permitted to carry a concealed
16 weapon off-duty or after termination from employment as a peace officer.

17 INTERROGATORY NO. 4:

18 Is it your contention that gun control laws decrease gun related deaths and injuries?

19 INTERROGATORY NO. 5:

20 If your answer to interrogatory number 4 is yes, please state all facts which supports
21 your contention.

22 INTERROGATORY NO. 6:

23 If your answer to interrogatory number 4 is yes, please identify all documents which
24 support your contention.

25 INTERROGATORY NO. 7:

26 If your answer to interrogatory number 4 is yes, please identify all witnesses who have
27 information supporting your contention.

28 INTERROGATORY NO. 8:

1 Is it your contention that honorably retired California peace officers have a greater
2 probability of being the victim of crime than members of the public who have never been California
3 peace officer?

4 INTERROGATORY NO. 9:

5 If your answer to interrogatory number 8 is yes, please state all facts which supports
6 your contention.

7 INTERROGATORY NO. 10:

8 If your answer to interrogatory number 8 is yes, please identify all documents which
9 support your contention.

10 INTERROGATORY NO. 11:

11 If your answer to interrogatory number 8 is yes, please identify all witnesses who have
12 information supporting your contention.

13 INTERROGATORY NO. 12:

14 Is it your contention that states that are "SHALL-ISSUE" and UNRESTRICTED have
15 a higher percentage of crimes committed with a handgun than states that are "MAY-ISSUE" and
16 "NO-ISSUE"?

17 INTERROGATORY NO. 13:

18 If your answer to interrogatory number 12 is yes, please state all facts which supports
19 your contention.

20 INTERROGATORY NO. 14:

21 If your answer to interrogatory number 12 is yes, please identify all documents which
22 support your contention.

23 INTERROGATORY NO. 15:

24 If your answer to interrogatory number 12 is yes, please identify all witnesses who
25 have information supporting your contention.

26 INTERROGATORY NO. 16:

27 Is it your contention that an honorably retired California peace officer has a greater
28 probability of being physically attacked as compared to a person who was never employed as a

1 California peace officer?

2 INTERROGATORY NO. 17:

3 If your answer to interrogatory number 16 is yes, please state all facts which supports
4 your contention.

5 INTERROGATORY NO. 18:

6 If your answer to interrogatory number 16 is yes, please identify all documents which
7 support your contention.

8 INTERROGATORY NO. 19:

9 If your answer to interrogatory number 16 is yes, please identify all witnesses who
10 have information supporting your contention.

11 INTERROGATORY NO. 20:

12 If your response to each request for admission served with these interrogatories is
13 other than an unqualified admission, for each such response,

- 14 (a) state the number of the request;
- 15 (b) state all facts upon which you base your response;
- 16 (c) state the names, addresses, and telephone numbers of all persons who have
17 knowledge of those facts, including but not limited to colleagues, associates, parties, or witnesses;
18 and
- 19 (d) identify all documents and other tangible things that support your response and state
20 the name, address and telephone number of the person who has each document or thing.

21 Respectfully submitted,
22 LAW OFFICES OF GARY W. GORSKI

23 DATED: November 10, 2011

24 _____
25 GARY W. GORSKI,
26 Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
3 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**
4 **PROOF OF SERVICE**

5 I, the undersigned, declare that:

6 I am a citizen of the United States, employed in the City of Sacramento, California.
7 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
8 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

9 I am readily familiar with GARY W. GORSKI's practice for collection and processing
10 of correspondence for mailing with the United States Postal Service the same day in the ordinary
11 course of business.

12 On November 10, 2011, I served the attached on all parties in said action as addressed
13 below by causing a true copy thereof to be:

14 _____ express mailed:

15 _____ Telecopied by facsimile:

16 _____ delivered by hand:

17 XXX Electronic Communication (email)

18 XXX Placed in sealed envelope with postage thereon fully
19 prepaid via **U.S. mail**

20 **Geoffrey L. Graybill**
21 **Deputy Attorney General**
22 **Government Law Section**
23 **1300 I Street**
24 **Sacramento, CA 95814**
25 **Telephone: 916-324-5465**
26 **Fax: 916-324-8835**
27 **Cell: 916-296-2472**

28 **Sherri Sokeland Kaiser**
29 **Deputy City Attorney**
30 **City Hall, Room 234**
31 **1 Dr. Carlton B. Goodlett Place**
32 **San Francisco, CA 94102-4682**
33 **(415) 554-4691 (direct)**
34 **(415) 554-4747 (fax)**

35 I declare under penalty of perjury that the foregoing is true and correct and that this
36 declaration is executed November 10, 2011 at Sacramento, California.

37 Gary W. Gorski
38 Name

Signature

RJN # “17”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S SPECIAL
INTERROGATORIES, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
COUNTY OF SAN FRANCISCO; and STATE)
17 OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

18 Defendants.)
19 _____)

20 PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant Defendant STATE OF CALIFORNIA ATTORNEY
23 GENERAL EDMUND G. BROWN (now Kamala D. Harris), in
his/her official capacity

24 SET NUMBER: ONE
25

26 NOW COMES Plaintiff pursuant to Rule 33 of the Federal Rules of Civil Procedure,
27 and files the attached Interrogatories to be propounded to Defendant. These questions are being
28 served upon the Defendant. These Interrogatories shall be answered separately and fully in writing

1 under oath and signed by the person making them.

2 Demand is made for the supplementation of your answers to these Interrogatories as
3 required by Rule 26(e), Federal Rules of Civil Procedure.

4 This propounding party cannot reasonably calculate the space necessary to enable the
5 answering party to respond within it; hence, this propounding party requests that each Interrogatory
6 be retyped along with the answer or objection. Plaintiff will EMAIL responding party the
7 interrogatories in an electronic format (WordPerfect) with all said requests.

8 GENERAL INSTRUCTIONS

9 These are general instructions. (For time limitations, requirements for service on
10 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and 33 and the cases
11 construing these rules.)

12 1. **DOCUMENT.** As used herein, "document" shall mean to include all "writings
13 and recordings" and "photographs" as defined by Rule 1001 of the Federal Rules of Evidence, and
14 also all electronic data including, but not limited to, any written, typewritten, printed or recorded
15 material whatsoever, any notes, memoranda, letters, reports, telegrams, publications, contracts,
16 recordings, transcriptions of recordings, and business records and shall include, without limitation,
17 originals, duplicates, all file copies, all letter copies (with or without notes or changes thereon) no
18 matter how prepared, drafts, working papers, routing slips, computer generated data or information
19 and similar materials. "Document" also means a writing, as defined in Federal Rules of Evidence,
20 Rule 1001, and includes the original or a copy of handwriting, typewriting, printing, photostating,
21 photographing, and every other means of recording upon any tangible thing and form or
22 communicating or representation, including letters, words, pictures, sounds, or symbols, or
23 combinations of them.

24 2. **POSSESSION, CARE, CUSTODY OR CONTROL.** Each request contained
25 herein extends to any DOCUMENTS in the POSSESSION, CUSTODY OR CONTROL of the
26 Defendant. The DOCUMENT is deemed to be in Defendant's POSSESSION, CUSTODY OR
27 CONTROL, if it is in the Defendant's physical custody, or if it is in the physical custody of any other
28 person and Defendant (a) owns such DOCUMENT in whole or in part; (b) has a right by contract,

1 statute or otherwise to use, inspect, examine or copy such DOCUMENT on any terms; (c) has an
2 understanding, expressed or implied, that Defendant may use, inspect, examine or copy such
3 DOCUMENT on any terms; or (d) has, as a practical matter, been able to use, inspect, examine or
4 copy such DOCUMENT when Defendant has sought to do so. Such DOCUMENT shall include,
5 without limitation, DOCUMENTS that are in the custody of Defendant's attorneys or other agents.

6 3. Whenever used herein, the singular shall include the plural and vice versa.

7 4. Whenever used herein "**AND**" may be understood to mean "**OR**" and vice versa
8 whenever such construction results in a broader request for information.

9 5. **DEFENDANT** shall mean responding defendant and all agents, employees,
10 vendors, contractors, researches and attorneys.

11 6. With respect to each DOCUMENT to which a claim of privilege is asserted,
12 separately state the following: (a) the type of DOCUMENT; (b) its date; (c) the name, business
13 address and present position of its originator(s) or author(s); (d) the position of its originator(s) or
14 author(s) at the time the DOCUMENT was prepared; (e) the name, business address and present
15 position of each recipient of the DOCUMENT; (f) the position of each recipient at the time the
16 DOCUMENT was prepared, and the time it was received; (g) a general description of the subject
17 matter of the DOCUMENT; (h) the basis of any claim of privilege; and, (i) if work product immunity
18 is asserted, the proceeding for which the DOCUMENT was prepared.

19 7. If any requested DOCUMENT cannot be produced in full, it shall be produced to
20 the extent possible, indicating what DOCUMENT or portion of DOCUMENTS are being withheld
21 and the reason such DOCUMENTS are being withheld.

22 8. DOCUMENTS attached to each other should not be separated.

23 9. "**Incident**" includes the circumstances and events surrounding all allegations in
24 this action, including affirmative defenses.

25 10. "**You**" or "**your**" includes you, your agents, your employees, your insurance
26 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
27 anyone else acting on your behalf.

28 11. "**Person**" includes a natural person, firm, association, organization, partnership,

1 business, trust, corporation, or public entity.

2 12. "**Address**" means the street address, including the city, state, and zip code.

3 13. "**Disposition**" means any action taken as a direct result of a matter in question
4 including, but not limited to, fines, reprimands, suspension without pay, payment for damages,
5 incarceration, any type of criminal or administrative probation, termination of employment, punitive
6 damages, injunctions, restraining orders, and the like.

7 14. "**Complaint**" means an oral or written communication, either formal or
8 informal, that would notify you of a problem or concern of the complainant. It also means any oral
9 or written communication to you, including, but not limited to, civil actions, letters, phone calls,
10 correspondence, inter-department correspondence, survey's, or written notices regarding the
11 violation of your policy(s), or a person's dissatisfaction, disappointment, discontent, disfavor,
12 displeasure, annoyance, despondency, disillusionment, irritation. The word "complaint" herein is to
13 have the broadest possible meaning and is not to be narrowly construed.

14 15. "**Produce**" means to provide and identify all documents in your custody, care or
15 control or that you have legal access to.

16 16. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
17 jurisdiction, "**Shall Issue**" means (Taken from Wikipedia encyclopedia - see
18 http://en.wikipedia.org/wiki/Shall_issue):

19 For a shall-issue gun law, a government authority is required to issue a concealed
20 carry permit to any individual who requests it if he or she meets the law's issuance
21 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
22 background check, attending a certified handgun/firearms safety class, participating in
23 a range check before a certified trainer (for demonstrating safe firearms handling,
24 while shooting at a target with a handgun), and paying the required fee (if any). These
25 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
26 and "May-Issue"

27 **UNRESTRICTED**

28 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed

1 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)
2 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
3 being discussed that would allow Vermont style carry.

4 **SHALL-ISSUE**

5 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
6 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
7 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
8 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
9 authority may issue a permit at their discretion. Typical permit requirements include residency,
10 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
11 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
12 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
13 requirement.

14 The following are Shall-Issue states, their respective laws may be reviewed as templates of
15 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
16 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
17 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
18 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
19 Washington, West Virginia, and Wyoming.

20 **MAY-ISSUE**

21 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
22 where the granting of such permits is partially at the discretion of local authorities (frequently the
23 sheriff's department or police). The law typically states that a granting authority may issue a permit if
24 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
25 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
26 applicant must meet before a permit will be granted, such as providing adequate justification (or
27 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
28 itself may not be sufficient justification in some areas where justification is required). A state that is

1 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.
2 California falls under this definition.

3 **NO-ISSUE**

4 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
5 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,
6 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

7 INTERROGATORY NO. 1:

8 Please identify the name and address of each individual who has ever been issued a
9 CCW by YOU (Where "CCW" is used, it means a permit or license to carry a concealed weapon, i.e.
10 handgun.) from January 1, 2000 to the present.

11 INTERROGATORY NO. 2:

12 Please identify the name, telephone and address of each individual who was NOT
13 issued a CCW by YOU, even though they applied for a CCW, from January 1, 2000 to the present.

14 INTERROGATORY NO. 3:

15 Please identify the name and address of each California Peace Officer who has ever
16 been convicted of a crime, and who was either issued a CCW or permitted to carry a concealed
17 weapon off-duty or after termination from employment as a peace officer.

18 INTERROGATORY NO. 4:

19 Is it your contention that gun control laws decrease gun related deaths and injuries?

20 INTERROGATORY NO. 5:

21 If your answer to interrogatory number 4 is yes, please state all facts which supports
22 your contention.

23 INTERROGATORY NO. 6:

24 If your answer to interrogatory number 4 is yes, please identify all documents which
25 support your contention.

26 INTERROGATORY NO. 7:

27 If your answer to interrogatory number 4 is yes, please identify all witnesses who have
28 information supporting your contention.

1 INTERROGATORY NO. 8:

2 Is it your contention that honorably retired California peace officers have a greater
3 probability of being the victim of crime than members of the public who have never been California
4 peace officer?

5 INTERROGATORY NO. 9:

6 If your answer to interrogatory number 8 is yes, please state all facts which supports
7 your contention.

8 INTERROGATORY NO. 10:

9 If your answer to interrogatory number 8 is yes, please identify all documents which
10 support your contention.

11 INTERROGATORY NO. 11:

12 If your answer to interrogatory number 8 is yes, please identify all witnesses who have
13 information supporting your contention.

14 INTERROGATORY NO. 12:

15 Is it your contention that states that are "SHALL-ISSUE" and UNRESTRICTED have
16 a higher percentage of crimes committed with a handgun than states that are "MAY-ISSUE" and
17 "NO-ISSUE"?

18 INTERROGATORY NO. 13:

19 If your answer to interrogatory number 12 is yes, please state all facts which supports
20 your contention.

21 INTERROGATORY NO. 14:

22 If your answer to interrogatory number 12 is yes, please identify all documents which
23 support your contention.

24 INTERROGATORY NO. 15:

25 If your answer to interrogatory number 12 is yes, please identify all witnesses who
26 have information supporting your contention.

27 INTERROGATORY NO. 16:

28 Is it your contention that an honorably retired California peace officer has a greater

1 probability of being physically attacked as compared to a person who was never employed as a
2 California peace officer?

3 INTERROGATORY NO. 17:

4 If your answer to interrogatory number 16 is yes, please state all facts which supports
5 your contention.

6 INTERROGATORY NO. 18:

7 If your answer to interrogatory number 16 is yes, please identify all documents which
8 support your contention.

9 INTERROGATORY NO. 19:

10 If your answer to interrogatory number 16 is yes, please identify all witnesses who
11 have information supporting your contention.

12 INTERROGATORY NO. 20:

13 If your response to each request for admission served with these interrogatories is
14 other than an unqualified admission, for each such response,

- 15 (a) state the number of the request;
- 16 (b) state all facts upon which you base your response;
- 17 (c) state the names, addresses, and telephone numbers of all persons who have
18 knowledge of those facts, including but not limited to colleagues, associates, parties, or witnesses;
19 and
- 20 (d) identify all documents and other tangible things that support your response and state
21 the name, address and telephone number of the person who has each document or thing.

22 Respectfully submitted,
23 LAW OFFICES OF GARY W. GORSKI

24 DATED: November 10, 2011

25 _____
26 GARY W. GORSKI,
27 Attorney for Plaintiff
28

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 **PROOF OF SERVICE**

4 I, the undersigned, declare that:

5 I am a citizen of the United States, employed in the City of Sacramento, California.
6 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
7 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

8 I am readily familiar with GARY W. GORSKI's practice for collection and processing
9 of correspondence for mailing with the United States Postal Service the same day in the ordinary
10 course of business.

11 On November 10, 2011, I served the attached on all parties in said action as addressed
12 below by causing a true copy thereof to be:

13 express mailed:

14 Telecopied by facsimile:

15 delivered by hand:

16 XXX Electronic Communication (email)

17 XXX Placed in sealed envelope with postage thereon fully
18 prepaid via **U.S. mail**

19 **Geoffrey L. Graybill**
20 **Deputy Attorney General**
21 **Government Law Section**
22 **1300 I Street**
23 **Sacramento, CA 95814**
24 **Telephone: 916-324-5465**
Fax: 916-324-8835
Cell: 916-296-2472

25 **Sherri Sokeland Kaiser**
26 **Deputy City Attorney**
27 **City Hall, Room 234**
28 **1 Dr. Carlton B. Goodlett Place**
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration is executed November 10, 2011 at Sacramento, California.

Gary W. Gorski
Name

Signature

RJN # “18”

1 THE LAW OFFICES OF GARY W. GORSKI
Gary W. Gorski - SBN: 166526
2 1207 Front St., Suite 15
Sacramento, CA 95814
3 Tel. (916) 965-6800
Fax (916) 965-6801
4 usrugby@gmail.com

5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO,)

Case No. 09-cv-04493-CW

9 Plaintiff,)

10 vs.)

PLAINTIFF'S REQUEST FOR
ADMISSIONS, SET ONE

11 CITY AND COUNTY OF SAN FRANCISCO)
MAYOR GAVIN NEWSOM, in both his)
12 individual and official capacities; FORMER)
SAN FRANCISCO POLICE DEPARTMENT;)
13 CHIEF OF POLICE HEATHER FONG, in both)
her individual and official capacities; SAN)
14 FRANCISCO POLICE DEPARTMENT CHIEF)
OF POLICE GEORGE GASCON, in his official)
15 capacity; SAN FRANCISCO SHERIFF)
MICHAEL HENNESSEY, in both his)
16 individual and official capacities; CITY AND)
17 COUNTY OF SAN FRANCISCO; and STATE)
OF CALIFORNIA ATTORNEY GENERAL)
EDMUND G. BROWN, in his official capacity,)

18 Defendants.)
19 _____)

20 PLAINTIFF'S REQUEST FOR ADMISSIONS

21 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

22 RESPONDING PARTY: Defendant HEATHER FONG

23 SET NUMBER: ONE

24 NOW COMES Plaintiff, pursuant to Rule 36 of the Federal Rules of Civil Procedure, and
25 files, and demands that responding Defendant admit or deny the following facts:

26 DEFINITIONS AND INSTRUCTIONS

27 The following definitions and instructions are to be considered applicable with
28 respect to each Request for Admissions of Fact contained herein:

1 GENERAL INSTRUCTIONS

2 These are general instructions. (For time limitations, requirements for service on
3 other parties, and other details, see Federal Rules of Civil Procedure, Rules 26 and * and the cases
4 construing these rules.)

5 1. **"You"** or **"your"** includes you, your agents, your employees, your insurance
6 companies, their agents, their employees, your attorneys, your accountants, your investigators, and
7 anyone else acting on your behalf.

8 2. **"Person"** includes a natural person, firm, association, organization, partnership,
9 business, trust, corporation, or public entity.

10 3. Where **"CCW"** is used, it means a permit or license to carry a concealed weapon,
11 i.e. handgun.

12 4. If uncertain as to the common terms "Shall-Issue" jurisdiction or "May-Issue"
13 jurisdiction, **"Shall Issue"** means (Taken from Wikipedia encyclopedia - see
14 http://en.wikipedia.org/wiki/Shall_issue):

15 For a shall-issue gun law, a government authority is required to issue a concealed
16 carry permit to any individual who requests it if he or she meets the law's issuance
17 criteria, usually consisting of submitting fingerprints, submitting paperwork for a
18 background check, attending a certified handgun/firearms safety class, participating in
19 a range check before a certified trainer (for demonstrating safe firearms handling,
20 while shooting at a target with a handgun), and paying the required fee (if any). These
21 requirements vary by state into essentially four types, "Unrestricted", "Shall-Issue",
22 and "May-Issue"

23 **UNRESTRICTED**

24 An Unrestricted jurisdiction is one in which no permit is required to carry a concealed
25 handgun. Among U.S. states, only Alaska, Vermont, Arizona, and Wyoming (as of July 1st, 2011)
26 allow residents to carry a concealed firearm without a permit. In Utah and South Carolina, bills are
27 being discussed that would allow Vermont style carry.

28 **SHALL-ISSUE**

1 A Shall-Issue jurisdiction is one that requires a permit to carry a concealed handgun, but
2 where the granting of such permits is subject only to meeting certain criteria laid out in the law; the
3 granting authority has no discretion in the awarding of the permits. Such laws typically state that a
4 granting authority shall issue a permit if the criteria are met, as opposed to laws in which the
5 authority may issue a permit at their discretion. Typical permit requirements include residency,
6 minimum age, submitting fingerprints, passing a computerized instant background check, attending a
7 certified handgun/firearm safety class, and paying a required fee. These requirements vary widely by
8 jurisdiction. Georgia, Pennsylvania, and Washington have no training/safety certification
9 requirement.

10 The following are Shall-Issue states, their respective laws may be reviewed as templates of
11 how Shall-Issue laws: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa,
12 Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana,
13 Nebraska, Nevada, New Hampshire, New Mexico, North Carolina,[8] North Dakota, Ohio,
14 Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia,
15 Washington, West Virginia, and Wyoming.

16 **MAY-ISSUE**

17 A May-Issue jurisdiction is one that requires a permit to carry a concealed handgun, and
18 where the granting of such permits is partially at the discretion of local authorities (frequently the
19 sheriff's department or police). The law typically states that a granting authority may issue a permit if
20 various criteria are met. While an applicant must qualify for a permit by meeting criteria defined in
21 state law, local jurisdictions in May-Issue states often have locally-defined requirements that an
22 applicant must meet before a permit will be granted, such as providing adequate justification (or
23 "good cause") to the approval authority for needing a concealed carry permit (self-defense in and of
24 itself may not be sufficient justification in some areas where justification is required). A state that is
25 de jure a May-Issue jurisdiction may range anywhere from No-Issue to Shall-Issue in actual practice.

26 **NO-ISSUE**

27 A No-Issue jurisdiction is one that does not allow any private citizen to carry a concealed
28 handgun. The term refers to the fact that no concealed carry permits will be issued. Illinois,

1 Wisconsin, and the District of Columbia are No-Issue jurisdictions.

2 **ADMISSIONS**

3 **REQUEST FOR ADMISSION No. 1**

4 YOU conducted no research on the effects of the regulation of firearms prior to any
5 firearm laws or ordinances being passed or enforced.

6 **REQUEST FOR ADMISSION NO. 2**

7 YOU never used any taxpayer funds for research on the dangers of the public's access
8 to firearms and who are not California peace officers.

9 **REQUEST FOR ADMISSION NO. 3**

10 YOU did not rely on any publication, treatise, statistical data, study or research prior
11 to your enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
12 subject matter of this action.

13 **REQUEST FOR ADMISSION NO. 4**

14 There is no evidence that the prohibition of carrying concealed handguns by members
15 of the public, who are otherwise legally permitted to own a handgun, actually reduces firearm related
16 deaths and crime.

17 **REQUEST FOR ADMISSION NO. 5**

18 There has never been an open and public debate on the dangers of firearms prior to
19 YOUR enactment or enforcement of any firearm law, policy, regulation or ordinance which is the
20 subject matter of this action.

21 **REQUEST FOR ADMISSION NO. 6**

22 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
23 their citizens to carry a concealed handgun, have less crime per capita than states with MAY-ISSUE
24 and NO-ISSUE type of conceal carry laws.

25 **REQUEST FOR ADMISSION NO. 7**

26 There are no documents or data supporting YOUR contention that your enactment or
27 enforcement of any firearm law, policy, regulation or ordinance has actually reduced crime and saved
28 lives.

1 **REQUEST FOR ADMISSION NO. 8**

2 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
3 their citizens to carry a concealed handgun, spend less on law enforcement services than states with
4 MAY-ISSUE and NO-ISSUE type of conceal carry laws.

5 **REQUEST FOR ADMISSION NO. 9**

6 At least one honorably retired California peace officer has been convicted of domestic
7 violence and still has a permit to carry a concealed weapon.

8 **REQUEST FOR ADMISSION NO. 10**

9 At least one honorably retired California peace officer has been convicted of driving
10 under the influence of alcohol and still has a permit to carry a concealed weapon.

11 **REQUEST FOR ADMISSION NO. 11**

12 There are no documented cases of any honorably retired California peace officer
13 being murdered by someone they either arrested or investigated while employed as a California
14 peace officer.

15 **REQUEST FOR ADMISSION NO. 12**

16 There are no documented cases of any honorably retired California peace officer
17 being threatened by someone they either arrested or investigated while employed as a California
18 peace officer.

19 **REQUEST FOR ADMISSION NO. 13**

20 Once a California peace officer is honorably retired, he or she is not required to
21 undergo periodic psychological testing in order to have CCW permit.

22 **REQUEST FOR ADMISSION NO. 14**

23 Once an individual passes a psychological test and is employed as a California peace
24 officer, he or she is not required to undergo periodic psychological testing in order to maintain their
25 status as a peace officer unless specifically ordered to do so in very limited circumstances.

26 **REQUEST FOR ADMISSION NO. 15**

27 A California peace officer's psychological profile will change at certain points during
28 the course of their employment as a peace officer.

1 **REQUEST FOR ADMISSION NO. 16**

2 A California peace officer is more likely to commit suicide than a person who is not a
3 California peace officer.

4 **REQUEST FOR ADMISSION NO. 17**

5 The average psychological profile of a California peace officer, as determined by the
6 Minnesota Multiphasic Personality Inventory I and II, is very similar to the average criminals
7 psychological profile.

8 **REQUEST FOR ADMISSION NO. 18**

9 The FBI held a Conference on Domestic Violence by Police Officers, in Quantico,
10 VA, September 16, 1998, the focus of which was the profiled personalities of male law enforcement
11 personnel who battered their female domestic partners.

12 **REQUEST FOR ADMISSION NO. 19**

13 Honorably retired California peace officers have no more good cause for the issuance
14 of a concealed weapons permit as compared to members of the public who were never a law
15 enforcement officer and who have never been prohibited from possessing a firearm.

16 **REQUEST FOR ADMISSION NO. 20**

17 Two reports that followed the Rodney King beating--the 1991 report of the
18 Independent Commission To Study the Los Angeles Police Department and the 1992 Los Angeles
19 County Sheriff's Report by James G. Kolt and staff – concluded the lack of effectiveness of
20 psychological screening to predict propensity for violence by California peace officers.

21 **REQUEST FOR ADMISSION NO. 21**

22 Issuing concealed weapons permits to citizens who have never been peace officers has
23 no measurable effect on the increase in crime or gun violence.

24 **REQUEST FOR ADMISSION NO. 22**

25 Every single Federal Bureau of Investigation (FBI) report since 1987 shows that in the
26 fifteen (15) years following the passage of Florida's "shall issue" concealed carry law in 1987,
27 800,000 CCW permits have been issued and the homicide rate in Florida, which in 1987 was much
28 higher than the national average, fell 52% bringing it below the national average.

1 **REQUEST FOR ADMISSION NO. 23**

2 There is no factual reason why Plaintiff should not have been issued a CCW permit.

3 **REQUEST FOR ADMISSION NO. 24**

4 There are no facts supporting any law that favors the issuance of CCWs to honorably
5 retired California peace officers as compared to the same laws also being applied equally to
6 honorably retired members of the United States Armed Forces.

7 **REQUEST FOR ADMISSION NO. 25**

8 There is no evidence that CCW permit holders in “**shall issue**” states commit more
9 gun related crimes per capita as compared to the citizens of the State of California.

10
11 Date: November 10, 2011

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI

12 GARY W. GORSKI
13 Attorney for Plaintiff

1 CASE : **PIZZO v. SF**
2 COURT : **IN THE UNITED STATES DISTRICT COURT**
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 **PROOF OF SERVICE**

4 I, the undersigned, declare that:

5 I am a citizen of the United States, employed in the City of Sacramento, California.
6 My business address is LAW OFFICES OF GARY W. GORSKI, 1207 Front St., Suite 15,
7 Sacramento, CA 95814. I am over the age of 18 years and not a party of the within-entitled cause.

8 I am readily familiar with GARY W. GORSKI's practice for collection and processing
9 of correspondence for mailing with the United States Postal Service the same day in the ordinary
10 course of business.

11 On November 10, 2011, I served the attached on all parties in said action as addressed
12 below by causing a true copy thereof to be:

13 _____ express mailed:

14 _____ Telecopied by facsimile:

15 _____ delivered by hand:

16 XXX Electronic Communication (email)

17 XXX Placed in sealed envelope with postage thereon fully prepaid via **U.S. mail**

18 **Geoffrey L. Graybill**
19 **Deputy Attorney General**
20 **Government Law Section**
21 **1300 I Street**
22 **Sacramento, CA 95814**
23 **Telephone: 916-324-5465**
24 **Fax: 916-324-8835**
25 **Cell: 916-296-2472**

26 **Sherri Sokeland Kaiser**
27 **Deputy City Attorney**
28 **City Hall, Room 234**
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
(415) 554-4691 (direct)
(415) 554-4747 (fax)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed November 10, 2011 at Sacramento, California.

Name

Signature

RJN # “19”

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 WAYNE SNODGRASS, State Bar #148137
SHERRI KAISER, State Bar #197986
3 Deputy City Attorneys
1 Dr. Carlton B. Goodlett Place
4 City Hall, Room 234
San Francisco, California 94102-4682
5 Telephone: (415) 554-4691
Facsimile: (415) 554-4747
6 E-Mail: sherri.kaiser@sfgov.org

7 Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO
8 and ITS OFFICIALS

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 THERESE MARIE PIZZO,
13 Plaintiff,

14 vs.

