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5 Attorney for Plaintiff

6 Co-Counsel
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7 (916) 787-1234
(916) 787-0267

8 THE UNITED STATES DISTRICT COURT

9 IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DAVID K. MEHL; LOK T. LAU;
FRANK FLORES
11 Plaintiffs,

12 vs.

13 LOU BLANAS, individually and in his
official capacity as SHERIFF OF
14 COUNTY OF SACRAMENTO;
COUNTY OF SACRAMENTO,
15 SHERIFF'S DEPARTMENT;
COUNTY OF SACRAMENTO; BILL
16 LOCKYER Attorney General, State of
California; RANDI ROSSI, State
17 Firearms Director and Custodian of
Records.

18 Defendants.

CASE NO.: CIV S 03 2682 MCF/KJM

**DECLARATION OF JAMES
ROTHERY**

19 **I, JAMES ROTHERY, declare as follows:**

20 1. I am an attorney, licensed to practice law in the State of California, and am competent
21 to testify to the facts contained herein. The facts herein are of my own personal knowledge.

22 2. At the time of my three applications for a CCW with Sacramento County Sheriff's
23 Department, I was in my 50s, and a resident of the County of Sacramento. I am a citizen of the
24 United States. I have never contributed any money or campaigned for any politician for
25 Sacramento County Sheriff.

26 3. At each time I applied for a CCW with Sacramento County, I resided in Sacramento
27 County.

28 4. I applied for a CCW permit with the Sacramento County Sheriff's Department three

1 times, and paid approximately \$20 to \$25 per application. Each time, my check was cashed and
2 the money was never returned to me.

3 5. I am not prohibited from owning a firearm under state or federal law, and in fact, there
4 is no prohibition of any type prohibiting me from owning, possessing or using a firearm.

5 6. I completed the application process three times, and the documents I identify with bates
6 stamp numbers herein are portions of the applications I submitted. The information contained
7 therein is true and correct. I did not retain copies for my records, so the only documentation I
8 have of my CCW applications are with the County of Sacramento Sheriff's Department.

9 7. On January 13, 2003, I submitted the application attached hereto with Bates Stamps
10 D_03642-03648. I typed this document completely, including Section 7, and I do not recall ever
11 being contacted by any person after I had submitted the application to Sacramento Sheriff's
12 Department for issuance of a CCW.

13 8. Sometime thereafter, I was informed by the Sacramento County Sheriff that my CCW
14 application was denied since I "did not provide convincing evidence that applicant or family
15 members are in any immediate danger associated with everyday course of living as to justify the
16 need to carry a concealed weapon." I was further informed in writing that I could "have a
17 weapon at home and in business." I did not retain a copy of this form letter.

18 9. Sometime thereafter, I appealed this decision, and my appeal was denied as well.

19 10. On January 31, 2005, I submitted a second application attached hereto with Bates
20 Stamps D_1069-1076). I typed this document completely, including Section 7, and I was
21 contacted by Sacramento Sheriff's Detective Steve Cotta via telephone after I had already
22 submitted the application. Steve Cotta asked me some questions, and said he did not see a reason
23 why I should not receive a CCW.

24 11. Bates page D_01075 was not redacted by me.

25 12. I note that the County of Sacramento produced my same application, with bates
26 stamps attached hereto as D_03633-03640, and at 03639 the information I typed was not deleted
27 this time.

28 13. Sometime thereafter, I was informed by the Sacramento County Sheriff that my

1 CCW application was denied since I "did not provide convincing evidence that applicant or
2 family members are in any immediate danger associated with everyday course of living as to
3 justify the need to carry a concealed weapon." I was further informed in writing that I could
4 "have a weapon at home and in business."

5 14. I did not retain a copy of this form letter.

6 15. Sometime thereafter, I appealed this decision, and my appeal was denied as well.

7 16. On August 31, 2006, I submitted a third and final application attached hereto with
8 Bates Stamps D 03626-03632. I typed this document, but the handwriting in Section 7, is not
9 mine as I was advised this time to not fill this section out. I was again contacted by Sacramento
10 Sheriff's Detective Steve Cotta via telephone after I had already submitted the application. Steve
11 Cotta asked me a single question, why I thought I needed a CCW, I then pointed out to him that I
12 "attached" evidence, which I notice has not been produced by the County of Sacramento, but was
13 included.

14 17. By his tone and lack of knowledge about the contents of my application, it was
15 obvious to me that Cotta never read or reviewed my application before the telephone interview.
16 As a Detective, he would have known to at least review my application before he asked me any
17 questions. I knew at this time what the end result would be, a third denial.

18 18. Sometime thereafter, and again, I was informed by the Sacramento County Sheriff
19 that my CCW application was denied since I "did not provide convincing evidence that applicant
20 or family members are in any immediate danger associated with everyday course of living as to
21 justify the need to carry a concealed weapon." I was further informed in writing that I could
22 "have a weapon at home and in business."

23 19. I DID NOT appeal this decision because I knew it was useless at this point for each
24 time I received the same form rejection, telling me no one really seriously considered my
25 applications.

