

# **In the Supreme Court of the State of California**

**SHERIFF CLAY PARKER, TEHAMA  
COUNTY SHERIFF; HERB BAUER  
SPORTING GOODS; CALIFORNIA  
RIFLE AND PISTOL ASSOCIATION;  
ABLE'S SPORTING, INC.; RTG  
SPORTING COLLECTIBLES, LLC;  
AND STEVEN STONECIPHER,**

Case No. S215265

**Plaintiffs and Respondents,**

**v.**

**THE STATE OF CALIFORNIA;  
KAMALA D. HARRIS, in her official  
capacity as Attorney General for the State  
of California; and THE CALIFORNIA  
DEPARTMENT OF JUSTICE,**

**Defendants and Appellants.**

Fifth Appellate District, Case No. F062490, F062709  
Fresno County Superior Court, Case No. 10CECG02116  
The Honorable Jeff Hamilton, Judge

## **APPLICATION AND DECLARATION OF GOOD CAUSE FOR EXTENSION OF TIME TO ANSWER AMICUS BRIEFS**

KAMALA D. HARRIS  
Attorney General of California  
KATHLEEN A. KENEALY  
Chief Assistant Attorney General  
DOUGLAS J. WOODS  
Senior Assistant Attorney General  
MARK R. BECKINGTON  
Supervising Deputy Attorney General  
ROSS C. MOODY  
Deputy Attorney General  
State Bar No. 142541  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-1376  
Fax: (415) 703-1234  
Email: Ross.Moody@doj.ca.gov  
*Attorneys for Appellants*

TO: THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE CALIFORNIA SUPREME COURT:

I, Ross C. Moody, Deputy Attorney General and counsel for appellants in the above-entitled cause, request that the deadline for the parties to file briefs responding to the amicus briefs filed in support of respondents be extended by 15-days, and in support thereof hereby declare:

1. Four amicus briefs in support of respondents were submitted to the Court, and were filed by order of the Court on November 6, 2014. Pursuant to Rule of Court 8.520(f), briefs answering the amicus briefs are due on or before December 8, 2014. Appellants have not sought or received any extensions of time to file a brief answering the amicus briefs. Appellants intend to file a consolidated answering brief. Respondents have indicated that they are in the process of deciding whether to answer the amicus briefs.

2. The issues presented are: (1) Whether the Court of Appeal erred by finding the subject statutes unconstitutional in a pre-enforcement facial challenge? (2) What is the proper standard of review in a pre-enforcement facial vagueness challenge to a criminal statute regulating the sale of ammunition? (3) Does a vagueness challenge to a statute regulating handguns or handgun ammunition require the use of a standard of review usually reserved for First Amendment and abortion cases? (4) Must a statute use an objective standard for measuring compliance to satisfy constitutional vagueness principles?

3. I am unable to file the consolidated answer brief within the current time allotted for the following reasons:

(a) In addition to my work on this case, I have primary responsibility for *City of El Centro v. Lanier* (San Diego Superior Court No. 37-2014-00003824-CU-WM-CTL, Court of Appeal No. D066755), a

writ action challenging the constitutionality of California's statute which provides incentives to pay prevailing wages in public works projects. The case is now on appeal, and during the week following submission of the amicus briefs I had to devote substantial time to responding to a petition for writ of supersedeas in the Court of Appeal.

(b) I am also one of the attorneys of record in *Peruta v. County of San Diego* (9th Cir. No. 10-56971), a case implicating the constitutionality of California's statutory scheme for issuing permits to carry concealed weapons. On November 12, 2014, the Ninth Circuit denied our motion to intervene in the case to defend California law. I have spent substantial time analyzing the impact of the Court's order and developing our office's response to it.

(c) The four amicus briefs are lengthy, amounting to more than 100 pages of briefing in total. Additional time is needed to properly review and respond to them.

(d) I have contacted opposing counsel and informed him of my need for additional time to file a consolidated brief answering the amicus briefs. He indicated that he does not oppose my request for an additional 15 days to answer. He further indicated that he is currently assessing whether respondents will respond to the amicus briefs, and asked that I seek an order applicable to all parties extending time to respond to the amicus briefs by 15 days.

(e) I do not anticipate requesting any further extensions of time for this brief.

(f) I certify that I have informed our client of my intention to seek this extension.

For the foregoing reasons, I respectfully request an extension of 15 days, to and including December 23, 2014, for all parties to file answering briefs to the amicus briefs filed in this matter.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California, on November 25, 2014.

A handwritten signature in black ink, appearing to read 'R.C. Moody', is written over a horizontal line.

ROSS C. MOODY  
Deputy Attorney General  
*Attorneys for Appellants*

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Sheriff Clay Parker, et al. v. State of California, et al.**

No.: **S215265**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On November 26, 2014, I served the attached

**APPLICATION AND DECLARATION OF GOOD CAUSE FOR EXTENSION OF  
TIME TO ANSWER AMICUS BRIEFS**

by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Carl Dawson Michel, Esq.  
Clinton Barnwell Monfort  
Anna M. Barvir  
Michel & Associates, P.C.  
180 East Ocean Boulevard, Suite 200  
Long Beach, CA

Bruce Edward Colodny  
Attorney at Law  
P.O. Box 10787  
San Bernardino, CA

Robert C. Wright  
Andrew Edward Schouten  
Wright, L'Estrange & Ergastolo  
402 West Broadway, Suite 1800  
San Diego, CA

H. Thomas Watson  
Horvitz & Levy, LLP  
15760 Ventura Boulevard, 18th Floor  
Encino, CA

Allan S. Haley  
Haley & Bilheimer  
505 Coyote Street, Suite A  
Nevada City, CA

Fifth Appellate District  
Court of Appeal of the State of California  
2424 Ventura Street  
Fresno, CA 93721

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 26, 2014, at San Francisco, California.

N. Newlin

Declarant



Signature

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