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                           UNITED STATES DISTRICT COURT
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                        SOUTHERN DISTRICT OF CALIFORNIA
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    EDWARD PERUTA, MICHELLE LAXSON, JAMES DODD, DR. LESLIE
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                                                 No. 09-CV-2371 IEG (BLM)
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    BUNCHER, MARK CLEARY and
                                                 DEFENDANT WILLIAM D. GORE'S
    CALIFORNIA RIFLE AND PISTOL
                                                 OPPOSITION TO PLAINTIFFS'
                                                 MOTION FOR LEAVE TO FILE A
    ASSOCIATION FOUNDATION,
13
                                                 SUR-REPLY AND OBJECTION TO
                                                 PLAINTIFFS' NEW SEPARATE
                       Plaintiffs,
14
                                                 STATEMENT
15
           V.
                                                         November 15, 2010
                                                 Date:
    COUNTY OF SAN DIEGO, WILLIAM
                                                         10:30 a.m.
16
                                                 Time:
    D. GORE, INDIVIDUALLY AND IN HIS CAPACITY AS SHERIFF,,
                                                Dept: 1 – Courtroom of the
                                                       Hon. Irma E. Gonzalez
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                       Defendants.
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         THE ADDITIONAL FILINGS ARE UNTIMELY AND INAPPROPRIATE
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          A.
                 Sur-Reply.
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          Plaintiffs at the eleventh hour seek additional briefing offering new "expert"
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    evidence. There were no new issues raised in the Reply filed by Defendant and no new
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    evidence was submitted. Plaintiffs' effort to produce new evidence at this late stage is
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    untimely and prejudicial to Defendant.
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B. **New Separate Statement.** Plaintiffs also offer a new "Separate Statement" after the briefing on the motions has been completed. This new document is not offered to assist the court, but serves no purpose other than Plaintiffs re-arguing the issues and evidence in the case without an opportunity for Defendant to respond. **CONCLUSION** Both proposed filings are untimely, inappropriate and prejudicial after the briefing has been completed in this matter. The motion leave to file a sur-reply should be denied and the "supplemental separate statement" should be rejected as inappropriate and untimely under this Court's Order setting the briefing schedule. DATED: November 9, 2010 JOHN J. SANSONE, County Counsel By: s/ <u>James M. Chapin</u> JAMES M. CHAPIN, Senior Deputy Attorneys for Defendant William D. Gore