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7 Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
8 GAVIN NEWSOM, HEATHER FONG,
GEORGE GASCON, and MICHAEL HENNESSEY
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 THERESE MARIE PIZZO,
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
18 CHIEF OF POLICE HEATHER FONG, in
both her individual and official capacities;
19 SAN FRANCISCO POLICE DEPARTMENT
CHIEF OF POLICE GEORGE GASCON, in
20 his official capacity; SAN FRANCISCO
SHERIFF MICHAEL HENNESSEY, in both
21 his individual and official capacities; CITY
AND COUNTY OF SAN FRANCISCO; and
22 STATE OF CALIFORNIA ATTORNEY
GENERAL EDMUND G. BROWN, in his
23 official capacity,

24 Defendants.
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Case No. C09-4493 CW

**DECLARATION OF SHERRI KAISER IN
SUPPORT OF SAN FRANCISCO
DEFENDANTS' OPPOSITION TO MOTION
FOR AMICUS CURIAE STATUS BY
NATIONAL RIFLE ASSOCIATION**

Hearing Date: May 5, 2011
Time: 2:00 p.m.
Place: Courtroom 2, 4th Floor

1 I, Sherri S. Kaiser, declare as follows:

2 1. I am a Deputy City Attorney for the City and County of San Francisco. I am counsel of
3 record for all San Francisco defendants in the above-captioned case and in *Jackson v. City & County*
4 *of San Francisco*, N.D. Cal. Case No. 09-2143, which is being heard by Judge Richard Seeborg. The
5 following facts are within my personal knowledge, and if called and sworn as a witness, I could and
6 would testify to them as set forth below.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of a string of email exchanges
8 between myself and C.D. Michel, counsel for the National Rifle Association in the *Jackson* case and in
9 the instant motion. The emails in Exhibit A were exchanged at 6:31 p.m. on June 7, 2010; 6:13 p.m.
10 on June 8; 10:38 a.m. on June 9; and 12:45 p.m. on June 15, 2010.

11 3. Attached hereto as **Exhibit B** is a true and correct copy of an email exchange between
12 myself and Mr. Michel at 10:32 a.m. and 4:49 p.m. on September 13, 2010.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is
14 true and correct. Executed this 14th day of April 2011 in San Francisco, California.

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16 s/Sherri S. Kaiser
17 SHERRI S. KAISER
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EXHIBIT A

TO

**DECLARATION OF SHERRI KAISER IN SUPPORT OF SAN FRANCISCO
DEFENDANTS' OPPOSITION TO MOTION FOR AMICUS CURIAE STATUS BY
NATIONAL RIFLE ASSOCIATION**



Jackson v. SF / related cases and stay

C.D. Michel

to:

Sherri Kaiser, C.D. Michel

06/15/2010 12:45 PM

Cc:

"Glenn S. McRoberts", "Hillary J. Green", "Tamara M. Rider"

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History: This message has been replied to and forwarded.

1 Attachment



image001.gif

Sherry,

If you bring a motion to relate the cases, we wouldn't oppose it, just as we didn't before. I just don't think the Court is likely to grant it in light of the previous ruling.

On a related note, we need to meet and confer on the stay, and when it should end.

It is our position that since the Supreme Court granted review in McDonald, and since Nordyke was stayed pending the McDonald decision on the incorporation issue, the incorporation issue will be resolved in McDonald and Nordyke will have to adopt the Supreme Court's position.

In other words, the reason for this case being stayed is to get resolution of the incorporation issue. That issue will be resolved by McDonald, so there is no longer a need to wait for the Nordyke ruling.

I am aware that you would prefer to wait on Nordyke, and so have prepared a motion for relief from stay that I plan to file the day after the McDonald decision is issued (assuming its result of course). Unless we can somehow resolve our differences of opinion, this motion seems necessary.

Thoughts on this approach, and dates for the hearing on our motion?