26 I declare under the penalty of perjury that the above facts are correct, and of my
27 own personal knowledge.

28 11-2-2007


/s/ James Rothery (Original Signature on File with Attorney)

SACRAMENTO COUNTY



SHERIFF'S DEPARTMENT

LOU BLANAS
Sheriff

CONCEALED WEAPONS PERMIT EVALUATION

APPLICANT'S NAME: JAMES ROTHERY

OCCUPATION: REAL ESTATE INVESTOR

DATE APPLICATION SUBMITTED: 02/03/05

DATE OF EVALUATION:

APPROVED: _____

DENIED: _____

RENEWAL: _____

TRAINING DATE: _____

COMMENTS: NEED NOT ESTABLISHED

Chief Bill Kerly

Captain Jim Cooper

Captain Doug Lee

DATE OF APPEAL: 3/16/05

CHIEF C. SCOTT HARRIS

APPROVED: _____

DENIED: 6/14/05

COMMENTS: NO SPECIFIC THREAT TO HIM

CCW BRIEFING SUMMARY:

NAME: ROTHERY, JAMES

DATE OF BIRTH:

CRIMINAL HISTORY: None

RESIDENCE: 3023 Paragon Way, Carmichael, CA. 95608

SACRAMENTO COUNTY YES NO

LENGTH OF TIME AT THIS RESIDENCE: 8 Years

HAVE APPLIED FOR CCW WITH OTHER AGENCIES?
YES NO

OCCUPATION: Real Estate Investor

EMPLOYED BY: Self

IS EMPLOYER AWARE OF REQUEST FOR CCW?
YES NO

(IF YES, ATTACHED LETTER FROM EMPLOYER INCLOSED?)
YES NO

LIST ATTACHED DOCUMENTS:

None

EXPERIENCE/WORK HISTORY: Firearms experience in the Marines.

JUSTIFICATION FOR CCW PERMIT: Applicant has had co-workers assaulted at place of business in the past. Applicant also collects rents that are paid in cash in low income areas and is in fear of being assaulted.

State of California, Department of Justice
Standard Application for CCW License

Official Use Only - Type of Permit Requested

- () Standard () Judge
 () Reserve Officer () 90 Day

Public Disclosure Admonition

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

James Eugene Rothery
 Applicant Signature

January 21, 2005
 Date

 Witness Signature / Badge Number

 Date

Section 1 - Applicant Personal Information

Name: Rothery James Eugene
Last First Middle

If Applicable
 Maiden Name or other Name(s) Used: _____

City and County of Residence: Sacramento Country of Citizenship: U.S.A.

Date of Birth _____ Place of Birth: _____
City County State

Height _____ Weight: _____ Color Eyes: _____ Color Hair _____

Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?
 No Yes (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency _____ Issue Date _____ CCW# _____

2. Have you ever applied for and been denied a license to carry a concealed weapon?
 No Yes (If yes, give agency name, date and reason for denial.)

Sacramento County Sheriff, October 2003, everyday course of living did not justify the need to carry a concealed weapon

State of California, Department of Justice
Standard Application for CCW License

Section 2 - Applicant Clearance Questions - (continued)

3. Have you ever held and subsequently renounced your United States citizenship?
No Yes (If yes, explain):

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No Yes (If yes, explain):

5. Are you now, or have you been a party to a lawsuit in the last five years?
No Yes (If yes, explain):

6. Are you now, or have you been, under a restraining order(s) from any court?
No Yes (If yes, explain):

7. Are you on probation or parole from any state for conviction of any offense including traffic? No Yes (If yes, explain):

State of California, Department of Justice
Standard Application for CCW License

Section 2 – Applicant Clearance Questions – (continued)

8. List all traffic violations (moving violations only) and motor vehicle accidents you have had in the last five years. (Use additional pages if necessary.)

| Date | Violation / Accident | Agency / Citation # |
|------|----------------------|---------------------|
| | | |
| | | |
| | | |

9. Have you ever been convicted for any criminal offense (civilian or military) in the U.S. or any other country?

No Yes (If yes, explain including date, agency, charges, and disposition.)

10. Have you withheld any fact that might affect the decision to approve this license?

No Yes (If yes, explain):

Section 3 – Descriptions of Weapons:

List below the weapons you desire to carry if granted a CCW. You may carry concealed only the weapon(s) which you list and describe herein, and only for the purpose indicated. Any misuse will cause an automatic revocation and possible arrest. (Use additional pages if necessary.)

| | Make | Model | Caliber | Serial No. |
|----|------------------|-------|---------|------------|
| 1. | to be determined | | | |
| 2. | | | | |
| 3. | | | | |

State of California, Department of Justice
Standard Application for CCW License

Section 6 – Agreement to Restrictions and to Hold Harmless

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of my application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this Application and Agreement to Restrictions and to Hold Harmless.

