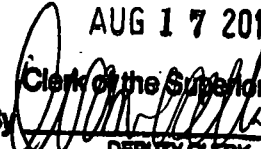


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Donald Kilmer (Bar # 179986)</b> <b>Law Offices of Donald Kilmer, APC</b> <b>1645 Willow Street, Suite 150, San Jose, CA 95125</b>  TELEPHONE NO.: (408) 264-8489 FAX NO. (Optional): (408) 264-8487 E-MAIL ADDRESS (Optional): Don@DKLawOffice.com ATTORNEY FOR (Name): <b>Calguns Foundation, Inc., and Gene Hoffman, Plaintiffs</b>	FOR COURT USE ONLY  <b>FILED</b> <b>SAN MATEO COUNTY</b>  <b>AUG 17 2012</b> Clerk of the Superior Court By  DEPUTY CLERK
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO</b> STREET ADDRESS: 400 County Center MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City 94603 BRANCH NAME: Civil Division	Superior Court Case Number: <b>CIV 509185</b>
PLAINTIFF/PETITIONER: <b>Calguns Foundation, Inc., et al.</b> DEFENDANT/RESPONDENT: <b>County of San Mateo</b>	Court of Appeal Case Number (if known): <b>A136092</b>
<b>APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)</b>	
RE: Appeal filed on (date): <b>August 1, 2012</b>	
<b>Notice: Please read form APP-001 before completing this form. This form must be filed in the superior court, not in the Court of Appeal.</b>	

## 1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I elect to use the following method of providing the Court of Appeal with a record of the documents filed in the superior (check a, b, c, d, or e and fill in any required information):

- a.  A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section on page 2 of this form.)
- (1)  I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- (2)  I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have attached the following document (check (a) or (b)):
- (a)  An order granting a waiver of court fees and costs under rule 3.50 et seq.; or
- (b)  An application for a waiver of court fees and costs under rule 3.50 et seq. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)
- b.  An appendix under rule 8.124.
- c.  The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, Fourth, and Fifth Appellate Districts, permit parties to stipulate to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)
- d.  An agreed statement under rule 8.134. (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)
- e.  A settled statement under rule 8.137. (You must complete item 2b(3) below and attach to your proposed statement on appeal copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.137(b)(3).)

## 2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I elect to proceed:

- a.  WITHOUT a record of the oral proceedings in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in determining whether an error was made in the superior court proceedings.

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

CASE NUMBER: CIV 509185

b.  WITH the following record of the oral proceedings in the superior court:(1)  A reporter's transcript under rule 8.130. *(You must fill out the reporter's transcript section on page 3 of this form.)* I have *(check all that apply)*:(a)  Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).(b)  Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).(c)  Attached the reporter's written waiver of a deposit for *(check either (i) or (ii))*:(i)  all of the designated proceedings.(ii)  part of the designated proceedings.(d)  Attached a certified transcript under rule 8.130(b)(3).(2)  An agreed statement. *(Check and complete either (a) or (b) below.)*(a)  I have attached an agreed statement to this notice.(b)  All the parties have agreed in writing (stipulated) to try to agree on a statement. *(You must attach a copy of this stipulation to this notice.)* I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.(3)  A settled statement under rule 8.137. *(You must attach the motion required under rule 8.137(a) to this form.)***3. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT** I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court *(give the title and date or dates of the administrative proceeding)*:

Title of Administrative Proceeding

Date or Dates

**4. NOTICE DESIGNATING CLERK'S TRANSCRIPT***(You must complete this section if you checked item 1a. above indicating that you elect to use a clerk's transcript as the record of the documents filed in the superior court.)*a. **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed or, if that is not available, the date the document was signed.

Document Title and Description

Date of Filing

(1) Notice of appeal

(2) Notice designating record on appeal *(this document)*

(3) Judgment or order appealed from

(4) Notice of entry of judgment *(if any)*(5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order *(if any)*

(6) Ruling on one or more of the items listed in (5).

(7) Register of actions or docket *(if any)*

CASE NAME: <b>Calguns Foundation, Inc., et al v San Mateo County</b>	CASE NUMBER: <b>CIV 509185</b>
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**4. NOTICE DESIGNATING CLERK'S TRANSCRIPT**

b. **Additional documents.** (If you want any documents from the superior court proceeding in addition to the items listed in a. above to be included in the clerk's transcript, you must identify those documents here.)

I request that the clerk include the following documents from the superior court proceeding in the transcript. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed

Document Title and Description	Date of Filing
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- (8)
- (9)
- (10)
- (11)
- (12)

See additional pages.

c. **Exhibits to be included in clerk's transcript.**

I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court (for each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence):

Exhibit Number	Description	Admitted (Yes/No)
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- (1)
- (2)
- (3)
- (4)
- (5)

See additional pages.

**5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT**

(You must complete this section if you checked item 2b(1) above indicating that you elect to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.)

a. I request that the reporters provide (check one):

- (1)  My copy of the reporter's transcript in paper format.
- (2)  My copy of the reporter's transcript in computer-readable format.
- (3)  My copy of the reporter's transcript in paper format and a second copy in computer-readable format.

(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

CASE NAME: Calguns Foundation, Inc., et al v San Mateo County	CASE NUMBER: CIV 509185
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b. Proceedings.

I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—and, if you know it, the name of the court reporter who recorded the proceedings).

Date	Department	Full/Partial Day	Description of Proceedings	Reporter's Name
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				


See additional pages.

c. The proceedings designated in 5b  include  do not include all of the testimony in the superior court.

If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal (rule 8.130(a)(2) provides that your appeal will be limited to these points unless, on motion, the reviewing court permits otherwise).

Date: August 16, 2012

Donald Kilmer  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF APPELLANT OR ATTORNEY)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

SHORT CASE TITLE:

Gene Hoffman, et al. v. County of San Mateo

Court of Appeal Case No. AA136092

County No. CIV 509185

STIPULATION FOR USE OF ORIGINAL SUPERIOR  
COURT FILE IN LIEU OF CLERK'S TRANSCRIPT

It is hereby stipulated by the parties hereto that the entire original file of the Superior Court of the County of San Mateo can be utilized by the appellate court in lieu of a Clerk's Transcript being prepared.

It is further agreed between the parties that in the event the Supreme Court grants review at a later date and demands that a Clerk's Transcript be prepared rather than the original file of the Superior Court being used in lieu thereof, that Appellant will pay for the costs of producing the transcript for the Supreme Court. In the event a transcript has to be prepared, the costs thereof will be considered as appropriate costs on appeal.

IN WITNESS THEREOF the parties have affixed their signatures this 16 day of Aug at San Jose, California

 (Signature-Attorney for Appellant)

Donald Kilmer State Bar No.: 179986 (Typed name, address, telephone number,  
Law Offices of Donald Kilmer State Bar number, and e-mail address (Optional))  
1645 Willow Street, Suite 150, San Jose, CA 95125  
(408) 264-8489  
don@dcklawoffice.com

 (Signature-Attorney for Respondent)

David Silberman State Bar No.: 211708 (Typed name, address, telephone number,  
San Mateo County Counsel State Bar number, and e-mail address (Optional))  
400 County Center, 6th Floor, Redwood City, CA 94063  
(650) 363-4749  
dsilberman@co.sanmateo.ca.us

(Please add any additional attorneys)

revised 8/7/2006