COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT DIVISION 2

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

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

> v. COUNTY OF SAN MATEO, Defendant and Respondent.

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

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

Donald Kilmer for Appellants

REQUEST FOR ORAL ARGUMENT

INSTRUCTIONS: If oral argument is not requested within 10 days after notice, the court will deem oral argument waived. If requesting oral argument, complete this form and return it to the clerk's office with **PROOF OF SERVICE ON OPPOSING COUNSEL**.

Pursuant to California Rules of Court, rule 8.256 (c), <u>only one counsel may argue for each separately represented party</u>. Please indicate only the person that will be arguing in No. 5.

Counsel may elect to present oral argument either by personal appearance or by telephone conference call. Check the appropriate line under No. 1. If counsel requests oral argument by telephone conference call, a fee of \$20 must be paid at the time oral argument is requested.* Make the check payable to the Court of Appeal, attach it to this form and return it to the clerk's office. Please Note: Teleconference calls made outside the geographic boundaries of the First Appellate District will be made collect.

1. Request for oral argument by:	X Personal appearance
	Telephone conference call
Conference call number	er:
2. Case Number: A 136092	3. Division: 2
4. Title of Case: Calguns Foundation Inc., et al., v. County o	f San Mateo
5. Name of Person Arguing: Donald Kilmer	6. CA Bar #_179986
7. Attorney for: Calguns Foundation, Inc.,	
Check One: X Appellant Res	pondentReal Party in Interest
Donal	d Kilmer
Sig	nature of person requesting argument

^{*} Except that no fee shall be charged to court-appointed counsel in any criminal, juvenile or civil case, or to the Attorney General or governmental agency.

PROOF OF SERVICE (Court of Appeal)	FOR COURT USE ONLY							
X Mail Personal Service								
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 <i>Information Sheet for Proof of Service (Court of Appeal)</i> (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								
At the time of service I was at least 18 years of age and not a party to this legal action.								
2. My residence x business address is (specify): 1645 Willow Street San Jose, CA 951	•							
 I mailed or personally delivered a copy of the following document as indicated below (fill in the name of the document you mailed of delivered and complete either a or b): Appellants' Motion to Request Oral Argument and (form) Request for Oral Argument 								
a. X 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 env	velopes and							
(a) deposited the sealed envelope(s) with the U.S. Postal Service	·							
(b) X placed the envelope(s) for collection and mailing on the date a following our ordinary business practices. I am readily familiar and processing correspondence for mailing. On the same day collection and mailing, it is deposited in the ordinary course of sealed envelope(s) with postage fully prepaid.	with this business's practice of collecting that correspondence is placed for							
(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 Silberm	an)							
(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. (city and state): San Jose, CA	The document was mailed from							

Page 1 of 2

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