15 CITY AND COUNTY OF SAN FRANCISCO
16 MAYOR GAVIN NEWSOM, in both his
individual and official capacities; FORMER
17 SAN FRANCISCO POLICE DEPARTMENT
CHIEF OF POLICE HEATHER FONG, in
18 both her individual and official capacities;
SAN FRANCISCO POLICE DEPARTMENT
19 CHIEF OF POLICE GEORGE GASCON, in
his official capacity; SAN FRANCISCO
20 SHERIFF MICHAEL HENNESSEY, in both
his individual and official capacities; CITY
21 AND COUNTY OF SAN FRANCISCO; and
STATE OF CALIFORNIA ATTORNEY
22 GENERAL EDMUND G. BROWN, in his
official capacity,

23 Defendants.

24 NATIONAL RIFLE ASSOCIATION, INC.,

25 Amicus Curiae.
26

Case No. C09-4493 CW

**DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS**

1 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

2 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO¹

3 SET NO.: ONE

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant CITY AND COUNTY
5 OF SAN FRANCISCO ("Defendant") hereby responds to Plaintiff THERESE MARIE PIZZO's First
6 Request for Production of Documents and Things.

7 **PRELIMINARY STATEMENT**

8 Discovery in this action is still proceeding. Defendant has not completed its investigation of
9 the facts relating to this action, or its discovery, legal research, and preparation for trial. Defendant's
10 responses are based solely on information of which Defendant is currently aware and which is
11 reasonably available. Defendant reserves the right to provide supplemental responses to these
12 requests, or otherwise supplement, revise or explain the information contained in the responses, in
13 light of information gathered through further investigation and discovery. Defendant further reserves
14 the right at time of trial to present subsequently discovered facts, or facts that are already known but
15 whose relevance, significance, or applicability has not yet been ascertained.

16 By objecting and responding to Plaintiff's requests, Defendant does not waive its rights to
17 challenge the relevance, materiality, or admissibility of the requests and/or its responses thereto,
18 and/or the documents produced by Defendant in response to the requests, or to object to the use of the
19 requests, and/or Defendant's responses, and/or the documents produced by Defendant in response to
20 the requests, in any subsequent proceeding or trial in this action.

21 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

22 **REQUEST FOR PRODUCTION NO. 1:**

23 Please produce any and all documents evidencing all research conducted by you prior to any
24 firearm law, ordinance or policy being passed.

25 ///

26 _____
27 ¹ Defendant City and County of San Francisco also hereby responds on behalf of its officials,
28 San Francisco Police Chief Greg Suhr and San Francisco Sheriff Ross Mirkarimi, who automatically
substitute for former Chiefs Fong and Gascon and for former Sheriff Hennessey, respectively, by
operation of Federal Rule of Civil Procedure 25(d).

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Defendant objects to this request as vague and ambiguous, overbroad and beyond the scope of discovery. The term "research," as used in this request, is vague and ambiguous because it fails to indicate whether primary research, a review of secondary sources, casual inquiry or other modes of collecting information are included, nor does it indicate whether the term is restricted to experts or whether non-expert materials are also considered research. The request is also ambiguous because not all policies are "passed," and it is unclear whether Plaintiff seeks only official policies, such as Board resolutions, that are passed by a deliberative body. The request is overbroad insofar as it does not identify the policies, ordinances and/or laws to which it applies, nor even limit the potential jurisdiction, set a time period, or define what is meant by "gun control," a term that may have varied meanings according to viewpoint. To the extent that the request seeks research for laws, ordinances or policies other than the ones at issue in this litigation, it is also beyond the scope of discovery.

Without waiving the foregoing objections, Defendant responds as follows: Defendant will produce all non-privileged, responsive documents in its possession, custody or control in regard to the San Francisco ordinances and policies that are the direct subject of this lawsuit.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents evidencing the expenditure of taxpayer funds for research on the dangers of the public's access to firearms and who are not California peace officers.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Defendant objects to this request as unintelligible. Defendant is unable to discern what kind of documents Plaintiff seeks, and on that basis, it is unable to respond to this request.

REQUEST FOR PRODUCTION NO. 3:

Please produce all documents relating to any publication, treatise, statistical data, study or research YOU relied upon prior to your enactment of any firearm law, policy, regulation or ordinance which is the subject matter of this action.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Defendant objects to the phrase "all documents relating to" as vague, ambiguous and overbroad. Without waiving its objection, Defendant responds as follows: Construing the request as

1 seeking the source materials themselves, rather than all documents related to the source materials,
2 Defendant will produce all responsive documents in its possession, custody or control.

3 **REQUEST FOR PRODUCTION NO. 4:**

4 Please produce all documents relating to any study or research YOU conduct proving that after
5 enacting the firearm laws, policies, regulations and ordinances which are the subject matter of this
6 action, the firearm laws pass have reduced firearm related deaths and crime.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

8 Defendant has no responsive documents in its possession, custody or control.

9 **REQUEST FOR PRODUCTION NO. 5:**

10 Please produce all documents showing any debate on the dangers of firearms that YOU relied
11 upon prior your enactment of any firearm law, policy, regulation or ordinance which is the subject
12 matter of this action.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

14 Defendant will produce all non-privileged, responsive documents in its possession, custody or
15 control.

16 **REQUEST FOR PRODUCTION NO. 6:**

17 Please produce all statistical data relating to any study or research YOU relied upon prior to
18 your enactment of any firearm law, policy, regulation or ordinance which is the subject matter of this
19 action.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

21 Defendant objects to the phrase "relating to" as vague, ambiguous and overbroad. Without
22 waiving its objection, Defendant responds as follows: Construing the request as seeking the source
23 materials themselves, rather than all documents related to the source materials, Defendant will produce
24 all responsive documents in its possession, custody or control.

25 **REQUEST FOR PRODUCTION NO. 7:**

26 Please produce all documents and data supporting your contention that your enactment of any
27 firearm law, policy, regulation or ordinance has actually reduced crime and saved lives.

28 ///

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

2 Defendant does not so contend.

3 **REQUEST FOR PRODUCTION NO. 8:**

4 If public funds were used to conduct research on the dangers of firearm ownership and
5 possession, please provide all documents relating to open and public bidding for the individuals or
6 entities who were awarded the contract to conduct the research.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

8 Defendant has no responsive documents in its possession, custody or control.

9 **REQUEST FOR PRODUCTION NO. 9:**

10 Please produce all documents that were relied upon to support your enactment of any firearm
11 law, policy, regulation or ordinance which is the subject matter of this action.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

13 Defendant will produce all non-privileged, responsive documents in its possession, custody or
14 control.

15 **REQUEST FOR PRODUCTION NO. 10:**

16 Please produce all documents that you will rely upon to prove your enactment of any firearm
17 law, policy, regulation or ordinance, which is the subject matter of this action, can pass intermediate
18 scrutiny at a minimum.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

20 Defendant objects to this request as vague, ambiguous, and overbroad. Plaintiff does not
21 define the term "intermediate scrutiny" nor does she explain the meaning of "at a minimum."
22 Defendant also objects that this request intrudes on attorney-client privilege and seeks confidential
23 attorney work product; Defendant refuses to provide such materials. Without waiving the foregoing
24 objections, Defendant responds as follows: Defendant is unable to respond to this request.

25 **REQUEST FOR PRODUCTION NO. 11:**

26 Please produce any and all documents which reflects the deliberative process in enacting any
27 firearm law, policy, regulation or ordinance which is the subject matter of this action.

28 ///

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

1 Defendant objects to this request as vague and ambiguous. "Deliberate process" has different
2 meanings in regard to public legislative bodies and individual public officials. The former is a matter
3 of public record, whereas the latter is protected from discovery by the deliberative process privilege.
4 Without waiving the foregoing objection, Defendant responds as follows: Construing the request as
5 encompassing the deliberations of public bodies rather than individual officials, Defendant will
6 produce all responsive documents in its possession, custody or control.
7

REQUEST FOR PRODUCTION NO. 12:

8 Please produce each and every file and document in your possession relating to each and every
9 person who has been issued a CCW since 2001, and this includes renewals.
10

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

11 Defendant objects to this request to the extent that it seeks sensitive personal information. On
12 December 14, 2011, during a meet and confer session with counsel for the City Defendants, Plaintiff's
13 counsel agreed that the City could withhold and/or redact sensitive personal information such as home
14 address, home phone, date of birth, social security number, drivers license number, and other
15 personally identifying information in place of seeking a protective order. In the hopes of streamlining
16 discovery and avoiding unnecessary motion practice, Plaintiff's counsel also agreed to determine
17 which specific pieces of withheld and/or redacted information Plaintiff may wish to pursue, if any, and
18 to meet and confer with Defendant in regard to those specific items.
19

20 Without waiving its objection, Defendant responds as follows: Defendant will produce the
21 responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 13:

22 Please produce each and every file and document in your possession relating to each and every
23 person who has been denied a CCW since 2001.
24

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

25 Defendant objects to this request to the extent that it seeks sensitive personal information. On
26 December 14, 2011, during a meet and confer session with counsel for the City Defendants, Plaintiff's
27 counsel agreed that the City could withhold and/or redact sensitive personal information such as home
28

1 address, home phone, date of birth, social security number, drivers license number, and other
2 personally identifying information in place of seeking a protective order. In the hopes of streamlining
3 discovery and avoiding unnecessary motion practice, Plaintiff's counsel also agreed to determine
4 which specific pieces of withheld and/or redacted information Plaintiff may wish to pursue, if any, and
5 to meet and confer with Defendant in regard to those specific items.

6 Without waiving its objection, Defendant responds as follows: Defendant will produce the
7 responsive documents in its possession, custody or control.

8 **REQUEST FOR PRODUCTION NO. 14:**

9 Please produce all documents you relied upon in rejecting the CCW application of Plaintiff.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

11 Defendant did not reject Plaintiff's CCW application. Accordingly, Defendant cannot respond
12 to this request.

13 **REQUEST FOR PRODUCTION NO. 15:**

14 Please produce all documents proving that you contacted Plaintiff for an interview by an
15 investigator so that an investigator could fill out Plaintiff's application where it states "Investigator's
16 Interview Notes", which the instructions in the CCW application specifically state for the Applicant
17 not to complete.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

19 Defendant has no responsive documents in its possession, custody or control.

20 **REQUEST FOR PRODUCTION NO. 16:**

21 Please produce any and all documents which you provided to Plaintiff.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

23 Defendant objects to this request as vague, ambiguous, overbroad, beyond the scope of
24 discovery and unduly burdensome. The request is vague, ambiguous and overbroad because it fails to
25 identify the type of documents or period of time for which documents are sought. The request goes
26 beyond the scope of discovery because the City and County of San Francisco may provide documents
27 to its residents, such as election materials, tax forms, public assistance information, and emergency
28 preparedness materials (to name but a few) in many different contexts that have nothing to do with the

1 subject-matter of this lawsuit. Without waiving the foregoing objections, Defendant responds as
2 follows: Defendant will produce all responsive documents in its possession, custody or control in
3 regard to the CCW licensing process.

4 **REQUEST FOR PRODUCTION NO. 17:**

5 Please produce any and all documents supporting any contention that honorably retired
6 California peace officers have a greater probability of being a victim of crime than citizens of the
7 CITY AND COUNTY OF SAN FRANCISCO who were never associated with law enforcement.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

9 Defendant has no responsive documents in its possession, custody or control.

10 **REQUEST FOR PRODUCTION NO. 18:**

11 Please produce any and all documents which evidences that honorably retired peace officers
12 are at a greater risk of harm than individuals who have never been peace officers.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

14 Defendant has no responsive documents in its possession, custody or control.

15 **REQUEST FOR PRODUCTION NO. 19:**

16 Please produce all documents evidencing crime statistics, justifying the prima facie good cause
17 standard for issuance of a concealed weapons permits to an active or honorably separated member of
18 the criminal justice system directly responsible for the investigation, arrest, incarceration, prosecution
19 or imposition of sentence on criminal offenders and has received threats of harm to person or family as
20 a result of official duties.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

22 Defendant objects to this request as unintelligible. Defendant is unable to discern the type of
23 documents that Plaintiff seeks and, accordingly, cannot respond.

24 **REQUEST FOR PRODUCTION NO. 20:**

25 Please produce all documents evidencing any facts that would lead a reasonable person to
26 believe that an active or honorably separated member of the criminal justice system directly
27 responsible for the investigation, arrest, incarceration, prosecution or imposition of sentence on
28

1 criminal offenders has a greater probability of being a victim of crime as compared to individuals who
2 do not fall into such a category.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

4 Defendant objects to this request as vague and ambiguous because it fails to indicate what
5 Plaintiff considers to be "facts that would lead a reasonable person to believe." Defendant's analysis of
6 this legal question is protected as attorney work product, and Defendant will not produce documents
7 that contain or reveal this work product. Without waiving the foregoing objections, Defendant
8 responds as follows: Defendant will not respond to this request.

9 **REQUEST FOR PRODUCTION NO. 21:**

10 Please produce all documents identifying all active or honorably separated member of the
11 criminal justice system directly responsible for the investigation, arrest, incarceration, prosecution or
12 imposition of sentence on criminal offenders, and who has actually filed a crime report regarding a
13 crime committed against them while OFF-DUTY OR AFTER THEY RETIRED and which said crime
14 was directly associated with the fact that they were responsible for the investigation, arrest,
15 incarceration, prosecution or imposition of sentence of the criminal offender.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

17 Defendant objects to this request as overbroad and unduly burdensome. The request is
18 overbroad because it is not limited to Defendant's peace officers, nor does it limit the period of time
19 for which plaintiff seeks information. The request is unduly burdensome because Defendant does not
20 collect such information and has no way to gather it other than to compare, by hand, a list of thousands
21 of current and former peace officers against a many times greater number of reported crimes in San
22 Francisco. Moreover, even if Defendant were able to complete such an impossible task, the resulting
23 information would be of questionable relevance because, when peace officers are off-duty or retired,
24 there is no reason to believe that a crime against them would necessarily take place in San Francisco or
25 be reported in San Francisco. On the basis of the foregoing objections, Defendant will not respond to
26 this request.

27 ///

1 **REQUEST FOR PRODUCTION NO. 22:**

2 Please produce all documents identifying all active or honorably separated member of the
3 criminal justice system directly responsible for the investigation, arrest, incarceration, prosecution or
4 imposition of sentence on criminal offenders, and who has actually documented in official criminal
5 justice records a crime committed against them while OFF-DUTY OR AFTER THEY RETIRED as
6 they were the victim of criminal acts or threats because of being directly associated with the fact that
7 they were responsible for the investigation, arrest, incarceration, prosecution or imposition of sentence
8 of a criminal offender.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

10 Defendant objects to this request as overbroad and unduly burdensome. The request is
11 overbroad because it is not limited to Defendant's peace officers, nor does it limit the period of time
12 for which plaintiff seeks information. The request is unduly burdensome because Defendant does not
13 collect such information and has no way to gather it other than to compare, by hand, a list of thousands
14 of current and former peace officers, prosecutors, investigators, public defenders, judges, parole
15 officers, custodial officers, and probation officers against a many times greater number of reported
16 crimes in San Francisco. Moreover, even if Defendant were able to complete such an impossible task,
17 the resulting information would be of questionable relevance because, when members of the criminal
18 justice system are off-duty or retired, there is no reason to believe that a crime against them would
19 necessarily take place in San Francisco or be reported in San Francisco. On the basis of the foregoing
20 objections, Defendant will not respond to this request.

21 **REQUEST FOR PRODUCTION NO. 23:**

22 Please produce all documented crime statistics which assisted you in determining the firearm
23 restrictions placed on individuals who have never been employed as a California peace officer.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

25 Defendant will produce all non-privileged, responsive documents in its possession, custody or
26 control.

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1 **REQUEST FOR PRODUCTION NO. 24:**

2 Please produce all documented crime statistics which assisted you in determining the amount
3 or application of discretion afforded to the issuing authority under your CCW issuance laws, rules,
4 policies and regulations.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

6 Defendant will produce all non-privileged, responsive documents in its possession, custody or
7 control.

8 **REQUEST FOR PRODUCTION NO. 25:**

9 Please produce any document which supports or justifies your CCW issuance policy.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

11 Defendant will produce all non-privileged, responsive documents in its possession, custody or
12 control.

13 **REQUEST FOR PRODUCTION NO. 26:**

14 Please produce all research that you have ever had in your possession which proves that CCW
15 permit holders in "shall issue" states commit more gun related crimes per capita as compared to the
16 citizens of the State of California.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

18 Defendant objects to this request as overbroad in regard to "ever had in your possession"
19 because it is unlimited as to time and requests documents that may no longer be in Defendant's
20 possession, custody or control. It is vague and ambiguous in using the term "proves." The request is
21 also outside the scope of discovery . Only Defendant's policies and practices for CCW licensing in the
22 City and County of San Francisco are at issue in this litigation. Without waiving the foregoing
23 objections, Defendant responds as follows: Defendant will not respond to this request.

24 **REQUEST FOR PRODUCTION NO. 27:**

25 Please produce all research or documents you relied upon to determine your CCW issuance
26 policy.

27 ///

28 ///

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

2 Defendant will produce all non-privileged, responsive documents in its possession, custody or
3 control.

4 **REQUEST FOR PRODUCTION NO. 28:**

5 Please produce all documents that would support your contention that Plaintiff did not meet the
6 good cause standard for issuance of a CCW.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

8 Defendant has not evaluated whether Plaintiff satisfies a good cause standard and, accordingly,
9 does not so contend.

10 **REQUEST FOR PRODUCTION NO. 29:**

11 Please produce all documents that would support your contention that Plaintiff is not qualified
12 to be issued a CCW.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

14 Defendant has not evaluated whether Plaintiff is qualified and, accordingly, does not so
15 contend.

16 **REQUEST FOR PRODUCTION NO. 30:**

17 Please produce all documents evidencing that Dianne Feinstein and/or Barbra Boxer either
18 applied for a CCW or were issued a CCW by any federal, state, or local authority.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

20 Defendant has no responsive documents.

21 **REQUEST FOR PRODUCTION NO. 31:**

22 Please produce any and all applications for a CCW since 2001 for the City and County of San
23 Francisco.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

25 See responses to requests no. 12 and 13.

26 **REQUEST FOR PRODUCTION NO. 32:**

27 Please produce any known documents evidencing any surveillance of Plaintiff.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

2 Defendant objects to this request as overbroad in that it appears to seek documents generated in
3 any context and at any time. Without waiving its objection, Defendant responds that it has located no
4 responsive documents in the possession, custody or control of its law enforcement agencies.

5 **REQUEST FOR PRODUCTION NO. 33:**

6 Please produce all documents in your possession, custody or control which identifies Plaintiff
7 by name.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

9 Defendant objects to this request as overbroad in that it appears to seek documents generated in
10 any context and at any time. Defendant further objects that the request is unduly burdensome to the
11 extent it would require Defendant to search for responsive documents by hand. Without waiving its
12 objections, Defendant responds that it will produce any responsive documents in the possession,
13 custody or control of its law enforcement agencies that are available in a searchable database and/or
14 that regard the CCW licensing process.

15 **REQUEST FOR PRODUCTION NO. 34:**

16 Please produce all documents in your possession, custody or control which relates to any
17 investigation Plaintiff has been the subject matter of, including, but not limited to, incident reports,
18 internal affairs reports, divisional investigations, internal affairs documents, inquiries, arrest reports,
19 complaint reports, correspondence letters, notes, messages, recordings, search warrants, and crime
20 reports.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

22 Defendant has no responsive documents.

23 **REQUEST FOR PRODUCTION NO. 35:**

24 Please produce any and all documents in your possession, custody or control which relates to
25 the application procedure in order to obtain a CCW, including written policy for issuance and
26 application.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

2 Defendant objects to this request as overbroad because it fails to provide a reasonable limit on
3 the time for which it seeks documents. Without waiving its objection, Defendant responds that it will
4 produce all non-privileged, responsive documents in its possession, custody or control.

5 **REQUEST FOR PRODUCTION NO. 36:**

6 Please produce any and all documents demonstrating how the public is made aware that they
7 can apply for CCW.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

9 Defendant objects to this request as overbroad and beyond the scope of discovery. The request
10 is overbroad because it seeks information about how anyone, anywhere and at any time, might become
11 aware that they can apply for a CCW license from any jurisdiction. It is beyond the scope of
12 discovery because the information it seeks to elicit is irrelevant to the claims or defenses of any party.
13 On the basis of the foregoing objections, Defendant will not respond to this request.

14 **REQUEST FOR PRODUCTION NO. 37:**

15 Please produce any and all documents which identifies the name of each individual who is
16 responsible for processing CCW applications since 2001.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

18 Defendant objects to this request as vague, ambiguous and overbroad. Without waiving its
19 objections, Defendant responds as follows: Defendant will produce all non-privileged, responsive
20 documents in its possession, custody or control.

21 **REQUEST FOR PRODUCTION NO. 38:**

22 Please produce all documents relating to the issuance of a CCW to a Robert Menist.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

24 Please see Defendant's response to Request No. 12.

25 **REQUEST FOR PRODUCTION NO. 39:**

26 Please produce any and all documents that you relied upon to issue Robert Menist a CCW.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

28 Please see Defendant's response to Request No. 12.

1 **REQUEST FOR PRODUCTION NO. 40:**

2 Please produce any and all documents in your possession, custody or control which were
3 provided to you by Robert Menist, even if unrelated to his CCW application.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

5 Please see Defendant's response to Request No. 12.

6 **REQUEST FOR PRODUCTION NO. 41:**

7 Please produce any and all documents that supports your contention that Robert Menist is more
8 deserving of a CCW than Plaintiff.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

10 Defendant does not so contend.

11 **REQUEST FOR PRODUCTION NO. 42:**

12 Please produce any and all documents relating statistical data on hate crimes that you maintain.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

14 Defendant has no responsive documents.

15 **REQUEST FOR PRODUCTION NO. 43:**

16 Please produce all documents regarding the policy for processing CCW applications.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

18 Please see Defendant's response to Request No. 35.

19 **REQUEST FOR PRODUCTION NO. 44:**

20 Please produce any and all documents which shows the identity of every individual who has
21 filed a complaint for not receiving a CCW.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

23 Defendant will produce all non-privileged, responsive documents in its possession, custody or
24 control.

25 **REQUEST FOR PRODUCTION NO. 45:**

26 Please produce any and all documents regarding the policy for the issuance of CCWs to
27 Deputy District Attorney's or Judges.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

2 Please see Defendant's response to Request No. 35.

3 **REQUEST FOR PRODUCTION NO. 46:**

4 Please produce any and all documents which were provided to you by any government official
5 regarding issuance of CCWs to deputy district attorneys or judges.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

7 Please see Defendant's response to Requests No. 12 and 13.

8 **REQUEST FOR PRODUCTION NO. 47:**

9 Please produce any and all documents which identifies any action you have taken to revoke the
10 CCW of any peace officer who was terminated from your employment.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

12 Defendant has no responsive documents in its possession, custody or control.

13 **REQUEST FOR PRODUCTION NO. 48:**

14 Please produce any and all documents which evidences COMPLAINTS made against
15 California Peace Officers, including, but not limited to, the peace officers identified in the San
16 Francisco Chronicle articles attached to the Initial Disclosures.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

18 Defendant objects to this request because the complaint history of a California peace officer is
19 protected by law. Defendant cannot disclose such information absent a *Pitchess* hearing and court
20 order, and even then disclosure may only be made for limited purposes. Defendant further objects to
21 this request as beyond the scope of discovery, overbroad, unduly burdensome, and vague and
22 ambiguous. The request is beyond the scope of discovery because it is unlikely to lead to any
23 admissible evidence relevant to either party's claims or defenses. The request is overbroad in that it
24 provides no limit on time or place and appears to seek information about every person who has served
25 as a peace officer anywhere in the state at any time. The word "complaint," as used in this request, is
26 also vague and ambiguous because it does not convey the nature of the complaints for which
27 information is sought. If it means every conceivable kind of complaint, then it is grossly overbroad
28 and beyond the scope of discovery. If it means only complaints with some bearing on carrying

1 concealed weapons, then Plaintiff should list the complaints that she asserts would belong in this
2 category. The request is also unduly burdensome because, even if the request were restricted to those
3 peace officers who have been employed by the Defendant at any time within a reasonably limited time
4 period and "complaint" was reasonably defined, Defendant could not compile responsive information
5 without a file-by-file hand search of the individual personnel files of its peace officers. This would
6 presumably entail thousands of files. Further, responsive information located through this laborious
7 process could not be released absent a court hearing and order on an officer-by-officer basis. On the
8 basis of the foregoing objections, Defendant will not respond to this request.

9 **REQUEST FOR PRODUCTION NO. 49:**

10 Please produce any and all documents which evidences the DISPOSITION of complaints made
11 against California Peace Officers, including, but not limited to, the peace officers identified in the San
12 Francisco Chronicle articles attached to the Initial Disclosures, [SIC]

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

14 Please see Defendant's response to Request No. 48.

15 **REQUEST FOR PRODUCTION NO. 50:**

16 Please produce any and all documents which evidences that because of COMPLAINTS made
17 against California Peace Officers, including, but not limited to, the peace officers identified in the San
18 Francisco Chronicle articles attached to the Initial Disclosures, that the California Peace Officers right
19 or license to carry a concealed handgun was revoked or restricted.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

21 Please see Defendant's response to Request No. 48.

22 **REQUEST FOR PRODUCTION NO. 51:**

23 Please produce all documents that were provided to you prior to the enactment of any law,
24 statute, ordinance or policy, which gave you notice that firearm laws are ineffective.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

26 Defendant objects to this request as vague, ambiguous and overbroad. The request is vague
27 and ambiguous because Plaintiff fails to explain what she means by "ineffective," a term that can be
28 understood differently by different people. The request is overbroad because it is not restricted to San

1 Francisco ordinances or policies that are the subject of this action. Without waiving its objections,
2 Defendant responds as follows: Defendant will provide all non-privileged, responsive documents in
3 its possession, custody or control in relation to those San Francisco ordinances or policies that are the
4 subject of this action.

5 **REQUEST FOR PRODUCTION NO. 52:**

6 Please produce all documents that were provided to you prior to the enactment of any law,
7 statute, ordinance or policy, which gave you notice that firearm laws are effective.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

9 Defendant objects to this request as vague, ambiguous and overbroad. The request is vague
10 and ambiguous because Plaintiff fails to explain what she means by "effective," a term that can be
11 understood differently by different people. The request is overbroad because it is not restricted to San
12 Francisco ordinances or policies that are the subject of this action. Without waiving its objections,
13 Defendant responds as follows: Defendant will provide all non-privileged, responsive documents in
14 its possession, custody or control in relation to those San Francisco ordinances or policies that are the
15 subject of this action.

16 **REQUEST FOR PRODUCTION NO. 53:**

17 Please produce all documents which supports any contention you may have that restrictions on
18 the public's access to firearms has a beneficial affect to the public.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

20 Please see Defendant's response to Request No. 1.

21 **REQUEST FOR PRODUCTION NO. 54:**

22 Please produce all documents which identifies each and every honorably retired California
23 Peace Officer who has received a CCW, including, but not limited to, the peace officers identified in
24 the San Francisco Chronicle articles attached to the Initial Disclosures.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

26 Defendant objects to this request as overbroad in that it fails to limit the jurisdiction in which
27 the retired officer served, the jurisdiction that issued the CCW, or the time period for which responsive
28 information is demanded. The request also exceeds the scope of discovery for those reasons.

1 Defendant further objects that the documents requested, if any, are confidential peace officer personnel
2 records that are protected by law. Defendant cannot disclose information from peace officer personnel
3 records absent a *Pitchess* hearing and court order, and even then disclosure may only be made for
4 limited purposes. Defendant further objects that the request is unduly burdensome, as Defendant does
5 not keep a list of all of its retired peace officers that indicates any particular status in regard to carrying
6 concealed weapons, and compiling such information would be intensely laborious. On the basis of the
7 foregoing objections, Defendant will not respond to this request.

8 **REQUEST FOR PRODUCTION NO. 55:**

9 Please produce all documents which identifies each and every honorably retired
10 California Peace Officer who has received a CCW, and who has committed suicide.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

12 Defendant objects to this request as overbroad in that it fails to limit the jurisdiction in which
13 the retired officer served, the jurisdiction that issued the CCW, or the time period for which responsive
14 information is demanded. The request also exceeds the scope of discovery for those reasons.

15 Defendant further objects that the documents requested, if any, are confidential peace officer personnel
16 records that are protected by law. Defendant cannot disclose information from peace officer personnel
17 records absent a *Pitchess* hearing and court order, and even then disclosure may only be made for
18 limited purposes. Defendant further objects that the request is unduly burdensome, as Defendant does
19 not keep a list of all of its retired peace officers that indicates any particular status in regard to carrying
20 concealed weapons, nor does Defendant keep any systematic information about officers who died by
21 means of suicide, and compiling such information would be intensely laborious. On the basis of the
22 foregoing objections, Defendant will not respond to this request.

23 **REQUEST FOR PRODUCTION NO. 56:**

24 Please produce all documents which identifies each and every honorably retired California
25 Peace Officer who has received a CCW, and who has been arrested or charged with a crime, including,
26 but not limited to, the peace officers identified in the San Francisco Chronicle articles attached to the
27 Initial Disclosures.

