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VENTURA COUNTY SHERIFF’S OFFICE
7 *(erroneously sued as Ventura County Sheriffs*
Department)
8

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 SIGITAS RAULINAITIS,
13 Plaintiff,
14 v.
15 VENTURA COUNTY SHERIFFS
16 DEPARTMENT,
17 Defendant.

CASE NO. CV13-02605-MAN
**ANSWER OF DEFENDANT
VENTURA COUNTY SHERIFF’S
OFFICE TO COMPLAINT;
DEMAND FOR JURY TRIAL**

18
19 Defendant VENTURA COUNTY SHERIFF’S OFFICE (erroneously sued and
20 served as Ventura County Sheriffs Department) hereby answers the complaint filed
21 on April 15, 2013, as follows:

22 **RESPONSES TO ALLEGATIONS**

- 23 1. Defendant objects as vague, ambiguous, overly broad, conclusory, and
24 calling for a legal conclusion.
25 2. First phrase, deny; second phrase, admit.
26 3. Admit.
27 4. First phrase, deny; second phrase, admit that plaintiff registered to vote
28 on the day of his interview with detectives; third phrase, deny, because plaintiff’s

1 California driver's license and vehicle registrations did not reflect a Ventura County
2 address at the time of his application for a concealed weapons permit. Deny as to the
3 final phrase, because the denial letter informed plaintiff that he did not satisfy the
4 residency requirement.

5 5. Deny, because there is no statutory violation or viable cause of action.

6 6. Admit.

7 7. Deny. This statement is a legal conclusion taken out of context because
8 other portions of the opinion clearly affirm the right to enact reasonable regulations
9 of time, place, and manner, which do not amount to a flat ban on the Second
10 Amendment. These statements clearly invested the issuing authority with the right to
11 deny a concealed weapons permit under considered circumstances.

12 8. Objection: vague and ambiguous as to the right being referenced.

13 9. This allegation is argumentatively phrased in the present tense. Defen-
14 dant admits that at the conclusion of its investigation of plaintiff's application to carry
15 a concealed weapon, on February 20, 2013, plaintiff did not qualify for a concealed
16 weapons permit.

17 10. Deny. Defendant reasonably determined that plaintiff did not meet the
18 residency requirement. Were the Court to disagree, defendant is entitled to continue
19 processing plaintiff's concealed weapons application to determine whether the other
20 elements of good cause and moral character apply.

21 11. Deny.

22 **AFFIRMATIVE DEFENSES**

23 1. Defendant did not promulgate, ratify, or implement a deliberately
24 indifferent custom, practice, or policy which proximately caused a deprivation of
25 plaintiff's federally protected rights, as required by *Monell* and its progeny.

26 2. The action is barred because plaintiff did not meet the residency
27 requirement of California Penal Code 26150(a)(3).

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1 3. Plaintiff may or may not have met the other statutory requirements for
2 issuance of a concealed weapons permit established by California Penal Code 26150.
3 In the event the Court finds in plaintiff's favor, defendant requests permission to
4 make that determination. Prior or partial satisfaction does not relieve the concealed
5 weapons applicant of the statutory obligation to show good cause for concealed
6 weapons licensure. *Gifford v. City of Los Angeles*, 88 Cal.App.4th 801 (2001).

7 4. Plaintiff possesses no fundamental right cognizable under due process to
8 have a concealed weapons permit. *Erdelyi v. O'Brien*, 680 F.2d 61 (9th Cir. 1982).

9 5. The complaint fails to state facts sufficient to constitute a cause of action
10 and fails to state a claim upon which relief can be granted.

11 6. The action is barred by the doctrine of laches.

12 7. The action is barred by the doctrine of unclean hands.

13 8. Plaintiff has a plain, speedy, and adequate remedy at law.

14 9. Plaintiff's action is in reality one for a property right as to which plaintiff
15 has an adequate state remedy, so the instant action is precluded both by the *Parratt v.*
16 *Taylor/Barnett v. Centoni* doctrine and by failure to submit a claim as mandated by
17 California Government Code Section 910, et seq.

18 10. The action is barred by plaintiff's failure to exhaust his administrative
19 remedies, including but not limited to internal administrative procedures and review.

20

21 WHEREFORE, defendant prays that:

22 1. Plaintiff take nothing by virtue of this action;

23 2. Plaintiff's action be dismissed with prejudice;

24 3. For costs of suit herein incurred;

25 4. For attorney's fees;

26 5. For a jury trial without prejudice to a pretrial dismissal motion; and

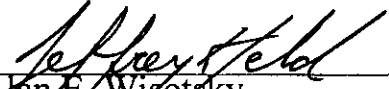
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1 6. For the opportunity to determine whether plaintiff met the other
2 requirements of California Penal Code 26150, such as good cause and good moral
3 character.

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5 DATED: May 6, 2013

WISOTSKY, PROCTER & SHYER

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7 By: 
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12 VENTURA COUNTY SHERIFF'S OFFICE
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