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UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

EDWARD PERUTA, et. al.,

No. 10-56971

Plaintiffs-Appellants,

D.C. No. 3:09-cv-02371-IEG-BGS

U.S. District Court for Southern

California, San Diego

ν.

COUNTY OF SAN DIEGO, et. al.,

Defendants-Appellees.

DECLARATION OF SEAN A. BRADY
IN SUPPORT OF APPELLANTS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF

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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 Plaintiffs-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. Plaintiffs-Appellants' opening brief in this case is currently due on March 24, 2011.
- 3. Plaintiffs-Appellants respectfully request a sixty-day extension of the time to file their opening brief in this matter thereby making the brief due on May 23, 2011.
- 4. Mr. Michel and I recently completed a successful challenge to various ammunition regulations set forth in the California Penal Code in the lawsuit, *Parker v. California*, No. 10CECG02116 (Super. Ct. Fresno, filed June 17, 2010). This lawsuit consumed the vast majority of my time in late December and for most of January.
 - 5. Oral arguments in *Parker* were held in late January, which both Mr.

Michel and I both had to prepare for and attend.

- 6. Michel & Associates is currently seeking attorneys' fees in *Parker* via noticed motion, and preparations for an impending appeal are currently underway.
- 7. In addition, I was out of the office for a week and a half during early February due to severe illness, and time allocated for preparing the Opening Brief in this appeal was lost.
- 8. I contacted the Defendants-Appellees' attorney James Chapin on February 24, 2011 regarding this extension request via e-mail. That same day, Mr. Chapin responded to my request with e-mail and agreed that Defendants-Appellees would not oppose this motion for extension of time to file.
- 9. Michel & Associates has exercised diligence in pursuing Plaintiffs-Appellants' appeal and will file the opening brief within the time requested.
- 10. To my knowledge, the court reporter is not currently in default with regard to any designated transcripts.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 3rd day of March, 2011, at Long Beach, California.

Sean A. Bra

Case: 10-56971 03/03/2011 Page: 4 of 4 ID: 7667356 DktEntry: 9-3 9th Circuit Case Number(s) |10-56971 **NOTE:** To secure your input, you should print the filled-in form to PDF (File > Print > PDF Printer/Creator). ************************************ CERTIFICATE OF SERVICE When All Case Participants are Registered for the Appellate CM/ECF System I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) March 3, 2011 I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system. Signature (use "s/" format) s/ C. D. Michel CERTIFICATE OF SERVICE When Not All Case Participants are Registered for the Appellate CM/ECF System I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format)