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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 10-56971

EDWARD PERUTA, et. al.,

Plaintiffs-Appellants,

,

D.C. No. 3:09-cv-02371-IEG-BGS U.S. District Court for Southern

California, San Diego

V.

COUNTY OF SAN DIEGO, et. al.,

Defendants-Appellees.

DECLARATION OF SEAN A. BRADY IN SUPPORT OF APPELLANTS' MOTION FOR RELIEF FROM STAY

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DECLARATION OF SEAN A. BRADY

- I, Sean A. Brady, declare as follows:
- 1. I am an attorney at law duly licensed to practice in the State of California and before the Ninth Circuit Court of Appeals. I am an Associate attorney at Michel & Associates, P.C., attorneys of record for Appellants. I am familiar with the facts and pleadings herein. The following is within my personal knowledge and if called and sworn as a witness, I could and would competently testify thereto.
- 2. On December 20, 2011, the Court issued an order sua sponte staying proceedings in this matter pending the rehearing en banc decision in *Nordyke v. King*, Ninth Circuit Case No. 07-15763.
- 3. On May 15, 2012, I contacted the attorney for Defendants-Appellees (Appellees), James Chapin, via electronic mail (e-mail) asking whether Appellees would oppose this motion. Mr. Chapin responded via e-mail on May 18, 2012 indicating that Appellees oppose this motion.

I declare under penalty of perjury under the laws of the united states that the foregoing is true and correct.

Executed this 18th day of May, 2012, at Long Beach, California.

Sean A. Brady

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2012, an electronic PDF of

DECLARATION OF SEAN A. BRADY IN SUPPORT OF APPELLANTS' MOTION FOR RELIEF FROM STAY was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

/s/ C. D. Michel

C. D. Michel

Attorneys for *Plaintiffs-Appellants*