C.D. Michel Senior Counsel	Direct: (562) 216-4441 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMichel@michellawyers.com Web: www.michellawyers.com 180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802
MICHEL & ASSOCIATES, P.C. Attorneys at Law First-rate • Environmental • Land Use • Employment Law	

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From: Sherri Kaiser [<mailto:Sherri.Kaiser@sfgov.org>]

Sent: Wednesday, June 09, 2010 10:38 AM

To: C.D. Michel

Cc: Glenn S. McRoberts; Hillary J. Green

Subject: RE: related cases

Thanks for your response. Your suggestion of treating the two cases differently regarding the stay highlights one reason why I want to relate the cases: to avoid doubling my work load. And if I were you, I'd want to relate the cases for different

reasons: you have no reason to believe that I will choose to move the *Jackson* case more quickly than *Pizzo*. In fact, I can think of good reasons why I might choose to do the opposite.

Sherri Sokeland Kaiser
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From: "C.D. Michel" <CMichel@michellawyers.com>
To: Sherri Kaiser <Sherri.Kaiser@sfgov.org>, "Glenn S. McRoberts" <GMcRoberts@michellawyers.com>
Cc: "Hillary J. Green" <HGreen@michellawyers.com>
Date: 06/08/2010 06:13 PM
Subject: RE: related cases

I doubt the Judge would buy it given the analysis in the last order denying it – which Pizzo lawyer would probably cite to.

Better idea, lets stip to lift the stay after McDonald comes down, and leave Pizzo stayed till Nordyke gets decided.

Maybe discuss once we see McDonald?

<p>C.D. Michel Senior Counsel</p> <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Firmwide - Environmental - Land Use - Employment Law</p>	<p>Direct: (562) 216-4441 Main: (562) 216-4144 Fax: (562) 216-4445 Email: CMichel@michellawyers.com Web: www.michellawyers.com 1801 E. Ocean Blvd Suite 200 Long Beach, CA 90802</p>
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From: Sherri Kaiser [<mailto:Sherri.Kaiser@sfgov.org>]
Sent: Monday, June 07, 2010 6:31 PM
To: C.D. Michel; Glenn S. McRoberts
Subject: related cases

Hi Chuck and Glenn,

While we await the impending ruling in *McDonald v. Chicago*, I'd like to propose that we renew our motion to relate the *Pizzo* case to *Jackson*. Given that we have a different judge, he may have a different view of judicial economy and the threat to the parties of inconsistent rulings.

What do you think? Are you still interested in that?

Best,
Sherri

Sherri Sokeland Kaiser
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EXHIBIT B

TO

**DECLARATION OF SHERRI KAISER IN SUPPORT OF SAN FRANCISCO
DEFENDANTS' OPPOSITION TO MOTION FOR AMICUS CURIAE STATUS BY
NATIONAL RIFLE ASSOCIATION**



RE: Stipulated consolidation of Jackson and Pizzo?

C.D. Michel

to:

Sherri Kaiser

09/13/2010 04:49 PM

Cc:

"Glenn S. McRoberts", "Clint B. Monfort", Sean Brady, "Hillary J. Green"

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We would oppose consolidation at this stage.

<p>C.D. Michel Senior Counsel</p> <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Firearms - Environmental - Land Use - Employment Law</p>	<p>Direct: (562) 216-4441 Main: (562) 216-4441 Fax: (562) 216-4445 Email: CMichel@michelawyers.com Web: www.michelawyers.com 190 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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From: Sherri Kaiser [<mailto:Sherri.Kaiser@sfgov.org>]

Sent: Monday, September 13, 2010 10:32 AM

To: C.D. Michel; Gary W.Gorski; Geoffrey Graybill

Subject: Stipulated consolidation of Jackson and Pizzo?

Hello All:

Please see the attached ruling, issued this morning, lifting the stay in the Jackson case. Footnote one invites any party to pursue consolidation of the Jackson and Pizzo cases by noticed motion or by stipulation. As you all know, the City would like to consolidate the cases for assorted practical reasons. Last I heard, the plaintiffs in Jackson either sought consolidation or did not object to it (this has fluctuated), the plaintiff in Pizzo agreed to consolidation, and the State defendants took no position.

In light of this spectrum of opinion that indicates at least a general lack of opposition, would you all be willing to stipulate to consolidation? Please advise.

Best,
Sherri

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