28 ///

RESPONSE TO REQUEST FOR PRODUCTION NO. 56:

1
2 Please see Defendant's response to Request No. 54. Defendant further objects that the criminal
3 history of a California peace officer is protected by law. Defendant cannot disclose such information
4 absent a *Pitchess* hearing and court order, and even then disclosure may only be made for limited
5 purposes. Defendant further objects to this request as beyond the scope of discovery, overbroad,
6 unduly burdensome, and vague and ambiguous. The request is beyond the scope of discovery because
7 it is unlikely to lead to any admissible evidence relevant to either party's claims or defenses. The
8 request is overbroad in that it provides no limit on time or place and appears to seek information about
9 every person who has served as a peace officer anywhere in the state at any time. The word "crime,"
10 as used in this request, is also vague and ambiguous because it does not convey the nature of the
11 offenses for which information is sought. If it means every violation of law, then it is grossly
12 overbroad and beyond the scope of discovery. If it means only violations of law with some bearing on
13 carrying concealed weapons, then Plaintiff should list the violations that she asserts would belong in
14 this category. The request is also unduly burdensome because, even if the request were restricted to
15 those peace officers who have honorably retired from employment with the Defendant at any time
16 within a reasonably limited time period and "crime" was reasonably defined, Defendant could not
17 compile responsive information without a file-by-file hand search of the individual personnel files of
18 its peace officers at a large, urban police department and large, urban Sheriff's Department. This
19 would presumably entail thousands of files, each of which would have to be evaluated for multiple
20 criteria. Further, responsive information located through this laborious process could not be released
21 absent a court hearing and order on an officer-by-officer basis. Based on the foregoing objections,
22 Defendant will not respond to this request.

REQUEST FOR PRODUCTION NO. 57:

23
24 Produce all documents supporting any contention you have that honorably retired California
25 Peace Officer's can be trusted more with a firearm than an honorably discharged member of the armed
26 forces, including, but not limited to, the peace officers identified in the San Francisco Chronicle
27 articles attached to the Initial Disclosures.

28 ///

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

2 Defendant does not so contend.

3 **REQUEST FOR PRODUCTION NO. 58:**

4 Produce all documents you intend to rely upon at the time of trial, including, but not limited to,
5 the peace officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

7 Defendant objects to this request as unintelligible and cannot meaningfully respond.

8 **REQUEST FOR PRODUCTION NO. 59:**

9 Please produce all documents relating to any publications, treatises, statistical data, study or
10 research demonstrating that after your enactment of any firearm law, policy, regulation or ordinance,
11 which is the subject matter of this action, had any effect on firearm related deaths, crime or accidents.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

13 Defendant objects to this request as unintelligible and cannot meaningfully respond.

14 **REQUEST FOR PRODUCTION NO. 60:**

15 Please produce all documents relating to Plaintiff's application for a CCW, including any
16 investigative files.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

18 Please see Defendant's responses to Requests Nos. 14 and 34.

19 **REQUEST FOR PRODUCTION NO. 61:**

20 Please produce all documents relating to Plaintiff's application for a CCW, including any
21 investigative files.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

23 Please see Defendant's response to Request No. 60.

24 **REQUEST FOR PRODUCTION NO. 62:**

25 Please produce all documents relating to Plaintiff's character.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

27 Defendant objects to this requests as vague, ambiguous and beyond the scope of discovery.

28 Plaintiff fails to explain what she means by "character" and to limit her request in relation to the

1 subject matter of this lawsuit. On the basis of these objections, Defendant will not respond to this
2 request.

3 **REQUEST FOR PRODUCTION NO. 63:**

4 Please produce all documents maintained in any government database that you have access to,
5 that is NOT a matter of public record.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

7 Defendant objects to this request as grossly overbroad, beyond the scope of discovery, and as
8 calling for documents legally protected from disclosure. The request is not limited to any subject
9 matter, jurisdiction or time period and bears no connection to the disputes in this lawsuit. Based on
10 the foregoing objections, Defendant will not respond to this request.

11 **REQUEST FOR PRODUCTION NO. 64:**

12 Please produce all documents maintained in any government criminal database that you have
13 access to, that is NOT a matter of public record.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

15 Defendant objects to this request as grossly overbroad, beyond the scope of discovery, and as
16 calling for documents legally protected from disclosure. The request is not limited to any subject
17 matter, jurisdiction or time period and bears no connection to the disputes in this lawsuit. Based on
18 the foregoing objections, Defendant will not respond to this request.

19 **REQUEST FOR PRODUCTION NO. 65:**

20 Please produce all investigative files relating the peace officers identified in the San Francisco
21 Chronicle articles attached to the Initial Disclosures.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 65:**

23 Defendant objects that the documents requested are confidential peace officer personnel
24 records that are protected by law. Defendant cannot disclose information from peace officer personnel
25 records absent a *Pitchess* hearing and court order, and even then disclosure may only be made for
26 limited purposes. Defendant further objects that investigatory files are confidential and privileged
27 from disclosure. Defendant further objects that the request exceeds the bounds of permissible
28

1 discovery as it is not relevant to any party's claims or defenses. On the basis of the foregoing
2 objections, Defendant will not respond to this request.

3 **REQUEST FOR PRODUCTION NO. 65 [SIC]:**

4 Please produce all criminal and disciplinary history documents regarding the peace officers
5 identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 65 [SIC]:**

7 Defendant objects that the documents requested, if any, are confidential peace officer
8 personnel records that are protected by law. Defendant cannot disclose information from peace officer
9 personnel records absent a *Pitchess* hearing and court order, and even then disclosure may only be
10 made for limited purposes. Defendant further objects that investigatory files are confidential and
11 privileged from disclosure. Defendant further objects that the request exceeds the bounds of
12 permissible discovery as it is not relevant to any party's claims or defenses. On the basis of the
13 foregoing objections, Defendant will not respond to this request.

14 **REQUEST FOR PRODUCTION NO. 66:**

15 Please produce all internal affairs investigative logs showing all citizens COMPLAINTS
16 against peace officers ever employed by you, including, but not limited to, the peace officers identified
17 in the San Francisco Chronicle articles attached to the Initial Disclosures.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 66:**

19 Please see Defendant's response to Request No. 48. Defendant further advises that aggregate
20 complaint information about San Francisco Police Officers is available from the Office of Citizen
21 Complaints on its website. Its web address is: <http://www.sfgov3.org/index.aspx?page=419>.

22 **REQUEST FOR PRODUCTION NO. 67:**

23 Please produce all data that supports all current gun control laws which are the subject matter
24 of this action.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 67:**

26 Please see Defendant's response to Request No. 1.

27 ///

28 ///

1 **REQUEST FOR PRODUCTION NO. 68:**

2 Please produce all investigative files and documents regarding each and every current and
3 former employee of the San Francisco Police Department who is identified in the attached articles of
4 the San Francisco Chronicle.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68:**

6 Defendant objects that the documents requested are confidential peace officer personnel
7 records that are protected by law. Defendant cannot disclose information from peace officer personnel
8 records absent a *Pitchess* hearing and court order, and even then disclosure may only be made for
9 limited purposes. Defendant further objects that investigatory files are confidential and privileged
10 from disclosure. Defendant further objects that the request exceeds the bounds of permissible
11 discovery as it is not relevant to any party's claims or defenses. On the basis of the foregoing
12 objections, Defendant will not respond to this request.

13 **REQUEST FOR PRODUCTION NO. 69:**

14 Please produce all documents showing that any of the past or present employees of the San
15 Francisco Police Department who are identified in the attached articles of the San Francisco Chronicle
16 were permitted to carry a concealed weapon.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69:**

18 Defendant objects that the documents requested are confidential peace officer personnel
19 records that are protected by law. Defendant cannot disclose information from peace officer personnel
20 records absent a *Pitchess* hearing and court order, and even then disclosure may only be made for
21 limited purposes. Defendant further objects that investigatory files are confidential and privileged
22 from disclosure. Defendant further objects that the request exceeds the bounds of permissible
23 discovery as it is not relevant to any party's claims or defenses. On the basis of the foregoing
24 objections, Defendant will not respond to this request.

25 **REQUEST FOR PRODUCTION NO. 70:**

26 Please produce all documents showing that any of the past or present employees of the San
27 Francisco Police Department who are identified in the attached articles of the San Francisco Chronicle
28 had their license or right to carry a concealed weapon revoked or restricted.

RESPONSE TO REQUEST FOR PRODUCTION NO. 70:

Defendant objects that the documents requested are confidential peace officer personnel records that are protected by law. Defendant cannot disclose information from peace officer personnel records absent a *Pitchess* hearing and court order, and even then disclosure may only be made for limited purposes. Defendant further objects that investigatory files are confidential and privileged from disclosure. Defendant further objects that the request exceeds the bounds of permissible discovery as it is not relevant to any party's claims or defenses. On the basis of the foregoing objections, Defendant will not respond to this request.

REQUEST FOR PRODUCTION NO. 71:

Please produce all documents used or relied upon to respond to Interrogatories, Set One, propounded upon you in this litigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 71:

Defendant will produce all non-privileged, responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 72:

Please produce all documents which you identified in any discovery response.

RESPONSE TO REQUEST FOR PRODUCTION NO. 72:

Defendant will produce all non-privileged, responsive documents in its possession, custody or control.

Dated: January 17, 2012

DENNIS J. HERRERA
City Attorney
WAYNE SNODGRASS
SHERRI SOKELAND KAISER
Deputy City Attorneys

By: 
SHERRI SOKELAND KAISER

Attorneys for Defendants CITY AND COUNTY OF
SAN FRANCISCO and ITS OFFICIALS

Pizzo v City and County of San Francisco
United States District Court Case No. C09-4493 CW

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4682.

On January 17, 2012, I served the following document(s):

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

on the following persons at the locations specified:

GARY WILLIAM GORSKI
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8549 Nephi Way
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Sacramento, CA 94244-2550
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[Counsel for Defendant *ATTORNEY GENERAL KAMALA D. HARRIS*]

CRAIG C. WEAVER
CC WEAVER & ASSOCIATES
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Folsom, CA 95763
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Facsimile: (916) 404-4867
Email: craigcweaver@ccweaver.com
[Counsel for Plaintiff *PIZZO*]

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY PERSONAL SERVICE: I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service.

BY OVERNIGHT DELIVERY: I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

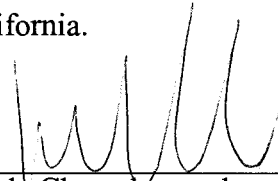
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BY FACSIMILE: Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number (415) 554-4747 to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error.

BY ELECTRONIC MAIL: I caused a copy of such document to be transmitted via electronic mail in portable document format ("PDF") Adobe Acrobat from the electronic address: pamela.cheeseborough@sfgov.org.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed January 17, 2012, at San Francisco, California.



Pamela Cheeseborough

RJN # “20”

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7 Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO
8 and ITS OFFICIALS

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 THERESE MARIE PIZZO,
13
14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN FRANCISCO
MAYOR GAVIN NEWSOM, in both his
individual and official capacities; FORMER
17 SAN FRANCISCO POLICE DEPARTMENT
CHIEF OF POLICE HEATHER FONG, in
18 both her individual and official capacities;
SAN FRANCISCO POLICE DEPARTMENT
19 CHIEF OF POLICE GEORGE GASCON, in
his official capacity; SAN FRANCISCO
20 SHERIFF MICHAEL HENNESSEY, in both
his individual and official capacities; CITY
21 AND COUNTY OF SAN FRANCISCO; and
STATE OF CALIFORNIA ATTORNEY
22 GENERAL EDMUND G. BROWN, in his
official capacity,

23 Defendants.

24 NATIONAL RIFLE ASSOCIATION, INC.,

25 Amicus Curiae.
26

Case No. C09-4493 CW

**CITY AND COUNTY OF SAN FRANCISCO
DEFENDANTS' RESPONSES TO
PLAINTIFF'S FIRST REQUEST FOR
ADMISSIONS**

1 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

2 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO¹

3 SET NO.: ONE

4 Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendant CITY AND COUNTY
5 OF SAN FRANCISCO ("Defendant") hereby responds to Plaintiff THERESE MARIE PIZZO's First
6 Set of Requests for Admissions as follows:

7 **PRELIMINARY STATEMENT**

8 Discovery in this action is still proceeding. Defendant has not completed its investigation of
9 the facts relating to this action, or its discovery, legal research, and preparation for trial. Defendant's
10 responses are based solely on information of which Defendant is currently aware and which is
11 reasonably available. Defendant reserves the right to provide supplemental responses to these
12 requests, or otherwise supplement, revise or explain the information contained in the responses, in
13 light of information gathered through further investigation and discovery. Defendant further reserves
14 the right at time of trial to present subsequently discovered facts, or facts that are already known but
15 whose relevance, significance, or applicability has not yet been ascertained.

16 By objecting and responding to Plaintiff's requests, Defendant does not waive its rights to
17 challenge the relevance, materiality, or admissibility of the requests and/or its responses thereto in any
18 subsequent proceeding or trial in this action.

19 **RESPONSES TO REQUESTS FOR ADMISSIONS**

20 **REQUEST FOR ADMISSIONS NO. 1:**

21 YOU conducted no research on the effects of the regulation of firearm prior to any firearm
22 laws or ordinances being passed or enforced.

23 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 1:**

24 Denied.

25 ///

26 _____
27 ¹ Defendant City and County of San Francisco also hereby responds on behalf of its officials,
28 San Francisco Police Chief Greg Suhr and San Francisco Sheriff Ross Mirkarimi, who automatically
substitute for former Chiefs Fong and Gascon and for former Sheriff Hennessey, respectively, by
operation of Federal Rule of Civil Procedure 25(d).

1 **REQUEST FOR ADMISSIONS NO. 2:**

2 YOU never used any taxpayer funds for research on the dangers of the public's access to
3 firearms and who are not California peace officers.

4 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 2:**

5 Defendant objects to this request as unintelligible and on that basis does not respond.

6 **REQUEST FOR ADMISSIONS NO. 3:**

7 YOU did not rely on any publication, treatise, statistical data, study or research prior to your
8 enactment or enforcement of any firearm law, policy, regulation or ordinance which is the subject
9 matter of this action.

10 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 3:**

11 Denied.

12 **REQUEST FOR ADMISSIONS NO. 4:**

13 There is no evidence that the prohibition of carrying concealed handguns by members of the
14 public, who are otherwise legally permitted to own a handgun, actually reduces firearm related deaths
15 and crime.

16 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 4:**

17 The requested admission, and its bearing on CCW laws, is a matter of controversy among
18 researchers and advocates. Accordingly, Defendant believes that the requested admission is properly a
19 matter of expert opinion. Defendant has made a reasonable inquiry and determined that, prior to
20 expert discovery, it lacks sufficient first-hand knowledge to admit or deny the requested admission.

21 **REQUEST FOR ADMISSIONS NO. 5:**

22 There has never been an open and public debate on the dangers of firearms prior to YOUR
23 enactment or enforcement of any firearm law, policy, regulation or ordinance which is the subject
24 matter of this action.

25 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 5:**

26 Denied.

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1 **REQUEST FOR ADMISSIONS NO. 6:**

2 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows their
3 citizens to carry a concealed handgun, have less crime per capita than states with MAY-ISSUE and
4 NO-ISSUE type of conceal carry laws.

5 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 6:**

6 The requested admission, and its bearing on CCW laws, is a matter of controversy among
7 researchers and advocates. Accordingly, Defendant believes that the requested admission is properly a
8 matter of expert opinion. Defendant has made a reasonable inquiry and determined that, prior to
9 expert discovery, it lacks sufficient first-hand knowledge to admit or deny the requested admission.

10 **REQUEST FOR ADMISSIONS NO. 7:**

11 There are no documents or data supporting YOUR contention that your enactment or
12 enforcement of any firearm law, policy, regulation or ordinance has actually reduced crime and saved
13 lives.

14 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 7:**

15 Admitted.

16 **REQUEST FOR ADMISSIONS NO. 8:**

17 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows their
18 citizens to carry a concealed handgun, spend less on law enforcement services than states with MAY-
19 ISSUE and NO-ISSUE type of conceal carry laws.

20 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 8:**

21 The requested admission, and its bearing on CCW laws, is a matter of controversy among
22 researchers and advocates. Accordingly, Defendant believes that the requested admission is properly a
23 matter of expert opinion. Defendant has made a reasonable inquiry and determined that, prior to
24 expert discovery, it lacks sufficient first-hand knowledge to admit or deny the requested admission.

25 **REQUEST FOR ADMISSIONS NO. 9:**

26 At least one honorably retired California peace officer has been convicted of domestic violence
27 and still has a permit to carry a concealed weapon.

28 ///

1 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 9:**

2 Defendant denies that anyone convicted of domestic violence has a lawful California permit to
3 carry a concealed weapon. Defendant further denies any knowledge of an honorably retired California
4 peace officer who has been convicted of domestic violence and has a permit to carry a concealed
5 weapon.

6 **REQUEST FOR ADMISSIONS NO. 10:**

7 At least one honorably retired California peace officer has been convicted of driving under the
8 influence of alcohol and still has a permit to carry a concealed weapon.

9 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 10:**

10 After a reasonable inquiry, the information that Defendant knows or can readily obtain is
11 insufficient to allow it to admit or deny this requested admission.

12 **REQUEST FOR ADMISSIONS NO. 11:**

13 There are no documented cases of any honorably retired California peace officer being
14 murdered by someone they either arrested or investigated while employed as a California peace
15 officer.

16 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 11:**

17 After a reasonable inquiry, the information that Defendant knows or can readily obtain is
18 insufficient to allow it to admit or deny this requested admission.

19 **REQUEST FOR ADMISSIONS NO. 12:**

20 There are no documented cases of any honorably retired California peace officer being
21 threatened by someone they either arrested or investigated while employed as a California peace
22 officer.

23 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 12:**

24 Denied.

25 **REQUEST FOR ADMISSIONS NO. 13:**

26 Once a California peace officer is honorably retired, he or she is not required to undergo
27 periodic psychological testing in order to have CCW permit.

28 ///

1 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 13:**

2 Defendant objects to this request because it calls solely for a legal opinion.

3 **REQUEST FOR ADMISSIONS NO. 14:**

4 Once an individual passes a psychological test and is employed as a California peace officer,
5 he or she is not required to undergo periodic psychological testing in order to maintain their status as a
6 peace officer unless specifically ordered to do so in very limited circumstances.

7 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 14:**

8 Defendant objects to this request because it calls solely for a legal opinion.

9 **REQUEST FOR ADMISSIONS NO. 15:**

10 A California peace officer's psychological profile will change at certain points during the
11 course of their employment as a peace officer.

12 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 15:**

13 Defendant objects to this request as irrelevant to any party's claim or defense, vague and
14 ambiguous in failing to identify any individual officers, and requiring speculation. On the basis of
15 these objections, Defendant will not respond to this request.

16 **REQUEST FOR ADMISSIONS NO. 16:**

17 A California peace officer is more likely to commit suicide than a person who is not a
18 California peace officer.

19 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 16:**

20 Defendant objects to this request for admission as irrelevant to any party's claim or defense.
21 Defendant objects that this request for admission calls for expert opinion. Without waiving its
22 objections, Defendant responds that, after a reasonable inquiry, the first-hand information that
23 Defendant knows or can readily obtain is insufficient to allow it to admit or deny this requested
24 admission.

25 **REQUEST FOR ADMISSIONS NO. 17:**

26 The average psychological profile of a California peace officer, as determined by the
27 Minnesota Multiphasic Personality Inventory I and II, is very similar to the average criminals
28 psychological profile.

1 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 17:**

2 Defendant objects to this request for admission as irrelevant to any party's claim or defense.
3 Defendant objects that this request for admission calls for expert opinion. Without waiving its
4 objections, Defendant responds that, after a reasonable inquiry, the first-hand information that
5 Defendant knows or can readily obtain is insufficient to allow it to admit or deny this requested
6 admission.

7 **REQUEST FOR ADMISSIONS NO. 18:**

8 The FBI held a Conference on Domestic Violence by Police Officers, in Quantico, VA,
9 September 16, 1998, the focus of which was the profiled personalities of male law enforcement
10 personnel who battered their female domestic partners.

11 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 18:**

12 Defendant objects to this request for admission as irrelevant to any party's claim or defense.
13 Without waiving its objection, Defendant responds that it lacks sufficient first-hand information to
14 admit or deny the request.

15 **REQUEST FOR ADMISSIONS NO. 19:**

16 Honorably retired California peace officers have no more good cause for the issuance of a
17 concealed weapons permit as compared to members of the public who were never a law enforcement
18 officer and who have never been prohibited from possessing a firearm.

19 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 19:**

20 Denied.

21 **REQUEST FOR ADMISSIONS NO. 20:**

22 Two reports that followed the Rodney King beating--the 1991 report of the Independent
23 Commission To Study the Los Angeles Police Department and the 1992 Los Angeles County Sheriff's
24 Report by James G. Kolt and staff--questioned the effectiveness of existing psychological screening to
25 predict propensity for violence by California peace officers.

26 ///

27 ///

28 ///

1 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 20:**

2 Defendant objects to this request for admission as irrelevant to any party's claim or defense.
3 Without waiving its objection, Defendant responds that it lacks sufficient first-hand information to
4 admit or deny the request.

5 **REQUEST FOR ADMISSIONS NO. 21:**

6 Issuing concealed weapons permits to citizens who have never been peace officers has no
7 measurable effect on the increase in crime or gun violence.

8 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 21:**

9 The requested admission, and its bearing on CCW laws, is a matter of controversy among
10 researchers and advocates. Accordingly, Defendant believes that the requested admission is properly a
11 matter of expert opinion. Defendant has made a reasonable inquiry and determined that, prior to
12 expert discovery, it lacks sufficient first-hand knowledge to admit or deny the requested admission.

13 **REQUEST FOR ADMISSIONS NO. 22:**

14 Every single Federal Bureau of Investigation (FBI) report since 1987 shows that in the fifteen
15 (15) years following the passage of Florida's "shall issue" concealed carry law in 1987, 800,000 CCW
16 permits have been issued and the homicide rate in Florida, which in 1987 was much higher than the
17 national average, fell 52% bringing it below the national average.

18 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 22:**

19 Defendant objects to this request as irrelevant to any party's claim or defense. Defendant
20 further objects that the subject-matter of this request is properly a subject of expert discovery. Prior to
21 expert discovery, Defendant lacks sufficient information to admit or deny it.

22 **REQUEST FOR ADMISSIONS NO. 23:**

23 There is no factual reason why Plaintiff should not have been issued a CCW permit.

24 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 23:**

25 Denied.

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1 **REQUEST FOR ADMISSIONS NO. 24:**

2 There are no facts supporting any law that favors the issuance of CCWs to honorably retired
3 California peace officers as compared to the same laws also being applied equally to honorably retired
4 members of the United States Armed Forces.

5 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 24:**

6 Defendant objects that this request for admission is irrelevant to any party's claims or defenses.
7 Defendant further objects that the subject-matter of this request is properly a subject of expert
8 discovery. Prior to expert discovery, Defendant lacks sufficient information to admit or deny it.

9 **REQUEST FOR ADMISSIONS NO. 25:**

10 There is no evidence that CCW permit holders in "shall issue" states commit more gun related
11 crimes per capita as compared to the citizens of the State of California.

12 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 25:**

13 Defendant objects that this request for admission is irrelevant to any party's claims or defenses.
14 Defendant further objects that the subject-matter of this request is properly a subject of expert
15 discovery. Prior to expert discovery, Defendant lacks sufficient information to admit or deny it.

16
17 Dated: January 17, 2012

18 DENNIS J. HERRERA
19 City Attorney
20 WAYNE SNODGRASS
21 SHERRI SOKELAND KAISER
22 Deputy City Attorneys

23 By: 
24 SHERRI SOKELAND KAISER

25 Attorneys for Defendants CITY AND COUNTY OF
26 SAN FRANCISCO and ITS OFFICIALS
27
28

Pizzo v City and County of San Francisco
United States District Court Case No. C09-4493 CW

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4682.

On January 17, 2012, I served the following document(s):

CITY AND COUNTY OF SAN FRANCISCO DEFENDANTS' RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

on the following persons at the locations specified:

GARY WILLIAM GORSKI
LAW OFFICES OF GARY W. GORSKI
8549 Nephi Way
Fair Oaks, CA 95628
Telephone: (916) 965-6800
Facsimile: (916) 965-6801
Email: usrugby@gmail.com
[Counsel for Plaintiff *PIZZO*]

GEORGE WATERS
CA ATTORNEY GENERAL'S OFFICE
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 323-8050
Facsimile: (916) 324-8835
Email: george.waters@doj.ca.gov
[Counsel for Defendant *ATTORNEY GENERAL KAMALA D. HARRIS*]

CRAIG C. WEAVER
CC WEAVER & ASSOCIATES
P.O. Box 2275
Folsom, CA 95763
Telephone: (916) 941-5184
Facsimile: (916) 404-4867
Email: craigcweaver@ccweaver.com
[Counsel for Plaintiff *PIZZO*]

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY PERSONAL SERVICE: I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service.

BY OVERNIGHT DELIVERY: I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

1 **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and
2 correct copies of the above document(s) via a facsimile machine at telephone number (415) 554-4747 to the
3 persons and the fax numbers listed above. The fax transmission was reported as complete and without error.

4 **BY ELECTRONIC MAIL:** I caused a copy of such document to be transmitted via electronic mail in
5 portable document format ("PDF") Adobe Acrobat from the electronic address:
6 pamela.cheeseborough@sfgov.org.

7 I declare under penalty of perjury pursuant to the laws of the State of California that the
8 foregoing is true and correct.

9 Executed January 17, 2012, at San Francisco, California.

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Pamela Cheeseborough

RJN # “21”

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 WAYNE SNODGRASS, State Bar #148137
SHERRI KAISER, State Bar #197986
3 Deputy City Attorneys
1 Dr. Carlton B. Goodlett Place
4 City Hall, Room 234
San Francisco, California 94102-4682
5 Telephone: (415) 554-4691
Facsimile: (415) 554-4747
6 E-Mail: sherri.kaiser@sfgov.org

7 Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO
8 and ITS OFFICIALS

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 THERESE MARIE PIZZO,
13
14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN FRANCISCO
MAYOR GAVIN NEWSOM, in both his
17 individual and official capacities; FORMER
SAN FRANCISCO POLICE DEPARTMENT
CHIEF OF POLICE HEATHER FONG, in
18 both her individual and official capacities;
SAN FRANCISCO POLICE DEPARTMENT
19 CHIEF OF POLICE GEORGE GASCON, in
his official capacity; SAN FRANCISCO
20 SHERIFF MICHAEL HENNESSEY, in both
his individual and official capacities; CITY
21 AND COUNTY OF SAN FRANCISCO; and
STATE OF CALIFORNIA ATTORNEY
22 GENERAL EDMUND G. BROWN, in his
official capacity,

23 Defendants.
24

25 NATIONAL RIFLE ASSOCIATION, INC.,
26
27 Amicus Curiae.
28

Case No. C09-4493 CW

**DEFENDANT SAN FRANCISCO POLICE
CHIEF GREG SUHR'S RESPONSES TO
PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

1 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

2 RESPONDING PARTY: Defendant SAN FRANCISCO POLICE CHIEF GREG SUHR¹

3 SET NO.: ONE

4 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant SAN FRANCISCO
5 POLICE CHIEF GREG SUHR ("Defendant") hereby responds to Plaintiff THERESE MARIE
6 PIZZO's First Set of Interrogatories.

7 **PRELIMINARY STATEMENT**

8 Discovery in this action is still proceeding. The Defendant has not completed its investigation
9 of the facts relating to this action, discovery, legal research, or preparation for trial. The objections
10 and responses contained herein are based on the information currently available and are made without
11 prejudice to the Defendant's right to present subsequently discovered facts, or facts that are already
12 known but whose relevance, significance, or applicability has not yet been ascertained.

13 **RESPONSES TO INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 Please identify the name and address of each individual who has ever been issued a CCW by
16 YOU (Where "CCW" is used, it means a permit or license to carry a concealed weapon, i.e. handgun.)
17 from January 1, 2000 to the present.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 Defendant objects to the request to identify any CCW applicant's residential address or
20 personal telephone number on the basis of the right to privacy and will not provide such information.
21 On December 14, 2011, during a meet and confer session with counsel for the City Defendants,
22 Plaintiff's counsel agreed that the City could withhold and/or redact sensitive personal information
23 such as home address, home phone, date of birth, social security number, drivers license number, and
24 other personally identifying information in place of seeking a protective order. In the hopes of
25 streamlining discovery and avoiding unnecessary motion practice, Plaintiff's counsel also agreed to
26

27 _____
28 ¹ Current San Francisco Police Chief Greg Suhr automatically substitutes for former Chiefs Fong and Gascon by operation of Federal Rule of Civil Procedure 25(d).

1 determine which specific pieces of withheld and/or redacted information Plaintiff may wish to pursue,
2 if any, and to meet and confer with Defendant in regard to those specific items.

3 Accordingly, and without waiving its objections, Defendant responds as follows: In response
4 to Plaintiff's Request for Production Nos. 12 and 13, Defendant is producing all SFPD CCW applicant
5 files beginning January 1, 2000, whether approved or denied, in its possession, custody or control.
6 Although applicants' residential addresses and other sensitive personal information have been
7 redacted, business contact information has not. The burden of compiling a list of names, addresses
8 and telephone numbers from these application files would be the same for either party, and Defendant
9 has not otherwise compiled the requested information. Accordingly, pursuant to Rule 33(d),
10 Defendant refers Plaintiffs to these documents in response to this Interrogatory.

