

Case Number: A 136092

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COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION 2

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CALGUNS FOUNDATION INC., et al  
v.  
COUNTY OF SAN MATEO

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CALGUNS FOUNDATION, INC., et al,  
Plaintiffs and Appellants

v.  
COUNTY OF SAN MATEO,  
Defendant and Respondent.

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APPEAL FROM THE  
SUPERIOR COURT OF SAN MATEO COUNTY  
HONORABLE V. RAYMOND SWOPE, III, PRESIDING JUDGE  
Case No.: CIV 509185

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**Appellants' Motion to Request Oral Argument**

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## Motion to Request Oral Argument

On April 2, 2013 this Court issued a letter that the matter was submitted and that oral argument would be waived unless any party specifically requested oral argument within 10 calendar days of that letter. Because the Appellants see this as a relatively straightforward case of statutory interpretation with significant case law already on point, they did not request oral argument because the issues were adequately addressed in their written briefs.

On April 4, 2013 this Court issued an order allowing the National Rifle Association to file an amicus brief and permitting the County of San Mateo an opportunity to file a response to that amicus brief on or before April 22, 2013.

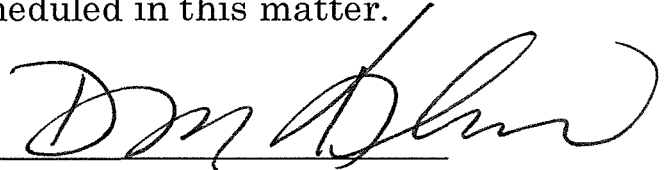
On or about April 17, 2013, the County of San Mateo filed a request for an extension of time to respond to the Amicus brief filed by the National Rifle Association. As of April 24, 2013, the Court has not acted on the County's request for an extension of time.

Appellants have learned that the National Rifle Association may request time for oral argument in this case.

In light of these developments, Appellants wish to withdraw their implied waiver of oral argument and now request that oral argument be scheduled in this matter.

April 24, 2013

/s/

  
Donald Kilmer for Appellants



**PROOF OF SERVICE (Court of Appeal)** Mail  Personal Service

FOR COURT USE ONLY

**Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form.**

Case Name: Calguns Foundation, Inc., et al v San Mateo County  
 Court of Appeal Case Number: A136092  
 Superior Court Case Number: CIV 509185

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My  residence  business address is (*specify*): 1645 Willow Street, Suite 150  
San Jose, CA 95125
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
**Appellants' Motion to Request Oral Argument and (form) Request for Oral Argument**
  - a.  **Mail.** I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a)  **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b)  **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed: April 24, 2013
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name: County of San Mateo (Attn: David Silberman)
        - (ii) Address: 400 County Center, 6th Floor  
Redwood City, CA 94063
      - (b) Person served:
        - (i) Name: Superior Court
        - (ii) Address: 400 County Center  
Redwood City, CA 94063
      - (c) Person served:
        - (i) Name: C.D. Michel representing Amicus
        - (ii) Address: 180 East Ocean Blvd., Suite 200  
Long Beach, CA 90802
  - Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (*city and state*): San Jose, CA

CASE NAME: Calguns Foundation, Inc., et al v San Mateo County

CASE NUMBER: CIV 509185

3. b.  **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name:

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(d) Time delivered:

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

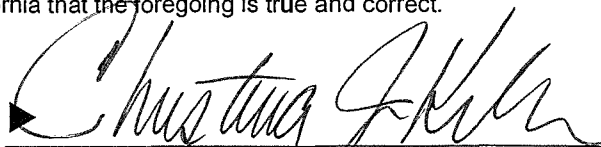
Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 24, 2013

Christina Kilmer

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)