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CITY AND COUNTY OF SAN FRANCISCO
8 and ITS OFFICIALS

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 THERESE MARIE PIZZO,
13 Plaintiff,
14 vs.

15 CITY AND COUNTY OF SAN FRANCISCO
16 MAYOR EDWIN LEE, in his official
capacity; SAN FRANCISCO POLICE
17 DEPARTMENT CHIEF OF POLICE GREG
SUHR, in his official capacity; SAN
18 FRANCISCO SHERIFF VICKI HENNESSY,
in her official capacity; CITY AND COUNTY
19 OF SAN FRANCISCO; and STATE OF
CALIFORNIA ATTORNEY GENERAL
20 KAMALA D. HARRIS, in her official
capacity,
21 Defendants.
22

Case No. C09-4493 CW

**JOINT CASE MANAGEMENT CONFERENCE
STATEMENT**

Hearing Date: August 30, 2012
Time: 2:00 p.m.
Place: Courtroom 2, 4th Fl.
Oakland Courthouse

1 The parties hereby submit this Joint Case Management Conference Statement.

2 **1. Jurisdiction and Service**

3 The Court has federal question jurisdiction over this case pursuant to 28 U.S.C. § 1331 because
4 plaintiff contends that the challenged state laws and municipal ordinances and practices violate her
5 federal constitutional rights. On June 14, 2012, Plaintiff dismissed her individual-capacity claims
6 against former San Francisco Mayor Gavin Newsom, former San Francisco Chief of Police Heather
7 Fong, and former San Francisco Sheriff Michael Hennessey without prejudice. Dkt. 58. All
8 remaining parties have been served and have appeared.

9 **2. Facts**

10 Plaintiff Therese Pizzo is a San Francisco resident who attempted to apply to the San Francisco
11 Sheriff and the Chief of the San Francisco Police Department for a license to carry concealed weapons
12 ("CCW license") pursuant to Cal. Penal Code §§ 26150 and 26155 in June 2009. Plaintiff contends
13 that her applications were unlawfully denied by the Sheriff and the Chief of Police. The City contends
14 that Plaintiff did not complete the application process because she did not provide her contact
15 information to city departments, and therefore the City could not process her applications.

16 The City requires that handguns kept in the home, whether loaded or unloaded, be either
17 carried on the person of an adult or locked with a trigger lock or in a storage box. S.F. Police Code
18 § 4512. Plaintiff challenges this provision. The City prohibits licensed ammunition dealers within
19 city limits from selling or transferring what the City deems "enhanced-lethality ammunition,"
20 including hollow-point bullets. S.F. Police Code § 613.10(g). Plaintiff challenges this provision.

21 Further discussion of the facts can be found in the parties' respective motions for summary
22 judgment, Docket Nos. 60 (Plaintiff's motion), 71 (City's cross-motion), 91 (State's cross-motion).

23 **3. Legal Issues**

24 All legal issues that remain in this case are set forth in the parties' summary judgment briefs.

25 **4. Motions**

26 All parties have filed motions for summary judgment, which are set to be heard on August 30,
27 2012 at 2:00 p.m., concurrently with the Further Case Management Conference.

1 In the event this case is not resolved on summary judgment, the parties do not expect further
2 motions other than motions in limine.

3 **5. Amendment of Pleadings**

4 The parties do not anticipate any amendments to the pleadings.

5 **6. Evidence Preservation**

6 All parties adequately preserved relevant evidence. Fact discovery has closed.

7 **7. Disclosures**

8 The parties made full and timely initial disclosures.

9 **8. Discovery**

10 Pursuant to this Court's case management order (Dkt. 34), fact discovery closed on March 28,
11 2012 and expert discovery closed on May 28, 2012. No discovery motions were filed.

12 **9. Class Actions**

13 Not applicable.

14 **10. Related Cases**

15 Parties have challenged California's CCW-licensing regime or county officials' administration
16 of CCW licenses in *Peruta v. San Diego*, Ninth Circuit Case No. 10-56971, *Richards v. Prieto*, Ninth
17 Circuit Case No. 11-16255, and *Mehl v. Blanas*, Ninth Circuit Case No. 08-15773. These cases were
18 stayed pending the Ninth Circuit's *en banc* decision in *Nordyke v. King*, 681 F.3d 1041 (2012), but the
19 stay has been lifted.

20 San Francisco Police Code §§ 4512 and 613.10(g) are challenged by other parties in *Jackson v.*
21 *City and County of San Francisco*, N.D. Cal. No. C09-2143 RS.

22 **11. Relief**

23 Plaintiff seeks a declaration that the challenged statutes are unconstitutional and an injunction
24 commanding the defendants not to enforce them. Plaintiff seeks a CCW license. Plaintiff seeks
25 attorneys' fees pursuant to 42 U.S.C. § 1988.

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27 ///

1 **12. Settlement and ADR**

2 The parties attended a settlement conference with Magistrate Judge Cousins on February 28,
3 2012. The case did not settle. The parties do not believe that additional settlement or ADR efforts
4 would be beneficial.

5 **13. Consent to Magistrate Judge**

6 The parties do not consent to a magistrate judge for all purposes.

7 **14. Other References**

8 This case is not suitable for reference to binding arbitration, a special master, or the Judicial
9 Panel on Multidistrict Litigation.

10 **15. Narrowing of Issues**

11 The parties believe that this case is appropriate for resolution on summary judgment. The
12 parties do not otherwise believe the case can be narrowed by motion or stipulation.

13 **16. Expedited Trial Procedure**

14 The parties do not believe this case can be handled under the Expedited Trial Procedure of
15 General Order No. 64 Attachment A.

16 **17. Scheduling**

17 The Court has set the final pretrial conference for January 23, 2013 at 2:00 p.m. and the trial
18 for February 11, 2013 at 8:30 a.m.

19 **18. Trial**

20 The parties expect that this case can be resolved by summary judgment. In the event trial is
21 necessary, the parties anticipate no more than three days for trial.

22 **19. Disclosure of Non-party Interested Entities or Persons**

23 No party has any interested entities or persons to disclose.

24 ///

1 Dated: August 23, 2012

DENNIS J. HERRERA
City Attorney
WAYNE SNODGRASS
CHRISTINE VAN AKEN
Deputy City Attorneys

5 By: s/Christine Van Aken
CHRISTINE VAN AKEN

6 Attorneys for Defendants CITY AND COUNTY OF
7 SAN FRANCISCO and ITS OFFICIALS

8 Dated: August 23, 2012

THE LAW OFFICES OF GARY W. GORSKI

10 By: **s/Gary W. Gorski
GARY W. GORSKI

11 Attorney for Plaintiff
12 THERESE MARIE PIZZO

13 Dated: August 23, 2012

CALIFORNIA ATTORNEY GENERAL'S OFFICE

16 By: **s/George Waters
GEORGE WATERS

17 Attorney for Defendant
18 ATTORNEY GENERAL KAMALA D. HARRIS

19 **Pursuant to GO 45, the electronic signatory has
20 obtained approval from this signatory.