11 **INTERROGATORY NO. 2:**

12 Please identify the name, telephone and address of each individual who was NOT issued a
13 CCW by YOU, even though they applied for a CCW, from January 1, 2000 to the present.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Defendant objects to the request to identify any CCW applicant's residential address or
16 personal telephone number on the basis of the right to privacy and will not provide such information.
17 On December 14, 2011, during a meet and confer session with counsel for the City Defendants,
18 Plaintiff's counsel agreed that the City could withhold and/or redact sensitive personal information
19 such as home address, home phone, date of birth, social security number, drivers license number, and
20 other personally identifying information in place of seeking a protective order. In the hopes of
21 streamlining discovery and avoiding unnecessary motion practice, Plaintiff's counsel also agreed to
22 determine which specific pieces of withheld and/or redacted information Plaintiff may wish to pursue,
23 if any, and to meet and confer with Defendant in regard to those specific items.

24 Accordingly, and without waiving its objections, Defendant responds as follows: In response
25 to Plaintiff's Request for Production Nos. 12 and 13, Defendant is producing all SFPD CCW applicant
26 files beginning January 1, 2000, whether approved or denied, in its possession, custody or control.
27 Although applicants' residential addresses and other sensitive personal information have been
28 redacted, business contact information has not. The burden of compiling a list of names, addresses

1 and telephone numbers from these application files would be the same for either party, and Defendant
2 has not otherwise compiled the requested information. Accordingly, pursuant to Rule 33(d),
3 Defendant refers Plaintiffs to these documents in response to this Interrogatory.

4 **INTERROGATORY NO. 3:**

5 Please identify the name and address of each California Peace Officer who has ever been
6 convicted of a crime, and who was either issued a CCW or permitted to carry a concealed weapon off-
7 duty or after termination from employment as a peace officer.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Defendant objects to this request because the criminal history of a California peace officer is
10 protected by law. Defendant cannot disclose such information absent a *Pitchess* hearing and court
11 order, and even then disclosure may only be made for limited purposes. Defendant further objects to
12 this request as beyond the scope of discovery, overbroad, unduly burdensome, and vague and
13 ambiguous. The request is beyond the scope of discovery because it is unlikely to lead to any
14 admissible evidence relevant to either party's claims or defenses, including Plaintiff's equal protection
15 claim. The request is overbroad in that it provides no limit on time or place and appears to seek
16 information about every person who has served as a peace officer anywhere in the state at any time.
17 The word "crime," as used in this request, is also vague and ambiguous because it does not convey the
18 nature of the offenses for which information is sought. If it means every violation of law, then it is
19 grossly overbroad and beyond the scope of discovery. If it means only violations of law with some
20 bearing on carrying concealed weapons, then Plaintiff should list the violations that she asserts would
21 belong in this category. The request is also unduly burdensome because, even if the request were
22 restricted to those peace officers who have been employed by the Defendant at any time within a
23 reasonably limited time period and "crime" was reasonably defined, Defendant could not compile
24 responsive information without a file-by-file hand search of the individual personnel files of its peace
25 officers at a large, urban police department and large urban Sheriff's Department. This would
26 presumably entail thousands of files, each of which would have to be evaluated for multiple criteria.
27 Further, responsive information located through this laborious process could not be released absent a
28 court hearing and order on an officer-by-officer basis.

1 Without waiving the foregoing objections, Defendant responds as follows: A peace officer
2 who has been terminated for cause automatically loses his or her status as a peace officer, including
3 any concomitant right to carry a concealed firearm. To the best of Defendant's knowledge, no peace
4 officer who has been terminated for cause by the San Francisco Police Department has been allowed
5 to retain his or her firearm or been granted a CCW license either at or after termination.

6 **INTERROGATORY NO. 4:**

7 Is it your contention that gun control laws decrease gun related deaths and injuries?

8 **RESPONSE TO INTERROGATORY NO. 4:**

9 Defendant objects to this request as overbroad, vague and ambiguous, outside the scope of
10 discovery, requiring speculation and as a matter of expert opinion. The proposed contention is
11 unrestricted in time and jurisdiction, and it fails to define what is meant by "gun control laws," much
12 less identify any specific laws for Defendant to evaluate. Moreover, although certain of Defendant's
13 gun-related ordinances are at issue in this litigation, the overall effect of all "gun control laws" at all
14 times and in all places is not. Nor, to Defendant's knowledge, is it even possible to determine as a
15 matter of fact whether all gun control laws at all times and places decrease all gun-related deaths and
16 injuries. To the extent that Defendant could conceivably respond, it would be in the form of an expert
17 report or testimony, which is not subject to discovery at this time.

18 Without waiving the foregoing objections, Defendant responds as follows. Defendant takes no
19 position on the contention as drafted.

20 **INTERROGATORY NO. 5:**

21 If your answer to interrogatory number 4 is yes, please state all facts which supports your
22 contention.

23 **RESPONSE TO INTERROGATORY NO. 5:**

24 Not applicable.

25 **INTERROGATORY NO. 6:**

26 If your answer to interrogatory number 4 is yes, please identify all documents which support
27 your contention.

1 **RESPONSE TO INTERROGATORY NO. 6:**

2 Not applicable.

3 **INTERROGATORY NO. 7:**

4 If your answer to interrogatory number 4 is yes, please identify all witnesses who have
5 information supporting your contention.

6 **RESPONSE TO INTERROGATORY NO. 7:**

7 Not applicable.

8 **INTERROGATORY NO. 8:**

9 Is it your contention that honorably retired California peace officers have a greater probability
10 of being the victim of crime than members of the public who have never been California
11 peace officer?

12 **RESPONSE TO INTERROGATORY NO. 8:**

13 Defendant objects to this interrogatory as overbroad, vague and ambiguous, requiring
14 speculation, and beyond the permissible scope of discovery. The proposed contention is unrestricted
15 in time and jurisdiction, and it fails to define what is meant by "crime" much less identify any specific
16 crimes for Defendant to evaluate. The word "crime," as used in this request, is also vague and
17 ambiguous because it does not convey the nature of the offenses for which information is sought. If it
18 means every violation of law, then it is grossly overbroad and beyond the scope of discovery. If it
19 means only violations of law with some bearing on carrying concealed weapons, then Plaintiff should
20 list the violations that she asserts would belong in this category. To the extent that Defendant could
21 conceivably respond, it would be in the form of an expert report or testimony, which is not subject to
22 discovery at this time.

23 Without waiving the foregoing objections, Defendant responds as follows. Defendant takes no
24 position on the contention as drafted and, in any event, has no responsive information in its possession,
25 custody or control.

26 **INTERROGATORY NO. 9:**

27 If your answer to interrogatory number 8 is yes, please state all facts which supports your
28 contention.

1 **RESPONSE TO INTERROGATORY NO. 9:**

2 Not applicable.

3 **INTERROGATORY NO. 10:**

4 If your answer to interrogatory number 8 is yes, please identify all documents which support
5 your contention.

6 **RESPONSE TO INTERROGATORY NO. 10:**

7 Not applicable.

8 **INTERROGATORY NO. 11:**

9 If your answer to interrogatory number 8 is yes, please identify all witnesses who have
10 information supporting your contention.

11 **RESPONSE TO INTERROGATORY NO. 11:**

12 Not applicable.

13 **INTERROGATORY NO. 12:**

14 Is it your contention that states that are "SHALL-ISSUE" and UNRESTRICTED have a higher
15 percentage of crimes committed with a handgun than states that are "MAY-ISSUE" and "NO-
16 ISSUE"?

17 **RESPONSE TO INTERROGATORY NO. 12:**

18 Defendant objects to this request as overbroad and outside the scope of discovery. Only
19 Defendant's policies and practices for CCW licensing in the City and County of San Francisco are at
20 issue in this litigation. Defendant further objects that, to the extent it could conceivably respond to a
21 reformed request, it would be in the form of an expert report or testimony. Expert materials are not
22 subject to discovery at this juncture

23 Without waiving the foregoing objections, Defendant responds as follows: Defendant takes no
24 position on the contention as drafted.

25 **INTERROGATORY NO. 13:**

26 If your answer to interrogatory number 12 is yes, please state all facts which supports your
27 contention.

1 **RESPONSE TO INTERROGATORY NO. 13:**

2 Not applicable.

3 **INTERROGATORY NO. 14:**

4 If your answer to interrogatory number 12 is yes, please identify all documents which support
5 your contention.

6 **RESPONSE TO INTERROGATORY NO. 14:**

7 Not applicable.

8 **INTERROGATORY NO. 15:**

9 If your answer to interrogatory number 12 is yes, please identify all witnesses who have
10 information supporting your contention.

11 **RESPONSE TO INTERROGATORY NO. 15:**

12 Not applicable.

13 **INTERROGATORY NO. 16:**

14 Is it your contention that an honorably retired California peace officer has a greater probability
15 of being physically attacked as compared to a person who was never employed as a California peace
16 officer?

17 **RESPONSE TO INTERROGATORY NO. 16:**

18 Defendant objects to this interrogatory as overbroad, vague and ambiguous, requiring
19 speculation, and beyond the permissible scope of discovery. The proposed contention is unrestricted
20 in time, jurisdiction, and the populations to be measured, and it fails to define what is meant by
21 "physically attacked." To the extent that Defendant could conceivably respond, it would be in the
22 form of an expert report or testimony, which is not subject to discovery at this time.

23 Without waiving the foregoing objections, Defendant responds as follows. Defendant takes no
24 position on the contention as drafted and, in any event, has no responsive information in its possession,
25 custody or control.

26 **INTERROGATORY NO. 17:**

27 If your answer to interrogatory number 16 is yes, please state all facts which supports your
28 contention.

1 **RESPONSE TO INTERROGATORY NO. 17:**

2 Not applicable.

3 **INTERROGATORY NO. 18:**

4 If your answer to interrogatory number 16 is yes, please identify all documents which support
5 your contention.

6 **RESPONSE TO INTERROGATORY NO. 18:**

7 Not applicable.

8 **INTERROGATORY NO. 19:**

9 If your answer to interrogatory number 16 is yes, please identify all witnesses who have
10 information supporting your contention.

11 **RESPONSE TO INTERROGATORY NO. 19:**

12 Not applicable.

13 **INTERROGATORY NO. 20:**

14 If your response to each request for admission served with these interrogatories is other than an
15 unqualified admission, for each such response,

16 (a) state the number of the request;

17 (b) state all facts upon which you base your response;

18 (c) state the names, addresses, and telephone numbers of all persons who have

19 knowledge of those facts, including but not limited to colleagues, associates, parties, or
20 witnesses; and

21 (d) identify all documents and other tangible things that support your response and state the
22 name, address and telephone number of the person who has each document or thing.

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RESPONSE TO INTERROGATORY NO. 20:

Defendant objects to this interrogatory as compound and unduly burdensome. *See Safeco v. Rawstron*, 181 F.R.D. 441 (C.D. Cal. 1998). On the basis of these objections, Defendant will not respond.

Dated: January 17, 2012

DENNIS J. HERRERA
City Attorney
WAYNE SNODGRASS
SHERRI SOKELAND KAISER
Deputy City Attorneys

By: 
SHERRI SOKELAND KAISER

Attorneys for Defendants CITY AND COUNTY OF
SAN FRANCISCO and ITS OFFICIALS

VERIFICATION

I, Commander Lyn Tomioka, hereby declare as follows:

I am employed by the Chief of the San Francisco Police Department, a defendant in this action, and I am authorized to make this verification on behalf of the Department. I have read and know the contents of the document entitled, **DEFENDANT SAN FRANCISCO POLICE CHIEF GREG SUHR'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**. The responses were prepared with the assistance of counsel for the City. Some of the matters stated in these responses are not within my personal knowledge, and there is no individual employee of the San Francisco Police Department or of the City who has personal knowledge of all such matters. The responses, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by the records and information still in existence, presently recollected, and thus far discovered in the course of the preparation of these responses. The responses are true to the best of my knowledge, information and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 17th day of January 2012 at San Francisco, California.


LYN TOMIOKA

Pizzo v City and County of San Francisco
United States District Court Case No. C09-4493 CW

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4682.

On January 17, 2012, I served the following document(s):

**DEFENDANT SAN FRANCISCO POLICE CHIEF GREG SUHR'S RESPONSES TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES;**

VERIFICATION

on the following persons at the locations specified:

GARY WILLIAM GORSKI
LAW OFFICES OF GARY W. GORSKI
8549 Nephi Way
Fair Oaks, CA 95628
Telephone: (916) 965-6800
Facsimile: (916) 965-6801
Email: usrugby@gmail.com
[Counsel for Plaintiff *PIZZO*]

GEORGE WATERS
CA ATTORNEY GENERAL'S OFFICE
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 323-8050
Facsimile: (916) 324-8835
Email: george.waters@doj.ca.gov
[Counsel for Defendant *ATTORNEY GENERAL
KAMALA D. HARRIS*]

CRAIG C. WEAVER
CC WEAVER & ASSOCIATES
P.O. Box 2275
Folsom, CA 95763
Telephone: (916) 941-5184
Facsimile: (916) 404-4867
Email: craigcweaver@ccweaver.com
[Counsel for Plaintiff *PIZZO*]

in the manner indicated below:

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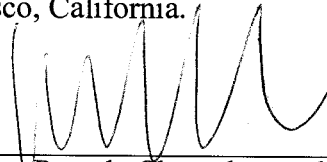
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4 **BY ELECTRONIC MAIL:** I caused a copy of such document to be transmitted via electronic mail in
5 portable document format ("PDF") Adobe Acrobat from the electronic address:
6 pamela.cheeseborough@sfgov.org.

7 I declare under penalty of perjury pursuant to the laws of the State of California that the
8 foregoing is true and correct.

9 Executed January 17, 2012, at San Francisco, California.

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Pamela Cheeseborough

RJN # “22”

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 WAYNE SNODGRASS, State Bar #148137
SHERRI KAISER, State Bar #197986
3 Deputy City Attorneys
1 Dr. Carlton B. Goodlett Place
4 City Hall, Room 234
San Francisco, California 94102-4682
5 Telephone: (415) 554-4691
Facsimile: (415) 554-4747
6 E-Mail: sherri.kaiser@sfgov.org

7 Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO
8 and ITS OFFICIALS

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 THERESE MARIE PIZZO,
13

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN FRANCISCO
MAYOR GAVIN NEWSOM, in both his
17 individual and official capacities; FORMER
SAN FRANCISCO POLICE DEPARTMENT
CHIEF OF POLICE HEATHER FONG, in
18 both her individual and official capacities;
SAN FRANCISCO POLICE DEPARTMENT
19 CHIEF OF POLICE GEORGE GASCON, in
his official capacity; SAN FRANCISCO
20 SHERIFF MICHAEL HENNESSEY, in both
his individual and official capacities; CITY
21 AND COUNTY OF SAN FRANCISCO; and
STATE OF CALIFORNIA ATTORNEY
22 GENERAL EDMUND G. BROWN, in his
official capacity,
23

24 Defendants.

25 NATIONAL RIFLE ASSOCIATION, INC.,

26 Amicus Curiae.
27
28

Case No. C09-4493 CW

**DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S RESPONSES TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

1 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

2 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

3 SET NO.: ONE

4 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant CITY AND COUNTY
5 OF SAN FRANCISCO ("Defendant") hereby responds to Plaintiff THERESE MARIE PIZZO's First
6 Set of Interrogatories.

7 **PRELIMINARY STATEMENT**

8 Discovery in this action is still proceeding. The Defendant has not completed its investigation
9 of the facts relating to this action, discovery, legal research, or preparation for trial. The objections
10 and responses contained herein are based on the information currently available and are made without
11 prejudice to the Defendant's right to present subsequently discovered facts or facts that are already
12 known but whose relevance, significance, or applicability has not yet been ascertained.

13 **RESPONSES TO INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 Please identify the name and address of each individual who has ever been issued a CCW by
16 YOU (Where "CCW" is used, it means a permit or license to carry a concealed weapon, i.e. handgun.)
17 from January 1, 2000 to the present.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 Defendant objects to the request to identify any CCW licensee's residential address on the basis
20 of privacy and will not provide such information. On December 14, 2011, during a meet and confer
21 session with counsel for the City Defendants, Plaintiff's counsel agreed that the City could withhold
22 and/or redact sensitive personal information such as home address, home phone, date of birth, social
23 security number, drivers license number, and other personally identifying information in place of
24 seeking a protective order. In the hopes of streamlining discovery and avoiding unnecessary motion
25 practice, Plaintiff's counsel also agreed to determine which specific pieces of withheld and/or redacted
26 information Plaintiff may wish to pursue, if any, and to meet and confer with Defendant in regard to
27 those specific items.

1 Accordingly, and without waiving its objections, Defendant responds as follows: 1) James
2 Harrigan. Mr. Harrigan is a City employee and may be contacted through counsel. Please note,
3 however, that Mr. Harrigan is currently on leave and may not be available. 2) Machaela Hctor. Ms.
4 Hctor was a City employee when she received her CCW license but no longer works for the City.
5 The Sheriff does not have a current address for Ms. Hctor. 3) Thomas J. Purcell was a retired FBI
6 officer. His permit expired in 2008, and the Sheriff has no current address information for Mr. Purcell.
7 4) Departmental correspondence indicates that two other CCW licenses were issued to retired federal
8 officers. Those licenses expired without being renewed, and Defendant no longer has a record of their
9 names or addresses.

10 Further, in response to Plaintiff's Request for Production Nos. 12 and 13, Defendant is
11 producing all SFPD CCW applicant files, beginning January 1, 2000, whether approved or denied, in
12 its possession, custody or control. Although licensees' residential addresses and other sensitive
13 personal information have been redacted, business contact information has not. Defendant does not
14 have a pre-existing list of the names and business addresses from these application files, and the
15 burden of compiling such a list from the produced files would be the same for either party.
16 Accordingly, pursuant to Rule 33(d), Defendant refers Plaintiff to these documents in response to this
17 Interrogatory.

18 **INTERROGATORY NO. 2:**

19 Please identify the name, telephone and address of each individual who was NOT issued a
20 CCW by YOU, even though they applied for a CCW, from January 1, 2000 to the present.

21 **RESPONSE TO INTERROGATORY NO. 2:**

22 Defendant objects to the request to identify any CCW applicant's residential address or
23 personal telephone number on the basis of the right to privacy and will not provide such information.
24 On December 14, 2011, during a meet and confer session with counsel for the City Defendants,
25 Plaintiff's counsel agreed that the City could withhold and/or redact sensitive personal information
26 such as home address, home phone, date of birth, social security number, drivers license number, and
27 other personally identifying information in place of seeking a protective order. In the hopes of
28 streamlining discovery and avoiding unnecessary motion practice, Plaintiff's counsel also agreed to

1 determine which specific pieces of withheld and/or redacted information Plaintiff may wish to pursue,
2 if any, and to meet and confer with Defendant in regard to those specific items.

3 Accordingly, and without waiving its objections, Defendant responds as follows: The
4 application of Edward Neil Callas was denied. Mr. Callas provided the following information in his
5 application: Business address 615 National Ave. #320, Mountain View, CA 94103. Business phone
6 (650) 966-5026. His application file is being produced concurrently with this interrogatory response.
7 Michael Scally withdrew an application. Eric Higgins failed to complete an application. Roman
8 Kaplan's application was returned.

9 Further, in response to Plaintiff's Request for Production Nos. 12 and 13, Defendant is
10 producing all SFPD CCW applicant files beginning January 1, 2000, whether approved or denied, in
11 its possession, custody or control. Although applicants' residential addresses and other sensitive
12 personal information have been redacted, business contact information has not. The burden of
13 compiling a list of names, addresses and telephone numbers from these application files would be the
14 same for either party, and Defendant has not otherwise compiled the requested information.
15 Accordingly, pursuant to Rule 33(d), Defendant refers Plaintiffs to these documents in response to this
16 Interrogatory.

17 **INTERROGATORY NO. 3:**

18 Please identify the name and address of each California Peace Officer who has ever been
19 convicted of a crime, and who was either issued a CCW or permitted to carry a concealed weapon off-
20 duty or after termination from employment as a peace officer.

21 **RESPONSE TO INTERROGATORY NO. 3:**

22 Defendant objects to this request because the criminal history of a California peace officer is
23 protected by law. Defendant cannot disclose such information absent a *Pitchess* hearing and court
24 order, and even then disclosure may only be made for limited purposes. Defendant further objects to
25 this request as beyond the scope of discovery, overbroad, unduly burdensome, and vague and
26 ambiguous. The request is beyond the scope of discovery because it is unlikely to lead to any
27 admissible evidence relevant to either party's claims or defenses, including Plaintiff's equal protection
28 claim. The request is overbroad in that it provides no limit on time or place and appears to seek

1 information about every person who has served as a peace officer anywhere in the state at any time.
2 The word "crime," as used in this request, is also vague and ambiguous because it does not convey the
3 nature of the offenses for which information is sought. If it means every violation of law, then it is
4 grossly overbroad and beyond the scope of discovery. If it means only violations of law with some
5 bearing on carrying concealed weapons, then Plaintiff should list the violations that she asserts would
6 belong in this category. The request is also unduly burdensome because, even if the request were
7 restricted to those peace officers who have been employed by the Defendant at any time within a
8 reasonably limited time period and "crime" was reasonably defined, Defendant could not compile
9 responsive information without a file-by-file hand search of the individual personnel files of its peace
10 officers at a large, urban police department and large urban Sheriff's Department. This would
11 presumably entail thousands of files, each of which would have to be evaluated for multiple criteria.
12 Further, responsive information located through this laborious process could not be released absent a
13 court hearing and order on an officer-by-officer basis.

14 Without waiving the foregoing objections, Defendant responds as follows: A peace officer
15 who has been terminated for cause automatically loses his or her status as a peace officer, including
16 any concomitant right to carry a concealed firearm. To the best of Defendant's knowledge, no peace
17 officer who has been terminated for cause by the San Francisco Sheriff's Department or the San
18 Francisco Police Department has been allowed to retain his or her firearm or been granted a CCW
19 license by the terminating department either at or after termination.

20 **INTERROGATORY NO. 4:**

21 Is it your contention that gun control laws decrease gun related deaths and injuries?

22 **RESPONSE TO INTERROGATORY NO. 4:**

23 Defendant objects to this request as overbroad, vague and ambiguous, outside the scope of
24 discovery, requiring speculation and as a matter of expert opinion. The proposed contention is
25 unrestricted in time and jurisdiction, and it fails to define what is meant by "gun control laws," much
26 less identify any specific laws for Defendant to evaluate. Moreover, although certain of Defendant's
27 gun-related ordinances are at issue in this litigation, the overall effect of all "gun control laws" at all
28 times and in all places is not. Nor, to Defendant's knowledge, is it even possible to determine as a

1 matter of fact whether all gun control laws at all times and places decrease all gun-related deaths and
2 injuries. To the extent that Defendant could conceivably respond, it would be in the form of an expert
3 report or testimony, which is not subject to discovery at this time.

4 Without waiving the foregoing objections, Defendant responds as follows. Defendant takes no
5 position on the contention as drafted. The San Francisco Board of Supervisors has, however, made a
6 series of legislative findings in support of some of its gun-related laws. As relevant to the ordinances
7 under challenge in this case, they are as follows:

8 Ordinance 91-94, approved 2/25/94

9 Section 1. Findings.

- 10 1. Firearms are used in nearly 67% of the homicides committed in the City.
- 11 2. In 1993, firearms were used in almost 3,000 crimes of homicide, rape, robbery and aggravated assault in the City.
- 12 3. In 1993, San Francisco General Hospital treated an average of 25 patients per month for gunshot wounds. The average cost for treatment of a gunshot wound in the United States is \$33,000.00, most of the cost borne by taxpayers.
- 13 4. In 1993, 87 individuals died of gunshot wounds in San Francisco.
- 14 5. Because of the range and effectiveness of firearms, the use of firearms in violent crime is more likely to lead to the death of injury of bystanders.
- 15 6. The State of California has not sufficiently addressed the problems resulting from the increased availability and use of firearms in urban areas of the State, forcing cities to enact, within the limits of state law, local measures.

16 *****

17 Ordinance 225-96, approved 6/7/96

18 Section 1. Findings

19 [...]

- 20 9. Certain types of ammunition manufactured in the United States and abroad are of substantial and peculiar danger to law enforcement officers and victims of gun shot wounds. . . . [S]uch ammunition has been designed specifically to increase the amount of bodily injury inflicted on an individual struck by such ammunition. Current law banning the sale of certain ammunition needs to be clarified to ban these types of particularly dangerous ammunition, while at the same time not restricting the sale of other commonly used ammunition.

21 *****

22 ///

1 Ord. No. 89-94, approved 2/25/94

2 Section 1. Findings.

- 3 1. Firearms are used in nearly 67% of the homicides committed in the City.
- 4 2. In 1993, firearms were used in almost 3,000 crimes of homicide, rape, robbery and aggravated assault in the City.
- 5 3. In 1993, San Francisco General Hospital treated an average of 25 patients per month for gunshot wounds. The average cost for treatment of a gunshot wound in the United States is \$33,000.00, most of the cost borne by taxpayers.
- 6 4. In 1993, 87 individuals died of gunshot wounds in San Francisco.
- 7 5. Because of the range of effectiveness of firearms, the use of firearms in violent crimes is more likely to lead to death or injury of bystanders.
- 8 6. Serious injury has resulted form the use of devices and projectiles other than firearms within the City and County of san Francisco.
- 9 7. Certain varieties of air guns which fire BBs or pellets can fire projectiles at a velocity of over 700 feet per second, well above the velocity required to cause injury to persons or property.
- 10 8. Airguns alone account for an estimated 15,000 childhood injuries nationally per year.
- 11 9. One recent national study of injuries resulting from the use of nonpowder guns (air rifles, bb guns, etc.) found that two thirds of the victims were less than sixteen years old.
- 12 10. Close to half of the firearms used in unintentional ("accidental") shootings of children nationally were acquired by children form their parents, who left the firearms loaded and unsecured in a place accessible to children.
- 13 11. The State of California has not sufficiently addressed the problems resulting form the increased availability and use of firearms in urban areas of the State, forcing cities to enact, within the limits of state law, local measures.

14 *****

15 Ordinance 206-11, approved 10/11/11

16 SECTION 4511. FINDINGS.

- 17 1. Firearm injuries have a significant public health impact both nationally and locally.
 - 18 a. In the United States, firearm injuries accounted for 6.6 percent of premature deaths from 1999-2007. Shootings are a leading cause of injury deaths in the nation, second only to motor vehicle crashes. On average, there were 30,125 firearm deaths in the United States annually between 2000 and 2007, inclusive. In 2007, 31,224 Americans died in firearm-related homicides, suicides, and unintentional shootings – the equivalent of 85 deaths each day and more than three deaths each hour.
 - 19 b. Nationally, more than two thirds of homicides and over half of all suicides are committed with firearms.

1 c. Unintentional shootings killed over 5,700 people in the U.S.
2 between 2000 and 2007. In 2009, over 18,000 people were treated for
3 unintentional gunshot wounds in the United States.

4 d. The firearm-related homicide, suicide, and unintentional death
5 rates for children 5-14 years old in the United States are significantly higher
6 than those other industrialized nations.

7 e. Over the last five years, firearm injuries have ranked third of all
8 causes of injury death in San Francisco, after pedestrian fatalities and falls,
9 respectively. Almost two thirds of these firearm deaths were homicides. In
10 addition, gunshot wounds were the third most common reason for injury-related
11 hospitalizations in San Francisco from 2005 to 2008 and fourth in 2009.
12 Firearm-related suicides accounted for 16.2 percent of the suicide deaths in San
13 Francisco in Fiscal Year 2009-2010.

14 f. San Francisco General Hospital, as the only trauma center in San
15 Francisco, treats approximately 98 percent of the city's shooting victims
16 annually. Approximately 80 percent of the individuals treated for violent
17 injuries at San Francisco General Hospital are uninsured.

18 2. Having a loaded or unlocked gun in the home is associated with an
19 increased risk of gun-related injury and death.

20 a. A firearm stored loaded or unlocked increases the risk of an
21 accidental shooting.

22 b. All U.S. case control studies (12 to date) have found that people
23 who die by suicide are more likely to have lived in a home with a gun than
24 similar people who did not die by suicide. Studies have also shown that the risk
25 of suicide increases in homes where guns are kept loaded or unlocked.

26 c. A 2007 study compared the 40 million people who live in the
27 states with the lowest firearm prevalence (Hawaii, Massachusetts, Rhode
28 Island, New Hampshire, Connecticut, and New York) to about the same number
living in the states with the highest firearm prevalence (Wyoming, South
Dakota, Alaska, West Virginia, Montana, Arkansas, Mississippi, Iowa, North
Dakota, Alabama, Kentucky, Wisconsin, Louisiana, Tennessee, and Utah).
Although non-firearm suicides were about equal in the two groups, total suicides
were almost twice as high in the high-gun states.

d. Keeping unsecured guns in the home increases the flow of illegal
guns into the community. More than half a million firearms are stolen each year
in the United States and many are subsequently sold illegally.

3. Children are particularly at risk of injury and death, or causing injury
and death, when they can access guns in their own homes or homes that they
visit.

a. The authors of a 2005 study found that an estimated 1.69 million
children age 18 and under are living in households with loaded and unlocked
firearms. Many young children, including children as young as three years old,
are strong enough to fire handguns.

b. A significant majority of the guns used in youth suicide attempts
and unintentional injuries were stored in the residence of the victim, a relative,
or a friend. Of youths under 18 who died by firearm suicide, the vast majority
used a family member's gun, usually a parent's. And more than two thirds of
school shooters obtained their gun(s) from their own home or that of a relative.

c. Quick access to loaded firearms heightens the risk that a young
person's impulsive decision to commit suicide will be carried out without

1 reflection or seeking help, and that the impulsive attempt will be fatal. One
 2 third of youths who died by suicide had faced a crisis within the previous 24
 3 hours. Among people who nearly died in a suicide attempt, almost a quarter
 4 indicated that fewer than five minutes had passed between deciding on suicide
 5 and making the attempt. While fewer than 10 percent of suicide attempts by
 6 other means are fatal, at least 85 percent of firearm suicide attempts end in
 7 death.

8 4. Guns kept in the home are most often used in suicides and against family
 9 and friends rather than in self-defense.

10 a. Guns kept in a home are more likely to be involved in an
 11 unintentional shooting, criminal assault, or suicide attempt than to kill or injure
 12 in self-defense.

13 b. Only one in ten firearm homicides in the shooter's home is
 14 considered justifiable, meaning the shooter was not the assailant. Of every ten
 15 firearm homicide victims killed at the shooter's residence, six were intimate
 16 partners or family members of the shooter, three were friends or acquaintances
 17 of the shooter, and only one was a stranger to the shooter.

18 5. Applying trigger locks or using lock boxes when storing firearms in the
 19 home reduces the risk of firearm injury and death.

20 a. Keeping a firearm locked when it is not being carried ensures
 21 that it cannot be accessed and used by others without the owner's knowledge or
 22 permission. This simple measure significantly decreases the risk that the gun
 23 will be used to commit suicide, homicide, or inflict injury, whether intentionally
 24 or unintentionally.

25 b. Safe storage measures have a demonstrated protective effect in
 26 homes with children and teenagers where guns are stored.

27 6. There is a wide consensus among medical professionals, police chiefs,
 28 gun control advocates and gun rights groups that applying trigger locks or using
 lock boxes to store unsupervised guns in the home promotes health and safety.

a. The International Association of Chiefs of Police recommends
 that state and local governments mandate safe storage of firearms.

b. The American Academy of Pediatrics recommends that if
 families must have firearms in their homes, the firearms should be stored
 locked, unloaded, and separate from locked ammunition.

c. Both gun control and gun rights advocates endorse the use of
 locking devices when storing guns to ensure that unauthorized or untrained
 persons cannot use the gun to inflict injury or death. For example, the National
 Rifle Association's Home Firearm Safety Handbook, developed and used as
 part of the National Rifle Association (NRA) Basic Firearm Training Program,
 emphasizes that "there is one general rule that must be applied under all
 conditions: Store guns so they are not accessible to untrained or unauthorized
 persons." The NRA Guide To The Basics Of Personal Protection In The Home
 further explains that "all storage methods designed to prevent unauthorized
 access utilize some sort of locking method."

7. Requiring unsupervised firearms stored to be secured with trigger locks
 or in a locked container does not substantially burden the right or ability to use
 firearms for self-defense in the home.

a. The locking requirements apply only to handguns that are not
 being carried. Gun owners and adults over 18 may carry loaded and unlocked

1 handguns in the home at any time. The safe storage requirements also permit
2 owners who wish to do so to store their handguns fully loaded.

3 b. Gun security does not preclude quick access. For example,
4 affordable lockboxes using Simplex-type locks, which pop open immediately
5 when several keys or pushbuttons are touched in a preset sequence, are widely
6 available. Users report that they can retrieve a loaded weapon in just two to
7 three seconds, and that the locks are also easy to open in the dark. The NRA
8 describes this type of lockbox as providing "a good combination of security and
9 quick access." Some lockboxes also feature biometric locks, which provide
10 immediate access when they scan the owner's fingerprint.

11 c. Portable lockboxes can store loaded weapons such that they are
12 always within easy reach on counters, tables or nightstands. Such safely stored
13 weapons are more quickly and easily retrieved for use in self-defense than
14 unlocked guns that have been hidden away in seldom-used locations.

15 SECTION 613.9.5. FINDINGS.

16 1. "Enhanced-lethality ammunition" means the ammunition that licensees
17 may not sell, lease or otherwise transfer under Police Code Sec. 613.10 (g).

18 2. Enhanced-lethality ammunition is designed to tear larger wounds in the
19 body by flattening and increasing in diameter on impact and/or exploding and
20 dispersing shrapnel throughout the body. These design features increase the
21 likelihood that the bullet will hit a major artery or organ, that it will take a more
22 circuitous path through the body to create more widespread damage, and that it
23 will release all of its propulsive force inside the body to cause maximum injury.
24 Accordingly, enhanced-lethality ammunition is more likely to cause severe
25 injury and death than is conventional ammunition that does not flatten or
26 fragment upon impact.

27 3. Enhanced-lethality ammunition has been used in shooting massacres
28 both in San Francisco and abroad. On July 1, 1993, heavily armed gunman
29 Gian Luigi Ferri shot and killed eight people, then himself, in the 101 California
30 Street high-rise in San Francisco using hollow-point bullets. Most recently, on
31 July 24, 2011, Anders Behring Breivik used lethality-enhanced bullets designed
32 to fragment inside the body and cause maximum internal damage to kill and
33 grievously wound dozens of children at a youth camp in Norway.

34 4. Banning the sale of enhanced-lethality ammunition in San Francisco
35 does not substantially burden the right to self defense. The right to use firearms
36 in self defense can be fully exercised using conventional, non-collapsing, non-
37 fragmenting ammunition. Enhanced-lethality ammunition is not in general use,
38 and this unusually injurious ammunition has been banned outside the United
39 States. For example, the Hague Convention of 1899, Declaration III, has for
40 more than a century prohibited the use in warfare of bullets that easily expand
41 or flatten in the body.

42 5. Personal firearms kept in the home are more likely to be used against
43 family and friends than intruders. Home firearms may also be used in suicide
44 attempts, accidental shootings and criminal assaults.

45 6. The City and County of San Francisco has a legitimate, important and
46 compelling governmental interest in reducing the likelihood that shooting
47 victims in San Francisco will die of their injuries by reducing the lethality of the
48 ammunition sold and used in the City and County of San Francisco.

1 **INTERROGATORY NO. 5:**

2 If your answer to interrogatory number 4 is yes, please state all facts which supports your
3 contention.

4 **RESPONSE TO INTERROGATORY NO. 5:**

5 Defendant incorporates its objections and response to Interrogatory No. 4 and further responds
6 as follows: The findings set forth above were gathered by legislative research, and the City no longer
7 has a record of the research in support of the pre-2011 legislative findings in its possession, custody or
8 control. The research underlying the findings in Ordinance 206-11 has been preserved, and Supervisor
9 Mirkarimi, the sponsor of the legislation, submitted the sources of research into the legislative file kept
10 by the Clerk of the San Francisco Board of Supervisors. The burden on each party to compile all
11 supporting facts from the Board materials would be the same. Accordingly, pursuant to Rule 33(d),
12 Defendant directs Plaintiff to the Board file for Ordinance 206-11, which is being produced
13 simultaneously with these interrogatory responses.

14 **INTERROGATORY NO. 6:**

15 If your answer to interrogatory number 4 is yes, please identify all documents which support
16 your contention.

17 **RESPONSE TO INTERROGATORY NO. 6:**

18 See response to Interrogatory No. 5.

19 **INTERROGATORY NO. 7:**

20 If your answer to interrogatory number 4 is yes, please identify all witnesses who have
21 information supporting your contention.

22 **RESPONSE TO INTERROGATORY NO. 7:**

23 Incorporating its objections and response to Interrogatory Nos. 4&5, Defendant further
24 responds as follows: Any witnesses who testified before the Board of Supervisors in support of the
25 legislative findings are listed in the associated legislative files, which Defendant is producing.
26 Defendant may also rely on expert witnesses, but expert discovery is not available at this time.

27 ///

28 ///

1 **INTERROGATORY NO. 8:**

2 Is it your contention that honorably retired California peace officers have a greater probability
3 of being the victim of crime than members of the public who have never been California
4 peace officer?

5 **RESPONSE TO INTERROGATORY NO. 8:**

6 Defendant objects to this interrogatory as overbroad, vague and ambiguous, requiring
7 speculation, and beyond the permissible scope of discovery. The proposed contention is unrestricted
8 in time and jurisdiction, and it fails to define what is meant by "crime" much less identify any specific
9 crimes for Defendant to evaluate. The word "crime," as used in this request, is also vague and
10 ambiguous because it does not convey the nature of the offenses for which information is sought. If it
11 means every violation of law, then it is grossly overbroad and beyond the scope of discovery. If it
12 means only violations of law with some bearing on carrying concealed weapons, then Plaintiff should
13 list the violations that she asserts would belong in this category. To the extent that Defendant could
14 conceivably respond, it would be in the form of an expert report or testimony, which is not subject to
15 discovery at this time.

16 Without waiving the foregoing objections, Defendant responds as follows. Defendant takes no
17 position on the contention as drafted and, in any event, has no responsive information in its possession,
18 custody or control.

19 **INTERROGATORY NO. 9:**

20 If your answer to interrogatory number 8 is yes, please state all facts which supports your
21 contention.

22 **RESPONSE TO INTERROGATORY NO. 9:**

23 Not applicable.

24 **INTERROGATORY NO. 10:**

25 If your answer to interrogatory number 8 is yes, please identify all documents which support
26 your contention.

27 **RESPONSE TO INTERROGATORY NO. 10:**

28 Not applicable.

1 **INTERROGATORY NO. 11:**

2 If your answer to interrogatory number 8 is yes, please identify all witnesses who have
3 information supporting your contention.

4 **RESPONSE TO INTERROGATORY NO. 11:**

5 Not applicable.

6 **INTERROGATORY NO. 12:**

7 Is it your contention that states that are "SHALL-ISSUE" and UNRESTRICTED have a higher
8 percentage of crimes committed with a handgun than states that are "MAY-ISSUE" and "NO-
9 ISSUE"?

10 **RESPONSE TO INTERROGATORY NO. 12:**

11 Defendant objects to this request as overbroad and outside the scope of discovery. Only
12 Defendant's policies and practices for CCW licensing in the City and County of San Francisco are at
13 issue in this litigation. Defendant further objects that, to the extent it could conceivably respond to a
14 reformed request, it would be in the form of an expert report or testimony. Expert materials are not
15 subject to discovery at this juncture.

16 Without waiving the foregoing objections, Defendant responds as follows: Defendant takes no
17 position on the contention as drafted.

18 **INTERROGATORY NO. 13:**

19 If your answer to interrogatory number 12 is yes, please state all facts which supports your
20 contention.

21 **RESPONSE TO INTERROGATORY NO. 13:**

22 Not applicable.

23 **INTERROGATORY NO. 14:**

24 If your answer to interrogatory number 12 is yes, please identify all documents which support
25 your contention.

26 **RESPONSE TO INTERROGATORY NO. 14:**

27 Not applicable.

28 ///

1 **INTERROGATORY NO. 15:**

2 If your answer to interrogatory number 12 is yes, please identify all witnesses who have
3 information supporting your contention.

4 **RESPONSE TO INTERROGATORY NO. 15:**

5 Not applicable.

6 **INTERROGATORY NO. 16:**

7 Is it your contention that an honorably retired California peace officer has a greater probability
8 of being physically attacked as compared to a person who was never employed as a California peace
9 officer?

10 **RESPONSE TO INTERROGATORY NO. 16:**

11 Defendant objects to this interrogatory as overbroad, vague and ambiguous, requiring
12 speculation, and beyond the permissible scope of discovery. The proposed contention is unrestricted
13 in time, jurisdiction, and the populations to be measured, and it fails to define what is meant by
14 "physically attacked." To the extent that Defendant could conceivably respond, it would be in the
15 form of an expert report or testimony, which is not subject to discovery at this time.

16 Without waiving the foregoing objections, Defendant responds as follows. Defendant takes no
17 position on the contention as drafted and, in any event, has no responsive information in its possession,
18 custody or control.

19 **INTERROGATORY NO. 17:**

20 If your answer to interrogatory number 16 is yes, please state all facts which supports your
21 contention.

22 **RESPONSE TO INTERROGATORY NO. 17:**

23 Not applicable.

24 **INTERROGATORY NO. 18:**

25 If your answer to interrogatory number 16 is yes, please identify all documents which support
26 your contention.

27 **RESPONSE TO INTERROGATORY NO. 18:**

28 Not applicable.

1 **INTERROGATORY NO. 19:**

2 If your answer to interrogatory number 16 is yes, please identify all witnesses who have
3 information supporting your contention.

4 **RESPONSE TO INTERROGATORY NO. 19:**

5 Not applicable.

6 **INTERROGATORY NO. 20:**

7 If your response to each request for admission served with these interrogatories is other than an
8 unqualified admission, for each such response,

9 (a) state the number of the request;

10 (b) state all facts upon which you base your response;

11 (c) state the names, addresses, and telephone numbers of all persons who have
12 knowledge of those facts, including but not limited to colleagues, associates, parties, or
13 witnesses; and

14 (d) identify all documents and other tangible things that support your response and state the
15 name, address and telephone number of the person who has each document or thing.

16 **RESPONSE TO INTERROGATORY NO. 20:**

17 Defendant objects to this interrogatory as compound and unduly burdensome. *See Safeco v.*
18 *Rawstron*, 181 F.R.D. 441 (C.D. Cal. 1998). On the basis of these objections, Defendant will not
19 respond.

20 Dated: January 17, 2012

21 DENNIS J. HERRERA
22 City Attorney
23 WAYNE SNODGRASS
24 SHERRI SOKELAND KAISER
25 Deputy City Attorneys

26 By: 
27 SHERRI SOKELAND KAISER

28 Attorneys for Defendants CITY AND COUNTY OF
SAN FRANCISCO and ITS OFFICIALS

VERIFICATION

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I, Lyn Tomioka, hereby declare as follows:

I am employed by the City and County of San Francisco, a defendant in this action, and I am authorized to make this verification on behalf of the City. I have read and know the contents of the document entitled, **DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**. The responses were prepared with the assistance of counsel for the City. Some of the matters stated in these responses are not within my personal knowledge, and there is no individual employee of the City and County of San Francisco who has personal knowledge of all such matters. The responses, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by the records and information still in existence, presently recollected, and thus far discovered in the course of the preparation of these responses. The responses are true to the best of my knowledge, information and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 16th day of January 2012 at San Francisco, California.



LYN TOMIOKA

Pizzo v City and County of San Francisco
United States District Court Case No. C09-4493 CW

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4682.

On January 17, 2012, I served the following document(s):

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES;

VERIFICATION

on the following persons at the locations specified:

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[Counsel for Plaintiff *PIZZO*]

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY PERSONAL SERVICE: I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service.

BY OVERNIGHT DELIVERY: I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

1

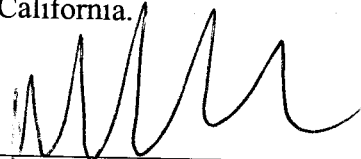
BY FACSIMILE: Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number (415) 554-4747 to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error.

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BY ELECTRONIC MAIL: I caused a copy of such document to be transmitted via electronic mail in portable document format ("PDF") Adobe Acrobat from the electronic address: pamela.cheeseborough@sfgov.org.

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5 I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

6 Executed January 17, 2012, at San Francisco, California.

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Pamela Cheeseborough

RJN # “23”

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7 Attorneys for Defendants
 CITY AND COUNTY OF SAN FRANCISCO
 8 AND ITS OFFICIALS

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11

12 THERESE MARIE PIZZO,
 13
 Plaintiff,
 14
 vs.
 15

Case No. C09-4493 CW

**DEFENDANT SHERIFF ROSS MIRKARIMI'S
 RESPONSES TO PLAINTIFF'S FIRST SET OF
 INTERROGATORIES**

16 CITY AND COUNTY OF SAN FRANCISCO
 MAYOR GAVIN NEWSOM, in both his
 individual and official capacities; FORMER
 17 SAN FRANCISCO POLICE DEPARTMENT
 CHIEF OF POLICE HEATHER FONG, in
 18 both her individual and official capacities;
 SAN FRANCISCO POLICE DEPARTMENT
 19 CHIEF OF POLICE GEORGE GASCON, in
 his official capacity; SAN FRANCISCO
 20 SHERIFF MICHAEL HENNESSEY, in both
 his individual and official capacities; CITY
 21 AND COUNTY OF SAN FRANCISCO; and
 STATE OF CALIFORNIA ATTORNEY
 22 GENERAL EDMUND G. BROWN, in his
 official capacity,
 23

Defendants.

24 NATIONAL RIFLE ASSOCIATION, INC.,

Amicus Curiae.
 25
 26

1 PROPOUNDING PARTY: Plaintiff THERESE MARIE PIZZO

2 RESPONDING PARTY: Defendant SHERIFF ROSS MIRKARIMI¹

3 SET NO.: ONE

4 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant SAN FRANCISCO
5 SHERIFF ROSS MIRKARIMI ("Defendant") hereby responds to Plaintiff THERESE MARIE
6 PIZZO's First Set of Interrogatories.

7 **PRELIMINARY STATEMENT**

8 Discovery in this action is still proceeding. The Defendant has not completed its investigation
9 of the facts relating to this action, discovery, legal research, or preparation for trial. The objections
10 and responses contained herein are based on the information currently available and are made without
11 prejudice to the Defendant's right to present subsequently discovered facts, or facts that are already
12 known but whose relevance, significance, or applicability has not yet been ascertained.

13 **RESPONSES TO INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 Please identify the name and address of each individual who has ever been issued a CCW by
16 YOU (Where "CCW" is used, it means a permit or license to carry a concealed weapon, i.e. handgun.)
17 from January 1, 2000 to the present.

18 **RESPONSE TO INTERROGATORY NO. 1:**

19 Defendant objects to the request to identify any CCW licensee's residential address on the basis
20 of privacy and will not provide such information. On December 14, 2011, during a meet and confer
21 session with counsel for the City Defendants, Plaintiff's counsel agreed that the City could withhold
22 and/or redact sensitive personal information such as home address, home phone, date of birth, social
23 security number, drivers license number, and other personally identifying information in place of
24 seeking a protective order. In the hopes of streamlining discovery and avoiding unnecessary motion
25 practice, Plaintiff's counsel also agreed to determine which specific pieces of withheld and/or redacted
26

27
28 ¹ Current San Francisco Sheriff Ross Mirkarimi automatically substitutes for now-former
Sheriff Michael Hennessey by operation of Federal Rule of Civil Procedure 25(d).

1 information Plaintiff may wish to pursue, if any, and to meet and confer with Defendant in regard to
2 those specific items.

3 Accordingly, and without waiving its objections, Defendant responds as follows: 1) James
4 Harrigan. Mr. Harrigan is a City employee and may be contacted through counsel. Please note,
5 however, that Mr. Harrigan is currently on leave and may not be available. 2) Machaela Hocter. Ms.
6 Hocter was a City employee when she received her CCW license but no longer works for the City.
7 The Sheriff does not have a current address for Ms. Hocter. 3) Thomas J. Purcell was a retired FBI
8 officer. His permit expired in 2008, and the Sheriff has no current address information for Mr. Purcell.
9 4) Departmental correspondence indicates that two other CCW licenses were issued to retired federal
10 officers. Those licenses expired without being renewed, and Defendant no longer has a record of their
11 names or addresses.

12 **INTERROGATORY NO. 2:**

13 Please identify the name, telephone and address of each individual who was NOT issued a
14 CCW by YOU, even though they applied for a CCW, from January 1, 2000 to the present.

15 **RESPONSE TO INTERROGATORY NO. 2:**

16 Defendant objects to the request to identify any CCW applicant's residential address or
17 personal telephone number on the basis of the right to privacy and will not provide such information.
18 On December 14, 2011, during a meet and confer session with counsel for the City Defendants,
19 Plaintiff's counsel agreed that the City could withhold and/or redact sensitive personal information
20 such as home address, home phone, date of birth, social security number, drivers license number, and
21 other personally identifying information in place of seeking a protective order. In the hopes of
22 streamlining discovery and avoiding unnecessary motion practice, Plaintiff's counsel also agreed to
23 determine which specific pieces of withheld and/or redacted information Plaintiff may wish to pursue,
24 if any, and to meet and confer with Defendant in regard to those specific items.

25 Accordingly, and without waiving its objections, Defendant responds as follows: The
26 application of Edward Neil Callas was denied. Mr. Callas provided the following information in his
27 application: Business address 615 National Ave. #320, Mountain View, CA 94103. Business phone
28 (650) 966-5026. His application file is being produced concurrently with this interrogatory response.

1 Michael Scally withdrew an application. Eric Higgins failed to complete an application. Roman
2 Kaplan's application was returned.

3 **INTERROGATORY NO. 3:**

4 Please identify the name and address of each California Peace Officer who has ever been
5 convicted of a crime, and who was either issued a CCW or permitted to carry a concealed weapon off-
6 duty or after termination from employment as a peace officer.

7 **RESPONSE TO INTERROGATORY NO. 3:**

8 Defendant objects to this request because the criminal history of a California peace officer is
9 protected by law. Defendant cannot disclose such information absent a *Pitchess* hearing and court
10 order, and even then disclosure may only be made for limited purposes. Defendant further objects to
11 this request as beyond the scope of discovery, overbroad, unduly burdensome, and vague and
12 ambiguous. The request is beyond the scope of discovery because it is unlikely to lead to any
13 admissible evidence relevant to either party's claims or defenses, including Plaintiff's equal protection
14 claim. The request is overbroad in that it provides no limit on time or place and appears to seek
15 information about every person who has served as a peace officer anywhere in the state at any time.
16 The word "crime," as used in this request, is also vague and ambiguous because it does not convey the
17 nature of the offenses for which information is sought. If it means every violation of law, then it is
18 grossly overbroad and beyond the scope of discovery. If it means only violations of law with some
19 bearing on carrying concealed weapons, then Plaintiff should list the violations that she asserts would
20 belong in this category. The request is also unduly burdensome because, even if the request were
21 restricted to those peace officers who have been employed by the Defendant at any time within a
22 reasonably limited time period and "crime" was reasonably defined, Defendant could not compile
23 responsive information without a file-by-file hand search of the individual personnel files of its peace
24 officers. This would presumably entail hundreds or even thousands of files, each of which would have
25 to be evaluated for multiple criteria. Further, responsive information located through this laborious
26 process could not be released absent a court hearing and order on an officer-by-officer basis.

27 Without waiving the foregoing objections, Defendant responds as follows: A peace officer
28 who has been terminated for cause automatically loses his or her status as a peace officer, including

1 any concomitant right to carry a concealed firearm. To the best of Defendant's knowledge, no peace
2 officer who has been terminated for cause by the San Francisco Sheriff's Department has been allowed
3 to retain his or her firearm or been granted a CCW license either at or after termination.

4 **INTERROGATORY NO. 4:**

5 Is it your contention that gun control laws decrease gun related deaths and injuries?

6 **RESPONSE TO INTERROGATORY NO. 4:**

7 Defendant objects to this request as overbroad, vague and ambiguous, outside the scope of
8 discovery, requiring speculation and as a matter of expert opinion. The proposed contention is
9 unrestricted in time and jurisdiction, and it fails to define what is meant by "gun control laws," much
10 less identify any specific laws for Defendant to evaluate. Moreover, although certain of Defendant's
11 gun-related ordinances are at issue in this litigation, the overall effect of all "gun control laws" at all
12 times and in all places is not. Nor, to Defendant's knowledge, is it even possible to determine as a
13 matter of fact whether all gun control laws at all times and places decrease all gun-related deaths and
14 injuries. To the extent that Defendant could conceivably respond, it would be in the form of an expert
15 report or testimony, which is not subject to discovery at this time.

16 Without waiving the foregoing objections, Defendant responds as follows. Defendant takes no
17 position on the contention as drafted.

18 **INTERROGATORY NO. 5:**

19 If your answer to interrogatory number 4 is yes, please state all facts which supports your
20 contention.

21 **RESPONSE TO INTERROGATORY NO. 5:**

22 Not applicable.

23 **INTERROGATORY NO. 6:**

24 If your answer to interrogatory number 4 is yes, please identify all documents which support
25 your contention.

26 **RESPONSE TO INTERROGATORY NO. 6:**

27 Not applicable.

28 **////**

1 **INTERROGATORY NO. 7:**

2 If your answer to interrogatory number 4 is yes, please identify all witnesses who have
3 information supporting your contention.

4 **RESPONSE TO INTERROGATORY NO. 7:**

5 Not applicable.

6 **INTERROGATORY NO. 8:**

7 Is it your contention that honorably retired California peace officers have a greater probability
8 of being the victim of crime than members of the public who have never been California
9 peace officer?

10 **RESPONSE TO INTERROGATORY NO. 8:**

11 Defendant objects to this interrogatory as overbroad, vague and ambiguous, requiring
12 speculation, and beyond the permissible scope of discovery. The proposed contention is unrestricted
13 in time and jurisdiction, and it fails to define what is meant by "crime" much less identify any specific
14 crimes for Defendant to evaluate. The word "crime," as used in this request, is also vague and
15 ambiguous because it does not convey the nature of the offenses for which information is sought. If it
16 means every violation of law, then it is grossly overbroad and beyond the scope of discovery. If it
17 means only violations of law with some bearing on carrying concealed weapons, then Plaintiff should
18 list the violations that she asserts would belong in this category. To the extent that Defendant could
19 conceivably respond, it would be in the form of an expert report or testimony, which is not subject to
20 discovery at this time.

21 Without waiving the foregoing objections, Defendant responds as follows. Defendant takes no
22 position on the contention as drafted and, in any event, has no responsive information in its possession,
23 custody or control.

24 **INTERROGATORY NO. 9:**

25 If your answer to interrogatory number 8 is yes, please state all facts which supports your
26 contention.

27 **RESPONSE TO INTERROGATORY NO. 9:**

28 Not applicable.

1 **INTERROGATORY NO. 10:**

2 If your answer to interrogatory number 8 is yes, please identify all documents which support
3 your contention.

4 **RESPONSE TO INTERROGATORY NO. 10:**

5 Not applicable.

6 **INTERROGATORY NO. 11:**

7 If your answer to interrogatory number 8 is yes, please identify all witnesses who have
8 information supporting your contention.

9 **RESPONSE TO INTERROGATORY NO. 11:**

10 Not applicable.

11 **INTERROGATORY NO. 12:**

12 Is it your contention that states that are "SHALL-ISSUE" and UNRESTRICTED have a higher
13 percentage of crimes committed with a handgun than states that are "MAY-ISSUE" and "NO-
14 ISSUE"?

15 **RESPONSE TO INTERROGATORY NO. 12:**

16 Defendant objects to this request as overbroad and outside the scope of discovery. Only
17 Defendant's policies and practices for CCW licensing in the City and County of San Francisco are at
18 issue in this litigation. Defendant further objects that, to the extent it could conceivably respond to a
19 reformed request, it would be in the form of an expert report or testimony. Expert materials are not
20 subject to discovery at this juncture

21 Without waiving the foregoing objections, Defendant responds as follows: Defendant takes no
22 position on the contention as drafted.

23 **INTERROGATORY NO. 13:**

24 If your answer to interrogatory number 12 is yes, please state all facts which supports your
25 contention.

26 **RESPONSE TO INTERROGATORY NO. 13:**

27 Not applicable.

28 ///

1 **INTERROGATORY NO. 14:**

2 If your answer to interrogatory number 12 is yes, please identify all documents which support
3 your contention.

4 **RESPONSE TO INTERROGATORY NO. 14:**

5 Not applicable.

6 **INTERROGATORY NO. 15:**

7 If your answer to interrogatory number 12 is yes, please identify all witnesses who have
8 information supporting your contention.

9 **RESPONSE TO INTERROGATORY NO. 15:**

10 Not applicable.

11 **INTERROGATORY NO. 16:**

12 Is it your contention that an honorably retired California peace officer has a greater probability
13 of being physically attacked as compared to a person who was never employed as a California peace
14 officer?

15 **RESPONSE TO INTERROGATORY NO. 16:**

16 Defendant objects to this interrogatory as overbroad, vague and ambiguous, requiring
17 speculation, and beyond the permissible scope of discovery. The proposed contention is unrestricted
18 in time, jurisdiction, and the populations to be measured, and it fails to define what is meant by
19 "physically attacked." To the extent that Defendant could conceivably respond, it would be in the
20 form of an expert report or testimony, which is not subject to discovery at this time.
21 Without waiving the foregoing objections, Defendant responds as follows. Defendant takes no
22 position on the contention as drafted and, in any event, has no responsive information in its possession,
23 custody or control.

24 **INTERROGATORY NO. 17:**

25 If your answer to interrogatory number 16 is yes, please state all facts which supports your
26 contention.

27 **RESPONSE TO INTERROGATORY NO. 17:**

28 Not applicable.

1 **INTERROGATORY NO. 18:**

2 If your answer to interrogatory number 16 is yes, please identify all documents which support
3 your contention.

4 **RESPONSE TO INTERROGATORY NO. 18:**

5 Not applicable.

6 **INTERROGATORY NO. 19:**

7 If your answer to interrogatory number 16 is yes, please identify all witnesses who have
8 information supporting your contention.

9 **RESPONSE TO INTERROGATORY NO. 19:**

10 Not applicable.

11 **INTERROGATORY NO. 20:**

12 If your response to each request for admission served with these interrogatories is other than an
13 unqualified admission, for each such response,

14 (a) state the number of the request;

15 (b) state all facts upon which you base your response;

16 (c) state the names, addresses, and telephone numbers of all persons who have
17 knowledge of those facts, including but not limited to colleagues, associates, parties, or
18 witnesses; and

19 (d) identify all documents and other tangible things that support your response and state the
20 name, address and telephone number of the person who has each document or thing.

21 **RESPONSE TO INTERROGATORY NO. 20:**

22 Defendant objects to this interrogatory as compound and unduly burdensome. *See Safeco v.*
23 *Rawstron*, 181 F.R.D. 441 (C.D. Cal. 1998). On the basis of these objections, Defendant will not
24 respond.

Dated: January 17, 2012

DENNIS J. HERRERA
City Attorney
WAYNE SNODGRASS
SHERRI SOKELAND KAISER
Deputy City Attorneys

By:


SHERRISOKELAND KAISER

Attorneys for Defendants CITY AND COUNTY OF
SAN FRANCISCO and ITS OFFICIALS

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VERIFICATION

I, Freya Horne, hereby declare as follows:

I am employed by the San Francisco Sheriff, a defendant in this action, and I am authorized to make this verification on behalf of the Sheriff's Department. I have read and know the contents of the document entitled, **DEFENDANT SHERIFF ROSS MIRKARIMI'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**. The responses were prepared with the assistance of counsel for the City. Some of the matters stated in these responses are not within my personal knowledge, and there is no individual employee of the Sheriff's Department or the City and County of San Francisco who has personal knowledge of all such matters. The responses, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by the records and information still in existence, presently recollected, and thus far discovered in the course of the preparation of these responses. The responses are true to the best of my knowledge, information and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 13th day of January 2012 at San Francisco, California.


Freya Horne

Pizzo v City and County of San Francisco
United States District Court Case No. C09-4493 CW

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4682.

On January 17, 2012, I served the following document(s):

DEFENDANT SHERIFF ROSS MIRKARIMI'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES;

VERIFICATION

on the following persons at the locations specified:

**GARY WILLIAM GORSKI
LAW OFFICES OF GARY W. GORSKI
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Fair Oaks, CA 95628
Telephone: (916) 965-6800
Facsimile: (916) 965-6801
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[Counsel for Plaintiff PIZZO]**

**GEORGE WATERS
CA ATTORNEY GENERAL'S OFFICE
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[Counsel for Plaintiff PIZZO]**

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY PERSONAL SERVICE: I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service.

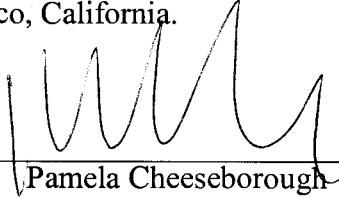
BY OVERNIGHT DELIVERY: I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.

1 **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and
2 correct copies of the above document(s) via a facsimile machine at telephone number (415) 554-4747 to the
3 persons and the fax numbers listed above. The fax transmission was reported as complete and without error.

4 **BY ELECTRONIC MAIL:** I caused a copy of such document to be transmitted via electronic mail in
5 portable document format ("PDF") Adobe Acrobat from the electronic address:
6 pamela.cheeseborough@sfgov.org.

7 I declare under penalty of perjury pursuant to the laws of the State of California that the
8 foregoing is true and correct.

9 Executed January 17, 2012, at San Francisco, California.

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Pamela Cheeseborough

RJN # “24”

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Attorneys for Defendant Kamala Harris
as California Attorney General
 8

9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12

13
 14 **THERESE MARIE PIZZO,**

15 Plaintiff,

16 v.

17 **CITY AND COUNTY OF SAN**
 18 **FRANCISCO, etc.,**

19 Defendants.
 20

Case No. CV-09-4493

**DEFENDANT ATTORNEY GENERAL'S
 RESPONSE TO PLAINTIFF'S SPECIAL
 INTERROGATORIES, SET ONE**

21 PROPOUNDING PARTY: PLAINTIFF THERESE MARIE PIZZO

22 RESPONDING PARTY: DEFENDANT KAMALA HARRIS, as
 23 CALIFORNIA ATTORNEY GENERAL

24 SET NUMBER ONE

25 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, defendant Kamala D. Harris,
 26 Attorney General of California (defendant), hereby responds to plaintiff Theresa Marie Pizzo's
 27 first set of requests for admissions as follows.
 28

1 **PRELIMINARY STATEMENT**

2 Discovery in this action is still proceeding. The Defendant has not completed its
3 investigation of the facts relating to this action, discovery, legal research, or preparation for trial.
4 The objections and responses contained herein are based on the information currently available
5 and are made without prejudice to the Defendant's right to present subsequently discovered facts
6 or facts that are already known but whose relevance, significance, or applicability has not yet
7 been ascertained.

8 **RESPONSES TO INTERROGATORIES**

9 INTERROGATORY NO. 1:

10 Please identify the name and address of each individual who has ever been issued a
11 CCW by YOU (Where "CCW" is used, it means a permit or license to carry a
concealed weapon, i.e. handgun.) from January 1, 2000 to the present.

12 RESPONSE: Defendant is unable to provide a response to this interrogatory because
13 Defendant does not issue CCWs to individual civilians pursuant to Penal Code section 26150.
14 Rather, individual civilian CCWs are issued by county sheriffs or police chiefs.

15 INTERROGATORY NO. 2:

16 Please identify the name, telephone and address of each individual who was NOT
17 issued a CCW by YOU, even though they applied for a CCW, from January 1, 2000
to the present.

18 RESPONSE: Defendant is unable to provide a response to this interrogatory because
19 Defendant does not issue CCWs to individual civilians pursuant to Penal Code section 26150.
20 Rather, individual civilian CCWs are issued by county sheriffs or police chiefs.

21 INTERROGATORY NO. 3:

22 Please identify the name and address of each California Peace Officer who has ever
23 been convicted of a crime, and who was either issued a CCW or permitted to carry a
concealed weapon off-duty or after termination from employment as a peace officer.

24 RESPONSE: Defendant objects to this request because the criminal history of a California
25 peace officer is protected by law. (See Gov. Code, § 3300-3312; Pen. Code § 832.7.) Defendant
26 cannot disclose such information absent a *Pitchess* hearing and court order, and even then
27 disclosure may only be made for limited purposes. Defendant further objects to this request as
28 beyond the scope of discovery, overbroad, unduly burdensome, and vague and ambiguous. The

1 request is beyond the scope of discovery because it is unlikely to lead to any admissible evidence
2 relevant to either party's claims or defenses, including plaintiff's equal protection claim. The
3 request is overbroad in that it provides no limit on time or place and appears to seek information
4 about every person who has served as a peace officer anywhere in the state at any time. The word
5 "crime," as used in this request, is also vague and ambiguous because it does not convey the
6 nature of the offenses for which information is sought. If it means every violation of law, then it
7 is grossly overbroad and beyond the scope of discovery. If it means only violations of law with
8 some bearing on carrying concealed weapons, then plaintiff should list the violations that she
9 asserts would belong in this category. Defendant does not have the information necessary to
10 answer this interrogatory as it applies to peace officers statewide; that information is in the
11 possession of individual law enforcement agencies. Even if the request were restricted to those
12 peace officers who have been employed by defendant within a reasonably limited time period and
13 "crime" was reasonably defined, the request is unduly burdensome because defendant could not
14 compile responsive information without a file-by-file hand search of several hundred, perhaps
15 thousands, of individual files, each of which would have to be evaluated for multiple criteria..
16 Further, responsive information located through this laborious process could not be released
17 absent a court hearing and order on an officer-by-officer basis.

18 INTERROGATORY NO. 4:

19 Is it your contention that gun control laws decrease gun related deaths and injuries?

20 RESPONSE: Defendant objects to this request as overbroad, vague and ambiguous, outside
21 the scope of discovery, requiring speculation and as a matter of expert opinion. The proposed
22 contention is unrestricted in time and jurisdiction, and it fails to define what is meant by "gun
23 control laws," much less identify any specific laws for defendant to evaluate. Moreover, although
24 certain of gun-related laws are at issue in this litigation, the overall effect of all "gun control
25 laws" at all times and in all places is not. Nor, to defendant's knowledge, is it even possible to
26 determine as a matter of fact whether all gun control laws at all times and places decrease all gun-
27 related deaths and injuries. To the extent that defendant could conceivably respond, it would be
28 in the form of an expert report or testimony, which is not subject to discovery at this time.

1 Without waiving the foregoing objections, defendant responds as follows. Defendant takes
2 no position on the contention as drafted. To the extent that defendant has responsive information
3 in its possession, custody or control, that information is located on defendant's website,
4 <http://oag.ca.gov/crime>.

5 INTERROGATORY NO. 5:

6 If your answer to interrogatory number 4 is yes, please state all facts which supports
7 your contention.

8 RESPONSE: Not applicable.

9 INTERROGATORY NO. 6:

10 If your answer to interrogatory number 4 is yes, please identify all documents which
11 support your contention.

12 RESPONSE: Not applicable.

13 INTERROGATORY NO. 7:

14 If your answer to interrogatory number 4 is yes, please identify all witnesses who
15 have information supporting your contention.

16 RESPONSE: Not applicable.

17 INTERROGATORY NO. 8:

18 Is it your contention that honorably retired California peace officers have a greater
19 probability of being the victim of crime than members of the public who have never
20 been California peace officer?

21 RESPONSE: Defendant objects to this interrogatory as overbroad, vague and ambiguous,
22 requiring speculation, and beyond the permissible scope of discovery. The proposed contention is
23 unrestricted in time and jurisdiction, and it fails to define what is meant by "crime" much less
24 identify any specific crimes for defendant to evaluate. The word "crime," as used in this request,
25 is also vague and ambiguous because it does not convey the nature of the offenses for which
26 information is sought. If it means every violation of law, then it is grossly overbroad and beyond
27 the scope of discovery. If it means only violations of law with some bearing on carrying
28 concealed weapons, then plaintiff should list the violations that she asserts would belong in this
category. To the extent that defendant could conceivably respond, it would be in the form of an
expert report or testimony, which is not subject to discovery at this time.

1 Without waiving the foregoing objections, defendant responds as follows. Defendant takes
2 no position on the contention as drafted. To the extent that defendant has responsive information
3 in its possession, custody or control, that information is located on defendant's website,
4 <http://oag.ca.gov/crime>.

5 INTERROGATORY NO. 9:

6 If your answer to interrogatory number 8 is yes, please state all facts which supports
7 your contention.

8 RESPONSE: Not applicable.

9 INTERROGATORY NO. 10:

10 If your answer to interrogatory number 8 is yes, please identify all documents which
11 support your contention.

12 RESPONSE: Not applicable.

13 INTERROGATORY NO. 11:

14 If your answer to interrogatory number 8 is yes, please identify all witnesses who
15 have information supporting your contention.

16 RESPONSE: Not applicable.

17 INTERROGATORY NO. 12:

18 Is it your contention that states that are "SHALL-ISSUE" and UNRESTRICTED
19 have a higher percentage of crimes committed with a handgun than states that are
20 "MAY-ISSUE" and "NO-ISSUE"?

21 RESPONSE: Defendant objects to this request as overbroad and outside the permissible
22 scope of discovery. Only California law for CCW licensing is at issue in this litigation.
23 Defendant further objects that, to the extent it could conceivably respond to a reformed request, it
24 would be in the form of an expert report or testimony. Expert materials are not subject to
25 discovery at this juncture.

26 Without waiving the foregoing objections, defendant responds as follows: Defendant takes
27 no position on the contention as drafted. To the extent that defendant has responsive information
28 in its possession, custody or control, that information is located on defendant's website,
<http://oag.ca.gov/crime>.

///

1 INTERROGATORY NO. 13:

2 If your answer to interrogatory number 12 is yes, please state all facts which supports
3 your contention.

4 RESPONSE: Not applicable.

5 INTERROGATORY NO. 14:

6 If your answer to interrogatory number 12 is yes, please identify all documents which
7 support your contention.

8 RESPONSE: Not applicable.

9 INTERROGATORY NO. 15:

10 If your answer to interrogatory number 12 is yes, please identify all witnesses who
11 have information supporting your contention.

12 RESPONSE: Not applicable.

13 INTERROGATORY NO. 16:

14 Is it your contention that an honorably retired California peace officer has a greater
15 probability of being physically attacked as compared to a person who was never
16 employed as a California peace officer?

17 RESPONSE: Defendant objects to this interrogatory as overbroad, vague and ambiguous,
18 requiring speculation, and beyond the permissible scope of discovery. The proposed contention is
19 unrestricted in time, jurisdiction, and the populations to be measured, and it fails to define what is
20 meant by "physically attacked." To the extent that defendant could conceivably respond, it would
21 be in the form of an expert report or testimony, which is not subject to discovery at this time.

22 Without waiving the foregoing objections, defendant responds as follows. Defendant takes
23 no position on the contention as drafted. To the extent that defendant has responsive information
24 in its possession, custody or control, that information is located on defendant's website,
25 <http://oag.ca.gov/crime>.

26 INTERROGATORY NO. 17:

27 If your answer to interrogatory number 16 is yes, please state all facts which supports
28 your contention.

RESPONSE: Not applicable.

1 INTERROGATORY NO. 18:

2 If your answer to interrogatory number 16 is yes, please identify all documents which
3 support your contention.

4 RESPONSE: Not applicable.

5 INTERROGATORY NO. 19:

6 If your answer to interrogatory number 16 is yes, please identify all witnesses who
7 have information supporting your contention.

8 RESPONSE: Not applicable.

9 INTERROGATORY NO. 20:

10 If your response to each request for admission served with these interrogatories is
11 other than an unqualified admission, for each such response,

12 (a) state the number of the request;

13 (b) state all facts upon which you base your response;

14 (c) state the names, addresses, and telephone numbers of all persons who have
15 knowledge of those facts, including but not limited to colleagues, associates,
16 parties, or witnesses; and

17 (d) identify all documents and other tangible things that support your response
18 and state the name, address and telephone number of the person who has each
19 document or thing.

20 RESPONSE: Defendant objects to this interrogatory as compound and unduly burdensome.

21 *See Safeco v. Rawstron*, 181 F.R.D. 441 (C.D. Cal. 1998). On the basis of these objections,
22 defendant will not respond.

23 Dated: January ___, 2012

24 Respectfully submitted,

25 KAMALA D. HARRIS
26 Attorney General of California
27 PETER A. KRAUSE
28 Supervising Deputy Attorney General

GEORGE WATERS
Deputy Attorney General
*Attorneys for Defendant Kamala Harris
as California Attorney General*

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9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12

13
 14 **THERESE MARIE PIZZO,**

15 Plaintiff,

16 v.

17 **CITY AND COUNTY OF SAN**
 18 **FRANCISCO, etc.,**

19 Defendants.
 20

Case No. CV-09-4493

**DEFENDANT ATTORNEY GENERAL'S
 RESPONSE TO PLAINTIFF'S REQUEST
 FOR ADMISSIONS, SET ONE**

21 PROPOUNDING PARTY: PLAINTIFF THERESE MARIE PIZZO

22 RESPONDING PARTY: DEFENDANT KAMALA HARRIS, as
 23 CALIFORNIA ATTORNEY GENERAL

24 SET NUMBER ONE
 25
 26
 27
 28

1 Pursuant to Rule 36 of the Federal Rules of Civil Procedure, defendant Kamala D. Harris,
2 Attorney General of California (Defendant), hereby responds to Plaintiff Theresa Marie Pizzo's
3 first set of requests for admissions as follows.

4 **PRELIMINARY STATEMENT**

5 Discovery in this action is still proceeding. Defendant has not completed its investigation
6 of the facts relating to this action, or its discovery, legal research, and preparation for trial.
7 Defendant's responses are based solely on information of which defendant is currently aware and
8 which is reasonably available. Defendant reserves the right to provide supplemental responses to
9 these requests, or otherwise supplement, revise or explain the information contained in the
10 responses, in light of information gathered through further investigation and discovery.
11 Defendant further reserves the right at time of trial to present subsequently discovered facts, or
12 facts that are already known but whose relevance, significance, or applicability has not yet been
13 ascertained.

14 By objecting and responding to Plaintiff's requests, defendant does not waive its rights to
15 challenge the relevance, materiality, or admissibility of the requests and/or its responses thereto in
16 any subsequent proceeding or trial in this action.

17 **REQUEST FOR ADMISSION NO. 1**

18 YOU conducted no research on the effects of the regulation of firearm prior to any
19 firearm laws or ordinances being passed or enforced.

20 RESPONSE: Defendant objects to this request as overbroad as to scope and time, unduly
21 burdensome, and vague. Defendant further objects on the ground that the request invades the
22 attorney-client privilege and the work product doctrine. Defendant is an official in the executive
23 branch of government and does not normally conduct research on the effects of any laws,
24 including firearms laws, prior to their adoption. In the 150 plus years the State of California has
25 been in existence, it has adopted many laws that affect firearms; it would be unreasonably
26 onerous to require defendant to investigate whether her office had conducted research prior to the
27 adoption of *any* firearm law. With reference to the firearms laws at issue in this case, we are at
28

1 present unaware of any research conducted by the office of the Attorney General on the effects of
2 those laws prior to their adoption.

3 **REQUEST FOR ADMISSION NO. 2**

4 YOU never used any taxpayer funds for research on the dangers of the public's access
5 to firearms and who are not California peace officers.

6 RESPONSE: Defendant objects to this request as overbroad as to scope and time, unduly
7 burdensome, vague, and compound. The State of California has been in existence for more than
8 150 years; it would be unreasonably onerous to require defendant to investigate whether her
9 office had used public funds for research on the dangers of the public's access to firearms during
10 that period. With reference to the firearms laws at issue in this case, we are at present unaware
11 that this defendant used public funds for research on the danger of the public's access to firearms
12 prior to the adoption of those laws.

13 **REQUEST FOR ADMISSION NO. 3**

14 YOU did not rely on any publication, treatise, statistical data, study or research prior
15 to your enactment or enforcement of any firearm law, policy, regulation or ordinance
16 which is the subject matter of this action.

17 RESPONSE: Defendant objects to this request as overbroad as to scope and time, unduly
18 burdensome, and vague. Defendant is an official in the executive branch of government; she does
19 not enact laws. Defendant is required to enforce laws regardless of what research may show as to
20 the effects of those laws. With reference to the firearms laws at issue in this case, we are at
21 present unaware that this defendant relied on any publication, treatise, statistical data, study or
22 research prior to enforcement of those laws.

23 **REQUEST FOR ADMISSION NO. 4**

24 There is no evidence that the prohibition of carrying concealed handguns by members
25 of the public, who are otherwise legally permitted to own a handgun, actually reduces
26 firearm related deaths and crime.

27 RESPONSE: The requested admission, and its bearing on CCW laws, is a matter of
28 controversy among researchers and advocates. Accordingly, defendant believes that the
requested admission is properly a matter of expert opinion. Defendant has made a reasonable

1 inquiry and determined that, prior to expert discovery, it lacks sufficient knowledge to admit or
2 deny the requested admission.

3 **REQUEST FOR ADMISSION NO. 5**

4 There has never been an open and public debate on the dangers of firearms prior to
5 YOUR enactment or enforcement of any firearm law, policy, regulation or ordinance
6 which is the subject matter of this action.

7 RESPONSE: Defendant objects to this request as overbroad as to scope and time, unduly
8 burdensome, compound, and vague. Defendant is an official in the executive branch of
9 government and does not enact laws. In the 150 plus years the State of California has been in
10 existence, it has adopted many laws that affect firearms; it would be unreasonably onerous to
11 require defendant to investigate whether there had been a public debate on the dangers of firearms
12 prior to the adoption of *any* firearm law, policy, or regulation.

13 **REQUEST FOR ADMISSION NO. 6**

14 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
15 their citizens to carry a concealed handgun, have less crime per capita than states with
16 MAY-ISSUE and NO-ISSUE type of conceal carry laws.

17 RESPONSE: The requested admission, and its bearing on CCW laws, is a matter of
18 controversy among researcher and advocates. Accordingly, defendant believes that the requested
19 admission is properly a matter of expert opinion. Defendant has made a reasonable inquiry and
20 determined that, prior to expert discovery, it lacks sufficient knowledge to admit or deny the
21 requested admission.

22 **REQUEST FOR ADMISSION NO. 7**

23 There are no documents or data supporting YOUR contention that your enactment or
24 enforcement of any firearm law, policy, regulation or ordinance has actually reduced
25 crime and saved lives.

26 RESPONSE: Defendant objects to this request as overbroad as to scope and time, unduly
27 burdensome, compound, and vague. Defendant further objects on the ground that this request
28 seeks an admission on a contention that she has not made in this litigation. Defendant has made a
reasonable inquiry and determined that, prior to expert discovery, it lacks sufficient knowledge to
admit or deny the requested admission.

1 **REQUEST FOR ADMISSION NO. 8**

2 In state jurisdictions with UNRESTRICTED and SHALL-ISSUE laws, which allows
3 their citizens to carry a concealed handgun, spend less on law enforcement services
4 than states with MAY-ISSUE and NO-ISSUE type of conceal carry laws.

5 RESPONSE: Defendant objects to this request as overbroad as to scope and time, unduly
6 burdensome, compound, and vague. Furthermore, the requested admission, and its bearing on
7 CCW laws, is a matter of controversy among researcher and advocates. Accordingly, defendant
8 believes that the requested admission is properly a matter of expert opinion. Defendant has made
9 a reasonable inquiry and determined that, prior to expert discovery, it lacks sufficient knowledge
10 to admit or deny the requested admission.

11 **REQUEST FOR ADMISSION NO. 9**

12 At least one honorably retired California peace officer has been convicted of domestic
13 violence and still has a permit to carry a concealed weapon.

14 RESPONSE: Defendant denies that anyone convicted of domestic violence has a lawful
15 California permit to carry a concealed weapon. Defendant further denies any knowledge of an
16 honorably retired California peace officer who has been convicted of domestic violence and has a
17 permit to carry a concealed weapon. Defendant does not maintain such information.

18 **REQUEST FOR ADMISSION NO. 10**

19 At least one honorably retired California peace officer has been convicted of driving
20 under the influence of alcohol and still has a permit to carry a concealed weapon.

21 RESPONSE: After a reasonable inquiry, the information that defendant knows or can
22 readily obtain is insufficient to allow it to admit or deny this requested admission. Defendant
23 does not maintain such information.

24 **REQUEST FOR ADMISSION NO. 11**

25 There are no documented cases of any honorably retired California peace officer
26 being murdered by someone they either arrested or investigated while employed as a
27 California peace officer.

28 RESPONSE: After a reasonable inquiry, the information that defendant knows or can
readily obtain is insufficient to allow it to admit or deny this requested admission. Defendant
does not maintain such information.

REQUEST FOR ADMISSION NO. 12

1 There are no documented cases of any honorably retired California peace officer
2 being threatened by someone they either arrested or investigated while employed as a
California peace officer.

3 RESPONSE: After a reasonable inquiry, the information that defendant knows or can
4 readily obtain is insufficient to allow it to admit or deny this requested admission. Defendant
5 does not maintain such information.

6 **REQUEST FOR ADMISSION NO. 13**

7 Once a California peace officer is honorably retired, he or she is not required to
8 undergo periodic psychological testing in order to have CCW permit.

9 RESPONSE: Admit.

10 **REQUEST FOR ADMISSION NO. 14**

11 Once an individual passes a psychological test and is employed as a California peace
12 officer, he or she is not required to undergo periodic psychological testing in order to
maintain their status as a peace officer unless specifically ordered to do so in very
limited circumstances.

13 RESPONSE: Admit that once an individual passes a psychological test and is employed as
14 a California peace officer, he or she is not required to undergo periodic psychological testing in
15 order to maintain their status as a peace officer unless specifically ordered to do so in specific
16 circumstances.

17 **REQUEST FOR ADMISSION NO. 15**

18 A California peace officer's psychological profile will change at certain points during
19 the course of their employment as a peace officer.

20 RESPONSE: Defendant objects to this request as irrelevant to any party's claim or
21 defense, vague and ambiguous in failing to identify any individual officers, and requiring
speculation. On the basis of these objections, defendant will not respond to this request.

22 **REQUEST FOR ADMISSION NO. 16**

23 A California peace officer is more likely to commit suicide than a person who is not a
24 California peace officer.

25 RESPONSE: Defendant objects to this request as irrelevant to any party's claim or
26 defense. Defendant objects that this request for admission calls for expert opinion. Without
27 waiving its objections, defendant responds that, after a reasonable inquiry, the information that
28

1 defendant knows or can readily obtain is insufficient to allow it to admit or deny this requested
2 admission.

3 **REQUEST FOR ADMISSION NO. 17**

4 The average psychological profile of a California peace officer, as determined by the
5 Minnesota Multiphasic Personality Inventory I and II, is very similar to the average
6 criminals psychological profile.

7 RESPONSE: Defendant objects to this request as irrelevant to any party's claim or
8 defense. Defendant objects that this request for admission calls for expert opinion. Without
9 waiving its objections, defendant responds that, after a reasonable inquiry, the information that
10 defendant knows or can readily obtain is insufficient to allow it to admit or deny this requested
11 admission.

12 **REQUEST FOR ADMISSION NO. 18**

13 The FBI held a Conference on Domestic Violence by Police Officers, in Quantico,
14 VA, September 16, 1998, the focus of which was the profiled personalities of male
15 law enforcement personnel who battered their female domestic partners.

16 RESPONSE: Defendant objects to this request as irrelevant to any party's claim or
17 defense. Without waiving its objection, defendant responds that she lacks sufficient information
18 to allow her admit or deny this request.

19 **REQUEST FOR ADMISSION NO. 19**

20 Honorably retired California peace officers have no more good cause for the issuance
21 of a concealed weapons permit as compared to members of the public who were
22 never a law enforcement officer and who have never been prohibited from possessing
23 a firearm.

24 RESPONSE: Defendant objects to this request as unduly burdensome, compound, and
25 vague. It also is an improper hypothetical and calls for factual and legal conclusions.

26 **REQUEST FOR ADMISSION NO. 20**

27 Two reports that followed the Rodney King beating--the 1991 report of the
28 Independent Commission To Study the Los Angeles Police Department and the 1992
Los Angeles County Sheriff's Report by James G. Kolt and staff--questioned the
effectiveness of existing psychological screening to predict propensity for violence by
California peace officers.

1 RESPONSE: Defendant objects to this request as irrelevant to any party's claim or
2 defense. Without waiving its objection, defendant responds that she lacks sufficient information
3 to allow her admit or deny this request.

4 **REQUEST FOR ADMISSION NO. 21**

5 Issuing concealed weapons permits to citizens who have never been peace officers
6 has no measurable effect on the increase in crime or gun violence.

7 RESPONSE: The requested admission, and its bearing on CCW laws, is a matter of
8 controversy among researcher and advocates. Accordingly, defendant believes that the requested
9 admission is properly a matter of expert opinion. Defendant has made a reasonable inquiry and
10 determined that, prior to expert discovery, it lacks sufficient knowledge to admit or deny the
11 requested admission.

12 **REQUEST FOR ADMISSION NO. 22**

13 Every single Federal Bureau of Investigation (FBI) report since 1987 shows that in
14 the fifteen (15) years following the passage of Florida's "shall issue" concealed carry
15 law in 1987, 800,000 CCW permits have been issued and the homicide rate in
16 Florida, which in 1987 was much higher than the national average, fell 52% bringing
17 it below the national average.

18 RESPONSE: Defendant objects to this request as irrelevant to any party's claim or
19 defense. Defendant further objects that the subject matter of this request is properly a subject of
20 expert discovery. Without waiving its objection, defendant responds that prior to expert
21 discovery, defendant lacks sufficient information to admit or deny this request.

22 **REQUEST FOR ADMISSION NO. 23**

23 There is no factual reason why Plaintiff should not have been issued a CCW permit.

24 RESPONSE: Defendant lacks sufficient information to admit or deny this request.

25 **REQUEST FOR ADMISSION NO. 24**

26 There are no facts supporting any law that favors the issuance of CCWs to honorably
27 retired California peace officers as compared to the same laws also being applied
28 equally to honorably retired members of the United States Armed Forces.

 RESPONSE: Defendant objects to this request as overbroad as to scope and time, unduly
burdensome, and vague. Defendant further objects to this request as irrelevant to any party's
claim or defense. Defendant further objects that the subject matter of this request is properly a

1 subject of expert discovery. Prior to expert discovery, defendant lacks sufficient information to
2 admit or deny this request.

3 **REQUEST FOR ADMISSION NO. 25**

4 There is no evidence that CCW permit holders in “**shall issue**” states commit more
5 gun related crimes per capita as compared to the citizens of the State of California.

6 RESPONSE: Defendant objects to this request as overbroad as to scope and time, unduly
7 burdensome, and vague. Defendant further objects to this request as irrelevant to any party’s
8 claim or defense. Defendant further objects that the subject matter of this request is properly a
9 subject of expert discovery. Prior to expert discovery, defendant lacks sufficient information to
10 admit or deny this request.

11 Dated: January ___, 2012

Respectfully submitted,

12 KAMALA D. HARRIS
13 Attorney General of California
14 PETER A. KRAUSE
Supervising Deputy Attorney General

16 GEORGE WATERS
17 Deputy Attorney General
*Attorneys for Defendant Kamala Harris
as California Attorney General*

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9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12

13
 14 **THERESE MARIE PIZZO,**

15 Plaintiff,

16 v.

17 **CITY AND COUNTY OF SAN**
 18 **FRANCISCO, etc.,**

19 Defendants.
 20

Case No. CV -09-4493

**DEFENDANT ATTORNEY GENERAL'S
 RESPONSE TO PLAINTIFF'S REQUEST
 FOR INSPECTION AND PRODUCTION
 OF DOCUMENTS AND THINGS, SET
 ONE**

21 PROPOUNDING PARTY: PLAINTIFF THERESE MARIE PIZZO

22 RESPONDING PARTY: DEFENDANT KAMALA HARRIS, as
 23 CALIFORNIA ATTORNEY GENERAL

24 SET NUMBER ONE

25 **PRELIMINARY STATEMENT**

26
 27 Discovery in this action is still proceeding. Defendant has not completed its investigation
 28 of the facts relating to this action, or its discovery, legal research, and preparation for trial.

1 Defendant's responses are based solely on information of which Defendant is currently aware and
2 which is reasonably available. Defendant reserves the right to provide supplemental responses to
3 these requests, or otherwise supplement, revise or explain the information contained in the
4 responses, in light of information gathered through further investigation and discovery.
5 Defendant further reserves the right at time of trial to present subsequently discovered facts, or
6 facts that are already known but whose relevance, significance, or applicability has not yet been
7 ascertained.

8 By objecting and responding to Plaintiff's requests, Defendant does not waive its rights to
9 challenge the relevance, materiality, or admissibility of the requests and/or its responses thereto,
10 and/or the documents produced by Defendant in response to the requests, or to object to the use of
11 the requests, and/or Defendant's responses, and/or the documents produced by Defendant in
12 response to the requests, in any subsequent proceeding or trial in this action.

13 **RESPONSE TO REQUESTS FOR PRODUCTIONS, SET 1**

14 **REQUEST NO. 1**

15 Please produce any and all documents evidencing all research conducted by you prior
16 to any firearm law, ordinance or policy being passed.

17 RESPONSE: Defendant objects to this request as vague and ambiguous, overbroad and
18 beyond the scope of discovery. Defendant further objects to the extent that the request seeks
19 documents protected from disclosure by the attorney-client and work product privileges. The
20 term "research," as used in this request, is vague and ambiguous because it fails to indicate
21 whether primary research, a review of secondary sources, casual inquiry or other modes of
22 collecting information are included, nor does it indicate whether the term is restricted to experts
23 or whether non-expert materials are also considered research. The request is also ambiguous
24 because not all policies are "passed," and it is unclear whether plaintiff seeks only official policies
25 that are passed by a deliberative body. The request is overbroad insofar as it does not identify the
26 policies, ordinances and/or laws to which it applies, nor even limits the potential jurisdiction, sets
27 a time period, or defines what is meant by "gun control," a term that may have varied meanings
28

1 according to viewpoint. To the extent that the request seeks research for laws, ordinances or
2 policies other than the ones at issue in this litigation, it is also beyond the permissible scope of
3 discovery.

4 Without waiving the foregoing objections, defendant responds as follows: Defendant
5 Attorney General does not enact laws; that is the province of the Legislature. Defendant does not
6 normally conduct "research," however that term is defined, before a law is enacted. However
7 Defendant Attorney General, the federal Bureau of Justice Statistics, the Justice Research and
8 Statistics Association, and the Statistical Analysis Centers of individual states, all collect and
9 publish extensive crime data, which is available on defendant's website at
10 <http://oag.ca.gov/crime>. Beyond that, Defendant Attorney General has no non-privileged,
11 responsive documents in its possession, custody or control in regard to the laws that are the direct
12 subject of this lawsuit.

13 **REQUEST NO. 2**

14 Please produce all documents evidencing the expenditure of taxpayer funds for
15 research on the dangers of the public's access to firearms and who are not California
16 peace officers.

17 RESPONSE: Defendant Attorney General objects to this request as unintelligible.
18 Defendant further objects to the extent that the request seeks documents protected from disclosure
19 by the attorney-client and work product privileges. Defendant Attorney General is unable to
20 discern what kind of documents plaintiff seeks, and on that basis, is unable to respond to this
21 request.

22 **REQUEST NO. 3**

23 Please produce all documents relating to any publication, treatise, statistical data,
24 study or research YOU relied upon prior to your enactment of any firearm law,
25 policy, regulation or ordinance which is the subject matter of this action.

26 RESPONSE: Defendant Attorney General objects to the phrase "all documents relating to"
27 as vague, ambiguous and overbroad. Without waiving its objection, defendant responds as
28 follows: Defendant Attorney General did not adopt any law, policy regulation, or ordinance that
is the subject of this action, and therefore has nothing to produce.

1 **REQUEST NO. 4**

2 Please produce all documents relating to any study or research YOU conducted
3 proving that after enacting the firearm laws, policies, regulations and ordinances
4 which are the subject matter of this action, the firearm laws pass have reduced firearm
5 related deaths and crime.

6 RESPONSE: Defendant Attorney General, the federal Bureau of Justice Statistics, the
7 Justice Research and Statistics Association, and the Statistical Analysis Centers of individual
8 states, all collect and publish extensive crime data, which is available on defendant's website at
9 <http://oag.ca.gov/crime>. That data may be responsive to this request. Beyond that, Defendant
10 Attorney General presently has no non-privileged, responsive documents in its possession,
11 custody or control in regard to the laws that are the direct subject of this lawsuit.

12 **REQUEST NO. 5**

13 Please produce all documents showing any debate on the dangers of firearms that
14 YOU relied upon prior your enactment of any firearm law, policy, regulation or
15 ordinance which is the subject matter of this action.

16 RESPONSE: Defendant Attorney General did not adopt any law, policy regulation, or
17 ordinance that is the subject of this action, and therefore has no responsive documents in her
18 possession, custody, or control.

19 **REQUEST NO. 6**

20 Please produce all statistical data relating to any study or research YOU relied upon
21 prior to your enactment of any firearm law, policy, regulation or ordinance which is
22 the subject matter of this action.

23 RESPONSE: Defendant Attorney General did not adopt any law, policy regulation, or
24 ordinance that is the subject of this action, and therefore has no responsive documents in her
25 possession, custody, or control.

26 **REQUEST NO. 7**

27 Please produce all documents and data supporting your contention that your
28 enactment of any firearm law, policy, regulation or ordinance has actually reduced
29 crime and saved lives.

30 RESPONSE: Defendant Attorney General did not adopt any law, policy regulation, or
31 ordinance that is the subject of this action, and therefore has no responsive documents in her
32 possession, custody, or control.

1 **REQUEST NO. 8**

2 If public funds were used to conduct research on the dangers of firearm ownership
3 and possession, please provide all documents relating to open and public bidding for
4 the individuals or entities who were awarded the contract to conduct the research.

5 RESPONSE: Defendant Attorney General objects to this request on the ground that it is
6 vague, not likely to lead to the discovery of admissible evidence, and it is unduly burdensome.
7 Public funds are used to collect the data and prepare the reports located on defendant's website,
8 <http://oag.ca.gov/crime>. Whether or not public bidding was done for those expenditures is
9 irrelevant. Defendant Attorney General will not respond to this request.

10 **REQUEST NO. 9**

11 Please produce all documents that were relied upon to support your enactment of any
12 firearm law, policy, regulation or ordinance which is the subject matter of this action.

13 RESPONSE: Defendant Attorney General did not adopt any law, policy regulation, or
14 ordinance that is the subject of this action, and therefore has no responsive documents in her
15 possession, custody, or control.

16 **REQUEST NO. 10**

17 Please produce all documents that you will rely upon to prove your enactment of any
18 firearm law, policy, regulation or ordinance, which is the subject matter of this action,
19 can pass intermediate scrutiny at a minimum.

20 RESPONSE: Defendant Attorney General objects to this request as vague, ambiguous, and
21 overbroad. Plaintiff does not define the term "intermediate scrutiny" nor does she explain the
22 meaning of "at a minimum." Defendant Attorney General also objects that this request to the
23 extent that it intrudes on attorney-client privilege and seeks confidential attorney work product.
24 Without waiving the foregoing objections, defendant responds as follows: Defendant Attorney
25 General did not adopt any law, policy regulation, or ordinance that is the subject of this action,
26 and therefore has no responsive documents in her possession, custody, or control.

27 **REQUEST NO. 11**

28 Please produce any and all documents which reflects the deliberative process in
 enacting any firearm law, policy, regulation or ordinance which is the subject matter
 of this action.

1 RESPONSE: Defendant Attorney General objects to this request as vague and ambiguous.
2 "Deliberative process" has different meanings in regard to public legislative bodies and individual
3 public officials. The former is a matter of public record, whereas the latter is protected from
4 discovery by the deliberative process privilege. Without waiving the foregoing objection,
5 Defendant Attorney General responds as follows: Construing the request as encompassing the
6 deliberations of the Legislature, plaintiff's access to that information (e.g. the legislative history)
7 is equal to defendant's access. Defendant Attorney General will produce nothing in response to
8 this request.

9 **REQUEST NO. 12**

10 Please produce each and every file and document in your possession relating to each
11 and every person who has been issued a CCW since 2001, and this includes renewals.

12 RESPONSE: Defendant Attorney General objects to this request to the extent that it seeks
13 sensitive personal information. Without waiving its objection, Defendant Attorney General
14 responds as follows: Defendant has no responsive documents because defendant does not issue
15 CCWs to individual civilians pursuant to Penal Code section 26150. Defendant Attorney General
16 does conduct background checks for CCW applicants pursuant to Penal Code section 26185. To
17 the extent plaintiff seeks access to documents concerning background checks, Defendant
18 Attorney General objects on the grounds that the information sought is extremely personal and
19 protected by the right of privacy, the request is overbroad and unduly burdensome (it would cover
20 all CCW background checks for the entire State of California over a 10-year period), and the
21 request is not likely to lead to the discovery of admissible evidence. Nothing will be disclosed in
22 response to this request.

23 **REQUEST NO. 13**

24 Please produce each and every file and document in your possession relating to each
25 and every person who has been denied a CCW since 2001.

26 RESPONSE: Defendant Attorney General objects to this request to the extent that it seeks
27 sensitive personal information. Without waiving its objection, Defendant Attorney General
28 responds as follows: Defendant has no responsive documents because defendant does not issue
CCWs to individual civilians pursuant to Penal Code section 26150. Defendant Attorney General

1 does conduct background checks for CCW applicants pursuant to Penal Code section 26185. To
2 the extent plaintiff seeks access to documents concerning background checks, Defendant
3 Attorney General objects on the grounds that the information sought is extremely personal and
4 protected by the right of privacy, the request is grossly overbroad and unduly burdensome (it
5 would cover all CCW background checks for the entire State of California over a 10-year period),
6 and the request is not likely to lead to the discovery of admissible evidence. Nothing will be
7 disclosed in response to this request.

8 **REQUEST NO. 14**

9 Please produce all documents you relied upon in rejecting the CCW application of Plaintiff.

10 RESPONSE: Defendant Attorney General did not reject plaintiff's CCW application and
11 therefore has no responsive documents in her possession, custody, or control.

12 **REQUEST NO. 15**

13 Please produce all documents proving that you contacted Plaintiff for an interview by
14 an investigator so that an investigator could fill out Plaintiff's application where it
15 states "Investigator's Interview Notes", which the instructions in the CCW
16 application specifically state for the Applicant not to complete.

17 RESPONSE: Defendant Attorney General has no responsive documents in its possession,
18 custody, or control.

19 **REQUEST NO. 16**

20 Please produce any and all documents which you provided to Plaintiff.

21 RESPONSE: Defendant Attorney General has no responsive documents in its possession,
22 custody, or control.

23 **REQUEST NO. 17**

24 Please produce any and all documents supporting any contention that honorably
25 retired California peace officers have a greater probability of being a victim of crime
26 than citizens of the CITY AND COUNTY OF SAN FRANCISCO who were never
27 associated with law enforcement.

28 RESPONSE: Defendant Attorney General objects to this request as overbroad, vague and
ambiguous, requiring speculation, and beyond the permissible scope of discovery. The proposed
contention is unrestricted in time and jurisdiction, and it fails to define what is meant by "crime"
much less identify any specific crimes for defendant to evaluate. The word "crime," as used in

1 this request, is also vague and ambiguous because it does not convey the nature of the offenses
2 for which information is sought. If it means every violation of law, then it is grossly overbroad
3 and beyond the scope of discovery. If it means only violations of law with some bearing on
4 carrying concealed weapons, then plaintiff should list the violations that she asserts would belong
5 in this category. To the extent that Defendant Attorney General could conceivably respond, it
6 would be in the form of an expert report or testimony, which is not subject to discovery at this
7 time.

8 Without waiving the foregoing objections, Defendant Attorney General responds as
9 follows. Defendant Attorney General, the federal Bureau of Justice Statistics, the Justice
10 Research and Statistics Association, and the Statistical Analysis Centers of individual states, all
11 collect and publish extensive crime data, which is available on defendant's website at
12 <http://oag.ca.gov/crime>. That data may be responsive to this request. Beyond that, Defendant
13 Attorney General has no non-privileged, responsive documents in its possession, custody or
14 control in regard to the laws that are the direct subject of this lawsuit.

15 **REQUEST NO. 18**

16 Please produce any and all documents which evidences that honorably retired peace
17 officers are at a greater risk of harm than individuals who have never been peace
officers.

18 RESPONSE: Defendant Attorney General objects to this request as overbroad, vague and
19 ambiguous, requiring speculation, and beyond the permissible scope of discovery. The proposed
20 contention is unrestricted in time, jurisdiction, and the populations to be measured, and it fails to
21 define what is meant by "risk of harm." To the extent that Defendant Attorney General could
22 conceivably respond, it would be in the form of an expert report or testimony, which is not
23 subject to discovery at this time.

24 Without waiving the foregoing objections, Defendant Attorney General responds as
25 follows. Defendant Attorney General, the federal Bureau of Justice Statistics, the Justice
26 Research and Statistics Association, and the Statistical Analysis Centers of individual states, all
27 collect and publish extensive crime data, which is available on defendant's website at
28 <http://oag.ca.gov/crime>. That data may be responsive to this request. Beyond that, Defendant

1 Attorney General has no non-privileged, responsive documents in its possession, custody or
2 control in regard to the laws that are the direct subject of this lawsuit.

3 **REQUEST NO. 19**

4 Please produce all documents evidencing crime statistics, justifying the prima facie
5 good cause standard for issuance of a concealed weapons permits to an active or
6 honorably separated member of the criminal justice system directly responsible for
7 the investigation, arrest, incarceration, prosecution or imposition of sentence on
8 criminal offenders and has received threats of harm to person or family as a result of
9 official duties.

10 RESPONSE: Defendant Attorney General objects to this request as vague and
11 unintelligible. Defendant Attorney General is unable to discern the type of documents that
12 plaintiff seeks and, accordingly, cannot respond.

13 **REQUEST NO. 20**

14 Please produce all documents evidencing any facts that would lead a reasonable
15 person to believe that an active or honorably separated member of the criminal justice
16 system directly responsible for the investigation, arrest, incarceration, prosecution or
17 imposition of sentence on criminal offenders has a greater probability of being a
18 victim of crime as compared to individuals who do not fall into such a category.

19 RESPONSE: Defendant Attorney General objects to this request as vague and ambiguous
20 because it fails to indicate what plaintiff considers to be "facts that would lead a reasonable
21 person to believe." Defendant Attorney General's analysis of this legal question is protected as
22 attorney work product, and defendant will not produce documents that contain or reveal this work
23 product. Without waiving the foregoing objections, Defendant Attorney General responds as
24 follows: Defendant Attorney General will not respond to this request.

25 **REQUEST NO. 21**

26 Please produce all documents identifying all active or honorably separated member of
27 the criminal justice system directly responsible for the investigation, arrest,
28 incarceration, prosecution or imposition of sentence on criminal offenders, and who
has actually filed a crime report regarding a crime committed against them while
OFF-DUTY OR AFTER THEY RETIRED and which said crime was directly
associated with the fact that they were responsible for the investigation, arrest,
incarceration, prosecution or imposition of sentence of the criminal offender.

RESPONSE: Defendant Attorney General objects to this request as vague, overbroad, and
unduly burdensome. The request is overbroad because it apparently applies to all present and
former members of "the criminal justice system" statewide and is not limited as to the period of

1 time for which plaintiff seeks information. The request is unduly burdensome because Defendant
2 Attorney General does not collect such information and has no practical way to gather it – crime
3 reports are kept by local jurisdictions. On the basis of the foregoing objections, Defendant
4 Attorney General will not respond to this request.

5 **REQUEST NO. 22**

6 Please produce all documents identifying all active or honorably separated member of
7 the criminal justice system directly responsible for the investigation, arrest,
8 incarceration, prosecution or imposition of sentence on criminal offenders, and who
9 has actually documented in official criminal justice records a crime committed
10 against them while OFF-DUTY OR AFTER THEY RETIRED as they were the
11 victim of criminal acts or threats because of being directly associated with the fact
12 that they were responsible for the investigation, arrest, incarceration, prosecution or
13 imposition of sentence of a criminal offender.

14 RESPONSE: Defendant Attorney General objects to this request as unintelligible.
15 Defendant Attorney General also objects to this request as impermissibly vague, overbroad, and
16 unduly burdensome. The request is overbroad because it apparently applies to all members of
17 “the criminal justice system” statewide and is not limited as to the period of time for which
18 plaintiff seeks information. The request is unduly burdensome because Defendant Attorney
19 General does not collect such information and has no practical way to gather it – crime reports are
20 kept by local jurisdictions. On the basis of the foregoing objections, Defendant Attorney General
21 will not respond to this request.

22 **REQUEST NO. 23**

23 Please produce all documented crime statistics which assisted you in determining the
24 firearm restrictions placed on individuals who have never been employed as a
25 California peace officer.

26 RESPONSE: Defendant Attorney General does not determine what firearms restrictions
27 are to be placed on individuals. That task is left to the Legislature. Defendant Attorney General
28 has no responsive documents in her possession, custody, or control.

REQUEST NO. 24

Please produce all documented crime statistics which assisted you in determining the
amount or application of discretion afforded to the issuing authority under your CCW
issuance laws, rules, policies and regulations.

1 RESPONSE: Defendant Attorney General does not determine the amount or application of
2 discretion afforded to the issuing authority under CCW issuance laws, rules, policies and
3 regulations because defendant does not issue CCWs pursuant to Penal Code § 26150. Defendant
4 Attorney General does conduct background checks for CCW applicants pursuant to Penal Code
5 section 26185. To the extent plaintiff seeks access to documents concerning background checks,
6 Defendant Attorney General objects on the grounds that the information sought is extremely
7 personal and protected by the right of privacy and the request is not likely to lead to the discovery
8 of admissible evidence. Nothing will be produce in response to this request.

9 **REQUEST NO. 25**

10 Please produce any document which supports or justifies your CCW issuance policy.

11 RESPONSE: Defendant Attorney General does not issue CCWs pursuant to Penal Code
12 section 26150, and therefore does not have an issuance policy. Defendant Attorney General has
13 no responsive documents in her possession, custody, or control.

14 **REQUEST NO. 26**

15 Please produce all research that you have ever had in your possession which proves
16 that CCW permit holders in “shall issue” states commit more gun related crimes per
capita as compared to the citizens of the State of California.

17 RESPONSE: Defendant Attorney General objects to this request as overbroad in regard to
18 "ever had in your possession" because it is unlimited as to time and requests documents that may
19 no longer be in Defendant Attorney General's possession, custody or control. It is vague and
20 ambiguous in using the terms "proves" and “research.” The request is also outside the scope of
21 discovery. Only policies and practices for CCW licensing in California are at issue in this
22 litigation.

23 Without waiving the foregoing objections, Defendant Attorney General responds as
24 follows. Defendant Attorney General, the federal Bureau of Justice Statistics, the Justice
25 Research and Statistics Association, and the Statistical Analysis Centers of individual states, all
26 collect and publish extensive crime data, which is available on defendant’s website at
27 <http://oag.ca.gov/crime>. That data may be responsive to this request. Beyond that, Defendant
28

1 Attorney General has no non-privileged, responsive documents in its possession, custody or
2 control in regard to the laws that are the direct subject of this lawsuit.

3 **REQUEST NO. 27**

4 Please produce all research or documents you relied upon to determine your CCW
5 issuance policy.

6 RESPONSE: Defendant Attorney General does not issue CCWs pursuant to Penal Code
7 section 26150, and therefore does not have an issuance policy. Defendant Attorney General has
8 no responsive documents in her possession, custody, or control.

9 **REQUEST NO. 28**

10 Please produce all documents that would support your contention that Plaintiff did not
11 meet the good cause standard for issuance of a CCW.

12 RESPONSE: Defendant Attorney General does not make this contention and therefore has
13 no documents relating to that contention.

14 **REQUEST NO. 29**

15 Please produce all documents that would support your contention that Plaintiff is not
16 qualified to be issued a CCW.

17 RESPONSE: Defendant Attorney General does not make this contention and therefore has
18 no documents relating to that contention.

19 **REQUEST NO. 30**

20 Please produce all documents evidencing that Dianne Feinstein and/or Barbra Boxer
21 either applied for a CCW or were issued a CCW by any federal, state, or local
22 authority.

23 RESPONSE: Defendant Attorney General objects to this request in that it violates the
24 individual right of privacy and is not likely to lead to the discovery of admissible evidence.
25 Without waiving those objections, defendant responds as follows: Defendant Attorney General
26 has no responsive documents in her possession, custody, or control..

27 **REQUEST NO. 31**

28 Please produce any and all applications for a CCW since 2001 for the City and
County of San Francisco.

RESPONSE: Defendant Attorney General has no responsive documents in her possession,
custody, or control.

1 **REQUEST NO. 32**

2 Please produce any known documents evidencing any surveillance of Plaintiff.

3 RESPONSE: Defendant Attorney General objects to this request as overbroad in that it
4 appears to seek documents generated in any context and at any time. Defendant Attorney General
5 objects to this request on the ground that it is not likely to lead to the discovery of admissible
6 evidence. Defendant Attorney General does not issue CCWs pursuant to Penal Code section
7 26150. Defendant will not respond to this request.

8 **REQUEST NO. 33**

9 Please produce all documents in your possession, custody or control which identifies
10 Plaintiff by name.

11 RESPONSE: Defendant Attorney General objects to this request as overbroad in that it
12 appears to seek documents generated in any context and at any time. Defendant Attorney General
13 objects to this request on the ground that it is not likely to lead to the discovery of admissible
14 evidence. Defendant Attorney General does not issue CCWs pursuant to Penal Code section
15 26150. Defendant Attorney General will not respond to this request.

16 **REQUEST NO. 34**

17 Please produce all documents in your possession, custody or control which relates to
18 any investigation Plaintiff has been the subject matter of, including, but not limited to,
19 incident reports, internal affairs reports, divisional investigations, internal affairs
20 documents, inquiries, arrest reports, complaint reports, correspondence letters, notes,
21 messages, recordings, search warrants, and crime reports.

22 RESPONSE: Defendant Attorney General objects to this request as overbroad in that it
23 appears to seek documents generated in any context and at any time. Defendant Attorney General
24 objects to this request on the ground that it is not likely to lead to the discovery of admissible
25 evidence. Defendant Attorney General does not issue CCWs pursuant to Penal Code section
26 26150. Defendant Attorney General will not respond to this request.

27 **REQUEST NO. 35**

28 Please produce any and all documents in your possession, custody or control which
relates to the application procedure in order to obtain a CCW, including written
policy for issuance and application.

1 RESPONSE: Defendant Attorney General objects to this request as overbroad because it
2 fails to provide a reasonable limit on the time for which it seeks documents. Without waiving its
3 objection, Defendant Attorney General responds as follows: Defendant Attorney General has no
4 responsive documents because defendant does not issue CCWs to individual civilians pursuant to
5 Penal Code section 26150. Defendant Attorney General does conduct background checks for
6 CCW applicants pursuant to Penal Code section 26185. To the extent plaintiff seeks access to
7 documents concerning background checks, Defendant Attorney General objects on the grounds
8 that the information sought is extremely personal and protected by the right of privacy and the
9 request is not likely to lead to the discovery of admissible evidence. Nothing will be disclosed in
10 response to this request.

11 **REQUEST NO. 36**

12 Please produce any and all documents demonstrating how the public is made aware
13 that they can apply for CCW.

14 RESPONSE: Defendant Attorney General objects to this request as vague, ambiguous,
15 overbroad and beyond the scope of permissible discovery. The request is overbroad because it
16 seeks information about how anyone, anywhere and at any time, might become aware that they
17 can apply for a CCW license from any jurisdiction. It is beyond the scope of discovery because
18 the information it seeks to elicit is irrelevant to the claims or defenses of any party. Further,
19 Defendant Attorney General does not issue CCWs to individual civilians pursuant to Penal Code
20 section 26150. On the basis of the foregoing objections, Defendant Attorney General will not
21 respond to this request.

22 **REQUEST NO. 37**

23 Please produce any and all documents which identifies the name of each individual
24 who is responsible for processing CCW applications since 2001.

25 RESPONSE: Defendant Attorney General objects to this request as vague, ambiguous, and
26 overbroad. Defendant Attorney General further objects that it is not likely to lead to the
27 discovery of admissible evidence. Defendant Attorney General does not issue CCWs pursuant to
28 Penal Code § 26150, and thus will not respond to this request.

1 **REQUEST NO. 38**

2 Please produce all documents relating to the issuance of a CCW to a Robert Menist.

3 RESPONSE: Defendant Attorney General objects to this request to the extent that it seeks
4 sensitive personal information, which may not be disclosed pursuant to Penal Code sections
5 11105 and 11106. Without waiving its objection, Defendant Attorney General responds as
6 follows: Defendant Attorney General has no responsive documents because Defendant Attorney
7 General does not issue CCWs to individual civilians pursuant to Penal Code section 26150.
8 Defendant Attorney General does conduct background checks for CCW applicants pursuant to
9 Penal Code section 26185. To the extent plaintiff seeks access to documents concerning
10 background checks, Defendant Attorney General objects on the grounds that the information
11 sought is extremely personal and protected by the right of privacy and the request is not likely to
12 lead to the discovery of admissible evidence. (Pen. Code, §§ 11105, 11106.) Nothing will be
13 disclosed in response to this request.

14 **REQUEST NO. 39**

15 Please produce any and all documents that you relied upon to issue Robert Menist a CCW.

16 RESPONSE: Defendant Attorney General did not issue a CCW to Robert Menist.
17 Defendant Attorney General has no responsive documents.

18 **REQUEST NO. 40**

19 Please produce any and all documents in your possession, custody or control which
20 were provided to you by Robert Menist, even if unrelated to his CCW application.

21 RESPONSE: Defendant Attorney General objects to this request to the extent that it seeks
22 sensitive personal information. Without waiving its objection, Defendant Attorney General
23 responds as follows: Defendant Attorney General has no responsive documents because
24 defendant does not issue CCWs to individual civilians pursuant to Penal Code section 26150.
25 Defendant Attorney General does conduct background checks for CCW applicants pursuant to
26 Penal Code section 26185. To the extent plaintiff seeks access to documents concerning
27 background checks, Defendant Attorney General objects on the grounds that the information
28 sought is extremely personal and protected by the right of privacy and the request is not likely to

1 lead to the discovery of admissible evidence. (Pen. Code, §§ 11105, 11106.) Nothing will be
2 disclosed in response to this request.

3 **REQUEST NO. 41**

4 Please produce any and all documents that supports your contention that Robert
5 Menist is more deserving of a CCW than Plaintiff.

6 RESPONSE: Defendant Attorney General has made no such contention and has no
7 responsive documents in her possession, custody, or control.

8 **REQUEST NO. 42**

9 Please produce any and all documents relating statistical data on hate crimes that you
10 maintain.

11 RESPONSE: Defendant Attorney General publishes an annual report on hate crimes. The
12 most recent report, "Hate Crime in California 2010," is available on Defendant Attorney
13 General's website at <http://oag.ca.gov/crime>.

14 **REQUEST NO. 43**

15 Please produce all documents regarding the policy for processing CCW applications.

16 RESPONSE: Defendant Attorney General objects to this request as overbroad because it
17 fails to provide a reasonable limit on the time for which it seeks documents. Without waiving its
18 objection, Defendant Attorney General responds as follows: Defendant Attorney General has no
19 responsive documents because defendant does not issue CCWs to individual civilians pursuant to
20 Penal Code section 26150. Defendant Attorney General does conduct background checks for
21 CCW applicants pursuant to Penal Code section 26185. To the extent plaintiff seeks access to
22 documents concerning background checks, Defendant Attorney General objects on the grounds
23 that the information sought is extremely personal and protected by the right of privacy and the
24 request is not likely to lead to the discovery of admissible evidence. (Pen. Code, §§ 11105,
25 11106.) Nothing will be disclosed in response to this request.

26 **REQUEST NO. 44**

27 Please produce any and all documents which shows the identity of every individual
28 who has filed a complaint for not receiving a CCW.

1 RESPONSE: Defendant Attorney General does not issue CCWs to pursuant to Penal Code
2 section 26150. To defendant's knowledge, Defendant Attorney General has no documents
3 responsive documents in its possession, custody or control.

4 **REQUEST NO. 45**

5 Please produce any and all documents regarding the policy for the issuance of CCWs
6 to Deputy District Attorney's or Judges.

7 RESPONSE: Defendant Attorney General objects to this request as overbroad and unduly
8 burdensome because it fails to provide a reasonable limit on the time for which it seeks
9 documents. Without waiving its objection, Defendant Attorney General responds as follows:
10 Defendant Attorney General has no responsive documents because Defendant Attorney General
11 does not issue CCWs to individual civilians pursuant to Penal Code section 26150. Defendant
12 Attorney General does conduct background checks for CCW applicants pursuant to Penal Code
13 section 26185. To the extent plaintiff seeks access to documents concerning background checks
14 on individuals, defendant objects on the grounds that the information sought is extremely
15 personal and protected by the right of privacy and the request is not likely to lead to the discovery
16 of admissible evidence. (Pen. Code, §§ 11105, 11106.) Nothing will be disclosed in response to
17 this request.

18 **REQUEST NO. 46**

19 Please produce any and all documents which were provided to you by any
20 government official regarding issuance of CCWs to deputy district attorneys or
21 judges.

22 RESPONSE: Defendant Attorney General objects to this request as overbroad and unduly
23 burdensome because it fails to provide a reasonable limit on the time for which it seeks
24 documents. Without waiving its objection, Defendant Attorney General responds as follows:
25 Defendant Attorney General has no responsive documents because Defendant Attorney General
26 does not issue CCWs to individual civilians pursuant to Penal Code section 26150. Defendant
27 Attorney General does conduct background checks for CCW applicants pursuant to Penal Code
28 section 26185. To the extent plaintiff seeks access to documents concerning background checks,
defendant objects on the grounds that the information sought is extremely personal and protected

1 by the right of privacy and the request is not likely to lead to the discovery of admissible
2 evidence. (Pen. Code, §§ 11105, 11106.) Nothing will be disclosed in response to this request.

3 **REQUEST NO. 47**

4 Please produce any and all documents which identifies any action you have taken to
5 revoke the CCW of any peace officer who was terminated from your employment.

6 RESPONSE: Defendant Attorney General has no responsive documents in her possession,
7 custody or control.

8 **REQUEST NO. 48**

9 Please produce any and all documents which evidences **COMPLAINTS** made
10 against California Peace Officers, including, but not limited to, the peace officers
11 identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

12 RESPONSE: Defendant Attorney General objects to this request because the complaint
13 history of a California peace officer is protected by law. (Gov. Code, §§ 3300-3312; Pen. Code, §
14 832.7.) Defendant Attorney General cannot disclose such information absent a *Pitchess* hearing
15 and court order, and even then disclosure may only be made for limited purposes. Defendant
16 Attorney General further objects to this request as beyond the scope of discovery, overbroad,
17 unduly burdensome, and vague and ambiguous. The request is beyond the scope of discovery
18 because it is unlikely to lead to any admissible evidence relevant to either party's claims or
19 defenses. The request is overbroad in that it provides no limit on time or place and appears to
20 seek information about every person who has served as a peace officer anywhere in the state at
21 any time. The word "complaint," as used in this request, is also vague and ambiguous because it
22 does not convey the nature of the complaints for which information is sought. If it means every
23 conceivable kind of complaint, then it is grossly overbroad and beyond the scope of discovery. If
24 it means only complaints with some bearing on carrying concealed weapons, then Plaintiff should
25 list the complaints that she asserts would belong in this category. The request is also unduly
26 burdensome because, even if the request were restricted to those peace officers who have been
27 employed by Defendant Attorney General at any time within a reasonably limited time period and
28 "complaint" was reasonably defined, defendant could not compile responsive information without
a file-by-file hand search of the individual personnel files of present and past peace officers. This

1 would presumably entail thousands of files. Further, responsive information located through this
2 laborious process could not be released absent a court hearing and order on an officer-by-officer
3 basis. On the basis of the foregoing objections, Defendant Attorney General will not respond to
4 this request.

5 **REQUEST NO. 49**

6 Please produce any and all documents which evidences the **DISPOSITION** of
7 complaints made against California Peace Officers, including, but not limited to, the
8 peace officers identified in the San Francisco Chronicle articles attached to the Initial
Disclosures,

9 **RESPONSE:** Defendant Attorney General objects to this request because the complaint
10 history of a California peace officer is protected by law. (See, e.g., Gov. Code §§ 3300-3312;
11 Pen. Code, § 832.7.) Defendant cannot disclose such information absent a *Pitchess* hearing and
12 court order, and even then disclosure may only be made for limited purposes. Defendant
13 Attorney General further objects to this request as beyond the scope of discovery, overbroad,
14 unduly burdensome, and vague and ambiguous. The request is beyond the scope of discovery
15 because it is unlikely to lead to any admissible evidence relevant to either party's claims or
16 defenses. The request is overbroad in that it provides no limit on time or place and appears to
17 seek information about every person who has served as a peace officer anywhere in the state at
18 any time. The word "complaint," as used in this request, is also vague and ambiguous because it
19 does not convey the nature of the complaints for which information is sought. If it means every
20 conceivable kind of complaint, then it is grossly overbroad and beyond the scope of discovery. If
21 it means only complaints with some bearing on carrying concealed weapons, then Plaintiff should
22 list the complaints that she asserts would belong in this category. The request is also unduly
23 burdensome because, even if the request were restricted to those peace officers who have been
24 employed by defendant at any time within a reasonably limited time period and "complaint" was
25 reasonably defined, Defendant Attorney General could not compile responsive information
26 without a file-by-file hand search of the individual personnel files of its peace officers. This
27 would presumably entail thousands of files. Further, responsive information located through this
28 laborious process could not be released absent a court hearing and order on an officer-by-officer

1 basis. On the basis of the foregoing objections, Defendant Attorney General will not respond to
2 this request.

3 **REQUEST NO. 50**

4 Please produce any and all documents which evidences that because of
5 **COMPLAINTS** made against California Peace Officers, including, but not limited
6 to, the peace officers identified in the San Francisco Chronicle articles attached to the
7 Initial Disclosures, that the California Peace Officers right or license to carry a
8 concealed handgun was revoked or restricted.

9 **RESPONSE:** Defendant Attorney General objects to this request because the complaint
10 history of a California peace officer is protected by law. (See, e.g., Gov. Code §§ 3300-3312;
11 Pen. Code, § 832.7.) Defendant Attorney General cannot disclose such information absent a
12 *Pitchess* hearing and court order, and even then disclosure may only be made for limited
13 purposes. Defendant Attorney General further objects to this request as beyond the scope of
14 discovery, overbroad, unduly burdensome, and vague and ambiguous. The request is beyond the
15 scope of discovery because it is unlikely to lead to any admissible evidence relevant to either
16 party's claims or defenses. The request is overbroad in that it provides no limit on time or place
17 and appears to seek information about every person who has served as a peace officer anywhere
18 in the state at any time. The word "complaint," as used in this request, is also vague and
19 ambiguous because it does not convey the nature of the complaints for which information is
20 sought. If it means every conceivable kind of complaint, then it is grossly overbroad and beyond
21 the scope of discovery. If it means only complaints with some bearing on carrying concealed
22 weapons, then Plaintiff should list the complaints that she asserts would belong in this category.
23 The request is also unduly burdensome because, even if the request were restricted to those peace
24 officers who have been employed by defendant at any time within a reasonably limited time
25 period and "complaint" was reasonably defined, Defendant Attorney General could not compile
26 responsive information without a file-by-file hand search of the individual personnel files of its
27 peace officers. This would presumably entail thousands of files. Further, responsive information
28 located through this laborious process could not be released absent a court hearing and order on
an officer-by-officer basis. On the basis of the foregoing objections, Defendant Attorney General
will not respond to this request.

1 **REQUEST NO. 51**

2 Please produce all documents that were provided to you prior to the enactment of any
3 law, statute, ordinance or policy, which gave you notice that firearm laws are
 ineffective.

4 RESPONSE: Defendant Attorney General objects to this request as vague, ambiguous and
5 overbroad, unduly burdensome, and not likely to lead to the discovery of admissible evidence.
6 The request is vague and ambiguous because Plaintiff fails to explain what she means by
7 "ineffective," a term that can be understood differently by different people. The request is
8 overbroad because it is not restricted to California laws that are the subject of this action. The
9 request is not likely to lead to the discovery of admissible evidence because Defendant Attorney
10 General does not enact laws; the Attorney General is an arm of the executive branch of
11 government.

12 Without waiving the foregoing objections, Defendant Attorney General responds as
13 follows: Defendant Attorney General, the federal Bureau of Justice Statistics, the Justice
14 Research and Statistics Association, and the Statistical Analysis Centers of individual states, all
15 collect and publish extensive crime data, which is available on defendant's website at
16 <http://oag.ca.gov/crime>. Beyond that, Defendant Attorney General has no non-privileged,
17 responsive documents in its possession, custody or control in regard to the laws that are the direct
18 subject of this lawsuit.

19 **REQUEST NO. 52**

20 Please produce all documents that were provided to you prior to the enactment of any
21 law, statute, ordinance or policy, which gave you notice that firearm laws are
 effective.

22 RESPONSE: Defendant Attorney General objects to this request as vague, ambiguous and
23 overbroad, unduly burdensome, and not likely to lead to the discovery of admissible evidence.
24 The request is vague and ambiguous because Plaintiff fails to explain what she means by
25 "effective," a term that can be understood differently by different people. The request is
26 overbroad because it is not restricted to California laws that are the subject of this action. The
27 request is not likely to lead to the discovery of admissible evidence because Defendant Attorney
28

1 General does not enact laws; the Attorney General is an arm of the executive branch of
2 government.

3 Without waiving the foregoing objections, Defendant Attorney General responds as
4 follows: Defendant Attorney General, the federal Bureau of Justice Statistics, the Justice
5 Research and Statistics Association, and the Statistical Analysis Centers of individual states, all
6 collect and publish extensive crime data, which is available on defendant's website at
7 <http://oag.ca.gov/crime>. Beyond that, Defendant Attorney General has no non-privileged,
8 responsive documents in its possession, custody or control in regard to the laws that are the direct
9 subject of this lawsuit.

10 **REQUEST NO. 53**

11 Please produce all documents which supports any contention you may have that
12 restrictions on the public's access to firearms has a beneficial affect to the public.

13 RESPONSE: Defendant Attorney General objects to this request as vague, ambiguous and
14 overbroad, unduly burdensome, and not likely to lead to the discovery of admissible evidence.
15 The request is vague and ambiguous because Plaintiff fails to explain what she means by
16 "beneficial affect to the public," a term that can be understood differently by different people.
17 The request is overbroad because it is not restricted to California laws that are the subject of this
18 action. The request is not likely to lead to the discovery of admissible evidence because
19 Defendant Attorney General does not enact laws; the Attorney General is an arm of the executive
20 branch of government.

21 Without waiving the foregoing objections, Defendant Attorney General responds as
22 follows: Defendant Attorney General, the federal Bureau of Justice Statistics, the Justice
23 Research and Statistics Association, and the Statistical Analysis Centers of individual states, all
24 collect and publish extensive crime data, which is available on defendant's website at
25 <http://oag.ca.gov/crime>. Beyond that, Defendant Attorney General has no non-privileged,
26 responsive documents in its possession, custody or control in regard to the laws that are the direct
27 subject of this lawsuit.
28

REQUEST NO. 54

Please produce all documents which identifies each and every honorably retired California Peace Officer who has received a CCW, including, but not limited to, the peace officers identified in the San Francisco Chronicle articles attached to the Initial Disclosures.

RESPONSE: Defendant Attorney General objects to this request as overbroad in that it fails to limit the jurisdiction in which the retired officer served, the jurisdiction that issued the CCW, or the time period for which responsive information is demanded. The request also exceeds the scope of discovery for those reasons. Defendant Attorney General further objects that the documents requested, if any, are confidential peace officer personnel records that are protected by law. (See, e.g., Gov. Code §§ 3300-3312; Pen. Code, § 832.7.) Defendant Attorney General cannot disclose information from peace officer personnel records absent a *Pitchess* hearing and court order, and even then disclosure may only be made for limited purposes. Defendant Attorney General further objects that the request is unduly burdensome, as defendant does not keep a list of all of its retired peace officers that indicates any particular status in regard to carrying concealed weapons, and compiling such information would be intensely laborious. On the basis of the foregoing objections, Defendant Attorney General will not respond to this request.

REQUEST NO. 55

Please produce all documents which identifies each and every honorably retired California Peace Officer who has received a CCW, and who has committed suicide.

RESPONSE: Defendant Attorney General objects to this request as overbroad in that it fails to limit the jurisdiction in which the retired officer served, the jurisdiction that issued the CCW, or the time period for which responsive information is demanded. The request also exceeds the scope of discovery for those reasons. Defendant Attorney General further objects that the documents requested, if any, are confidential peace officer personnel records that are protected by law. (See, e.g., Gov. Code §§ 3300-3312; Pen. Code, § 832.7.) Defendant Attorney General cannot disclose information from peace officer personnel records absent a *Pitchess* hearing and court order, and even then disclosure may only be made for limited purposes. Defendant Attorney General further objects that the request is unduly burdensome, as Defendant

1 Attorney General does not keep a list of all of its retired peace officers that indicates any
2 particular status in regard to carrying concealed weapons, nor maintains any systematic
3 information about officers who died by means of suicide, and compiling such information would
4 be intensely laborious. On the basis of the foregoing objections, Defendant Attorney General will
5 not respond to this request.

6 **REQUEST NO. 56**

7 Please produce all documents which identifies each and every honorably retired
8 California Peace Officer who has received a CCW, and who has been arrested or
9 charged with a crime, including, but not limited to, the peace officers identified in the
10 San Francisco Chronicle articles attached to the Initial Disclosures.

11 RESPONSE: Please see Defendant Attorney General's response to Request No. 54.

12 Defendant further objects that the criminal history of a California peace officer is protected by
13 law. (See, e.g., Gov. Code §§ 3300-3312; Pen. Code, § 832.7.) Defendant Attorney General
14 cannot disclose such information absent a *Pitchess* hearing and court order, and even then
15 disclosure may only be made for limited purposes. Defendant Attorney General further objects to
16 this request as beyond the scope of discovery, overbroad, unduly burdensome, and vague and
17 ambiguous. The request is beyond the scope of discovery because it is unlikely to lead to any
18 admissible evidence relevant to either party's claims or defenses. The request is overbroad in that
19 it provides no limit on time or place and appears to seek information about every person who has
20 served as a peace officer anywhere in the state at any time. The word "crime," as used in this
21 request, is also vague and ambiguous because it does not convey the nature of the offenses for
22 which information is sought. If it means every violation of law, then it is grossly overbroad and
23 beyond the scope of discovery. If it means only violations of law with some bearing on carrying
24 concealed weapons, then Plaintiff should list the violations that she asserts would belong in this
25 category. The request is also unduly burdensome because, even if the request were restricted to
26 those peace officers who have honorably retired from employment with the defendant at any time
27 within a reasonably limited time period and "crime" was reasonably defined, Defendant Attorney
28 General could not compile responsive information without a file-by-file hand search of the
individual personnel files of its peace officers. This would presumably entail thousands of files,

1 each of which would have to be evaluated for multiple criteria. Further, responsive information
2 located through this laborious process could not be released absent a court hearing and order on
3 an officer-by-officer basis. Based on the foregoing objections, Defendant Attorney General will
4 not respond to this request.

5 **REQUEST NO. 57**

6 Produce all documents supporting any contention you have that honorably retired
7 California Peace Officer's can be trusted more with a firearm than an honorably
8 discharged member of the armed forces, including, but not limited to, the peace
officers identified in the San Francisco Chronicle articles attached to the Initial
Disclosures.

9 RESPONSE: Defendant Attorney General, the federal Bureau of Justice Statistics, the
10 Justice Research and Statistics Association, and the Statistical Analysis Centers of individual
11 states, all collect and publish extensive crime data, which is available on Defendant Attorney
12 General's website at <http://oag.ca.gov/crime>. Some of that data may be responsive to this request.
13 Beyond that, Defendant Attorney General has no non-privileged, responsive documents in its
14 possession, custody or control in regard to the laws that are the direct subject of this lawsuit.

15 **REQUEST NO. 58**

16 Produce all documents you intend to rely upon at the time of trial, including, but not
17 limited to, the peace officers identified in the San Francisco Chronicle articles
attached to the Initial Disclosures.

18 RESPONSE: Defendant Attorney General objects to this request as unintelligible and
19 cannot meaningfully respond.

20 **REQUEST NO. 59**

21 Please produce all documents relating to any publications, treatises, statistical data,
22 study or research demonstrating that after your enactment of any firearm law, policy,
23 regulation or ordinance, which is the subject matter of this action, had any effect on
firearm related deaths, crime or accidents.

24 RESPONSE: Defendant Attorney General objects to this request as unintelligible and
25 cannot meaningfully respond.

26 **REQUEST NO. 60**

27 Please produce all documents relating to Plaintiff's application for a CCW, including
28 any investigative files.

1 RESPONSE: Defendant Attorney General objects to this request to the extent that it seeks
2 sensitive personal information. (Pen. Code, §§ 11105, 11106.) It also is duplicative of Request
3 No. 14. Without waiving these objections, Defendant Attorney General responds as follows:
4 Defendant Attorney General has no responsive documents because Defendant Attorney General
5 does not issue CCWs to individual civilians pursuant to Penal Code section 26150. Defendant
6 Attorney General does conduct background checks for CCW applicants pursuant to Penal Code
7 section 26185. To the extent plaintiff seeks access to documents concerning background checks,
8 Defendant Attorney General objects on the grounds that the information sought is extremely
9 personal and protected by the right of privacy and the request is not likely to lead to the discovery
10 of admissible evidence. (Pen. Code, §§ 11105, 11106.) Without waiving these objections,
11 defendant responds as follows: Defendant Attorney General has no responsive documents.

12 **REQUEST NO. 61**

13 Please produce all documents relating to Plaintiff's application for a CCW, including
14 any investigative files.

15 RESPONSE: Defendant Attorney General objects to this request to the extent that it seeks
16 sensitive personal information. (Pen. Code, §§ 11105, 11106.) It also is duplicative of Request
17 Nos. 14 and 60. Without waiving these objections, Defendant Attorney General responds as
18 follows: Defendant Attorney General has no responsive documents because Defendant Attorney
19 General does not issue CCWs to individual civilians pursuant to Penal Code section 26150.
20 Defendant Attorney General does conduct background checks for CCW applicants pursuant to
21 Penal Code section 26185. To the extent plaintiff seeks access to documents concerning
22 background checks, Defendant Attorney General objects on the grounds that the information
23 sought is extremely personal and protected by the right of privacy and the request is not likely to
24 lead to the discovery of admissible evidence. (Pen. Code, §§ 11105, 11106.) Without waiving
25 these objections, defendant responds as follows: Defendant Attorney General has no responsive
26 documents.

27 **REQUEST NO. 62**

28 Please produce all documents relating to Plaintiff's character.

1 RESPONSE: Defendant Attorney General objects to this request as vague, ambiguous and
2 beyond the scope of discovery. Plaintiff fails to explain what she means by “character” and to
3 limit her request in relation to the subject matter of this lawsuit. Defendant Attorney General also
4 objects to this request to the extent that it seeks sensitive personal information. (Pen. Code, §§
5 11105, 11106.) Without waiving its objection, Defendant Attorney General responds as follows:
6 Defendant Attorney General has no responsive documents because Defendant Attorney General
7 does not issue CCWs to individual civilians pursuant to Penal Code section 26150. Defendant
8 Attorney General does conduct background checks for CCW applicants pursuant to Penal Code
9 section 26185. To the extent plaintiff seeks access to documents concerning background checks,
10 Defendant Attorney General objects on the grounds that the information sought is extremely
11 personal and protected by the right of privacy and the request is not likely to lead to the discovery
12 of admissible evidence. (Pen. Code, §§ 11105, 11106.) On the basis of these objections,
13 defendant will not respond to the request.

14 **REQUEST NO. 63**

15 Please produce all documents maintained in any government database that you have
16 access to, that is NOT a matter of public record.

17 RESPONSE: Defendant Attorney General objects to this request as impermissibly
18 overbroad, beyond the scope of discovery, not likely to lead to the discovery of admissible
19 evidence, and as calling for documents legally protected from disclosure. The request is not
20 limited to any subject matter, jurisdiction or time period and bears no connection to the disputes
21 in this lawsuit. Based on the foregoing objections, Defendant Attorney General will not respond
22 to this request.

23 **REQUEST NO. 64**

24 Please produce all documents maintained in any government criminal database that
25 you have access to, that is NOT a matter of public record.

26 RESPONSE: Defendant Attorney General objects to this request as impermissibly
27 overbroad, beyond the scope of discovery, not likely to lead to the discovery of admissible
28 evidence, and as calling for documents legally protected from disclosure. The request is not
limited to any subject matter, jurisdiction or time period and bears no connection to the disputes

1 in this lawsuit. Based on the foregoing objections, Defendant Attorney General will not respond
2 to this request.

3 **REQUEST NO. 65**

4 Please produce all investigative files relating the peace officers identified in the San
5 Francisco Chronicle articles attached to the Initial Disclosures.

6 RESPONSE: Defendant Attorney General objects that the documents requested are
7 confidential peace officer personnel records that are protected by law. Defendant Attorney
8 General further objects that investigatory files are confidential and privileged from disclosure.
9 Defendant Attorney General further objects that the request exceeds the bounds of permissible
10 discovery as it is not relevant to any party's claims or defenses. On the basis of the foregoing
11 objections, Defendant Attorney General will not respond to this request.

12 **REQUEST NO. 65 [SIC.]**

13 Please produce all criminal and disciplinary history documents regarding the peace
14 officers identified in the San Francisco Chronicle articles attached to the Initial
15 Disclosures.

16 RESPONSE: Defendant Attorney General objects that the documents requested, if any, are
17 confidential peace officer personnel records that are protected by law. Defendant Attorney
18 General further objects that investigatory files are confidential and privileged from disclosure.
19 Defendant Attorney General further objects that the request exceeds the bounds of permissible
20 discovery as it is not relevant to any party's claims or defenses. On the basis of the foregoing
21 objections, Defendant Attorney General will not respond to this request.

22 **REQUEST NO. 66**

23 Please produce all internal affairs investigative logs showing all citizens
24 COMPLAINTS against peace officers ever employed by you, including, but not
25 limited to, the peace officers identified in the San Francisco Chronicle articles
26 attached to the Initial Disclosures.

27 RESPONSE: Defendant Attorney General objects to this request because the complaint
28 history of a California peace officer is protected by law. (Gov. Code, §§ 3300-3312; Pen. Code, §
832.7.) Defendant Attorney General cannot disclose such information absent a *Pitchess* hearing
and court order, and even then disclosure may only be made for limited purposes. Defendant
Attorney General further objects to this request as beyond the scope of discovery, overbroad,

1 unduly burdensome, and vague and ambiguous. The request is beyond the scope of discovery
2 because it is unlikely to lead to any admissible evidence relevant to either party's claims or
3 defenses. The request is overbroad in that it provides no limit on time or place and appears to
4 seek information about every person who has served as a peace officer anywhere in the state at
5 any time. The word "complaint," as used in this request, is also vague and ambiguous because it
6 does not convey the nature of the complaints for which information is sought. If it means every
7 conceivable kind of complaint, then it is grossly overbroad and beyond the scope of discovery. If
8 it means only complaints with some bearing on carrying concealed weapons, then Plaintiff should
9 list the complaints that she asserts would belong in this category. The request is also unduly
10 burdensome because, even if the request were restricted to those peace officers who have been
11 employed by defendant at any time within a reasonably limited time period and "complaint" was
12 reasonably defined, Defendant Attorney General could not compile responsive information
13 without a file-by-file hand search of the individual personnel files of its peace officers. This
14 would presumably entail thousands of files. Further, responsive information located through this
15 laborious process could not be released absent a court hearing and order on an officer-by-officer
16 basis. On the basis of the foregoing objections, Defendant Attorney General will not respond to
17 this request.

18 **REQUEST NO. 67**

19 Please produce all data that supports all current gun control laws which are the
20 subject matter of this action.

21 RESPONSE: Defendant Attorney General objects to this request as vague, ambiguous and
22 overbroad, unreasonably burdensome, and not likely to lead to the discovery of admissible
23 evidence. The request is vague and ambiguous because plaintiff fails to explain what she means
24 by "supports," a term that can be understood differently by different people. The request is not
25 likely to lead to the discovery of admissible evidence because Defendant Attorney General does
26 not enact laws; the Attorney General is an arm of the executive branch of government.

27 Without waiving the foregoing objections, defendant responds as follows: Defendant
28 Attorney General, the federal Bureau of Justice Statistics, the Justice Research and Statistics

1 Association, and the Statistical Analysis Centers of individual states, all collect and publish
2 extensive crime data, which is available on defendant's website at <http://oag.ca.gov/crime>.

3 Beyond that, Defendant Attorney General has no non-privileged, responsive documents in its
4 possession, custody or control in regard to the laws that are the direct subject of this lawsuit.

5 **REQUEST NO. 68**

6 Please produce all investigative files and documents regarding each and every current
7 and former employee of the San Francisco Police Department who is identified in the
8 attached articles of the San Francisco Chronicle.

9 RESPONSE: Defendant Attorney General objects that the documents requested are
10 confidential peace officer personnel records that are protected by law. (Gov. Code, §§ 3300-
11 3312; Pen. Code, § 832.7.) Defendant Attorney General further objects that investigatory files
12 are confidential and privileged from disclosure. Defendant Attorney General further objects that
13 the request exceeds the bounds of permissible discovery as it is not relevant to any party's claims
14 or defenses. On the basis of the foregoing objections, Defendant Attorney General will not
15 respond to this request.

15 **REQUEST NO. 69**

16 Please produce all documents showing that any of the past or present employees of
17 the San Francisco Police Department who are identified in the attached articles of the
18 San Francisco Chronicle were permitted to carry a concealed weapon.

19 RESPONSE: Defendant Attorney General objects that the documents requested are
20 confidential peace officer personnel records that are protected by law. (Gov. Code, §§ 3300-
21 3312; Pen. Code, § 832.7.) Defendant Attorney General further objects that investigatory files
22 are confidential and privileged from disclosure. Defendant Attorney General further objects that
23 the request exceeds the bounds of permissible discovery as it is not relevant to any party's claims
24 or defenses. On the basis of the foregoing objections, Defendant Attorney General will not
25 respond to this request.

25 **REQUEST NO. 70**

26 Please produce all documents showing that any of the past or present employees of
27 the San Francisco Police Department who are identified in the attached articles of the
28 San Francisco Chronicle had their license or right to carry a concealed weapon
revoked or restricted.

1 RESPONSE: Defendant Attorney General objects that the documents requested are
2 confidential peace officer personnel records that are protected by law. (Gov. Code, §§ 3300-
3 3312; Pen. Code, § 832.7.) Defendant Attorney General further objects that investigatory files
4 are confidential and privileged from disclosure. Defendant Attorney General further objects that
5 the request exceeds the bounds of permissible discovery as it is not relevant to any party's claims
6 or defenses. On the basis of the foregoing objections, Defendant Attorney General will not
7 respond to this request.

8 **REQUEST NO. 71**

9 Please produce all documents used or relied upon to respond to Interrogatories, Set
10 One, propounded upon you in this litigation.

11 RESPONSE: The only responsive documents are the crime data located on defendant's
12 website at <http://oag.ca.gov/crime>, and various statutes. That information is available online and
13 will not be reproduced here. Beyond that, Defendant Attorney General is also having a legislative
14 history prepared for some of the statutes involved in this litigation. The legislative histories are
15 not completed, and even when they are, the information in those legislative histories is equally
16 available to plaintiff and her attorneys. The legislative histories will not be provided to plaintiff
17 because they are equally accessible to plaintiff.

18 **REQUEST NO. 72**

19 Please produce all documents which you identified in any discovery response.

20 RESPONSE: The only responsive documents are the crime data located on defendant's
21 website at <http://oag.ca.gov/crime>, and various statutes. That information is available online and
22 will not be reproduced here. Beyond that, Defendant Attorney General is also having a legislative
23 history prepared for some of the statutes involved in this litigation. The legislative histories are
24 not completed, and even when they are, the information in those legislative histories is equally
25 available to plaintiff and her attorneys. The legislative histories will not be provided to plaintiff
26 because they are equally accessible to plaintiff.

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Dated: January ___, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DOUGLAS J. WOODS
Senior Assistant Attorney General

GEORGE WATERS
Deputy Attorney General
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Document in ProLaw

RJN # “27”

Table 37
HOMICIDE CRIMES AND PEACE OFFICERS KILLED IN THE LINE OF DUTY, 1996-2005
 Number and Rate per 100,000 Respective Population

Year(s)	California population	Homicides		Sworn law enforcement personnel ²	Peace officers killed in the line of duty	
		Number ¹	Rate		Number	Rate
2005.....	37,004,661	2,503	6.8	74,445	5	6.7
2004.....	36,590,814	2,394	6.5	73,951	4	5.4
2003.....	35,934,000	2,402	6.7	75,336	6	8.0
2002.....	35,301,000	2,392	6.8	75,612	4	5.3
2001.....	34,758,000	2,201	6.3	72,119	6	8.3
2000.....	34,480,000	2,074	6.0	69,029	2	2.9
1999.....	34,036,000	2,006	5.9	69,363	4	5.8
1998.....	33,494,000	2,170	6.5	67,035	7	10.4
1997.....	32,957,000	2,579	7.8	65,416	7	10.7
1996.....	32,383,000	2,910	9.0	64,008	5	7.8

Note: Homicide rates are based on annual population estimates provided by the Demographic Research Unit, California Department of Finance.

¹ Includes peace officers feloniously killed in the line of duty.

² Personnel in the Department of Justice and other state regulatory agencies are not included.