I have read and understand the applicable Penal Code sections regarding False Statements on a CCW Application, Manslaughter, Killing in Defense of Self or Property, Limitation on Self-defense and Defense of Property, and Child Access and Firearm Storage stated in this application.

I have read and understand Attachment 1 – California Prohibiting Categories for a CCW License, Attachment 2 – California Prohibiting Misdemeanors, and Attachment 3 – Federal Prohibiting Categories for Possessing Firearms. I further acknowledge that these Prohibiting Categories can be amended or expanded by state or federal legislative or regulatory bodies and that any such amendment or expansion may affect my eligibility to hold a CCW.

Applicant Signature

Date

January 31 2005

Witness Signature / Badge Number

Date

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes

Applicant Name: Rothery, James Eugene
Last Middle

Date of Birth: _____ Age 53

Social Security No.: _____

California DL/ID No.: _____

Driver's License Restrictions: eye glasses

Residence Address:
3023 Paragon Way Carmichael, California 95608
Number Street Apt. City State Zip

Mailing address (if different):
PO Box 601033 Sacramento, California 95860
Number Street Apt. City State Zip

Home / Personal Phone Numbers: (916) 719-4111

Spouse's Name and Address: Sheryl Rothery, 3023 Paragon Way, Carmichael, California 95608

Applicant Occupation: real estate investor

Business / Employer Name: self employed

Business Phone Number: (916) 719-6733

Business Address:
2737 Woodberry Way #108 Rancho Cordova, CA 95670
Number Street Apt. City State Zip

1. List all previous home addresses for the past five years.
- _____

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes - (continued)

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity? No Yes (If yes, explain):

3. Are you now, or have you ever been, addicted to a controlled substance or alcohol, or have you ever utilized an illegal controlled substance, or have you ever reported to a detoxification or drug treatment program? No Yes (If yes, explain):

4. Have you ever been involved in an incident involving firearms? No Yes (If yes, explain):

5. Have you been involved in a domestic violence incident? No Yes (If yes, explain):

6. List any arrests or formal charges, with or without disposition, for any criminal offenses with the U.S. or any other country (civilian or military).

none

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes - (continued)

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant desiring a CCW License (use additional sheets if needed).

_____ on _____

DO NOT DUPLICATE
GORSKI - DO

State of California, Department of Justice
Standard Application for CCW License

Section 8 – Certification and Release of Information

I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

I hereby certify under penalties of perjury and Penal Code section 12031(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.

[Signature]
Applicant Signature

January 31, 2005
Date

Witness Signature / Badge Number

Date

ACRAMENTO COUNTY



SHERIFF'S DEPARTMENT

LOU BLANAS

Sheriff

CONCEALED WEAPONS PERMIT EVALUATION

APPLICANT'S NAME: JAMES ROTHERY

OCCUPATION: ATTORNEY

DATE APPLICATION SUBMITTED: 06/13/03

DATE OF EVALUATION:

APPROVED: _____

DENIED

RENEWAL: _____

TRAINING DATE: _____

COMMENTS: _____

Chief David Lind

Captain Jim Cooper

Captain Bill Kelly

INSUFF
GOOD
CRISTE

DATE OF APPEAL: 11-20-03

CHIEF C. SCOTT HARRIS, JR.

APPROVED: _____

DENIED:

COMMENTS: _____

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes - (continued)

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant Desiring a CCW License (use additional sheets if needed).

I am a self-employed attorney. Practically all of my business is in the foreclosure and eviction field. I make contact with occupants and negotiate their surrender of the property. If I fail, court actions are started. My contact continues through this process from initial contact prior to the foreclosure, to the final surrender of the house to the mortgage company. The majority of my time is spent in the field, not in the office, negotiating with former owners and tenants, and when that fails, I start and give to them the court complaints. I work in Sacramento, and the surrounding counties of Colusa, Yuba, Sutter, Nevada, Placer, and El Dorado, in both rural and urban areas. And even though I am proficient in Taekwondo, I am frequently meeting desperate people with the ability to cause harm.

State of California, Department of Justice
Standard Application for CCW License

Section 8 - Certification and Release of Information

I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.



Applicant Signature

June 13, 2003

Date

Witness Signature / Badge Number

Date

State of California, Department of Justice
Standard Application for CCW License

Official Use Only - Type of Permit Requested:
 Standard Judge
 Reserve Officer 90 Day

Public Disclosure Admonition

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

[Signature]
Applicant Signature

June 13, 2003
Date

Witness Signature / Badge Number

Date

Section 1 - Applicant Personal Information

Name: Rothery James Eugene
Last First Middle

If Applicable,
Maiden Name or Other Name(s) Used: _____

City and County of Residence: Carmichael, Sacramento Country of Citizenship: U.S.A.

Date of Birth: _____ Place of Birth: _____
City County State

Height: _____ Weight: _____ lbs Color Eyes: _____ Color Hair: _____

Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?
No Yes (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency: _____ Issue Date: _____ CCW# _____

2. Have you ever applied for and been denied a license to carry a concealed weapon?
No Yes (If yes, give agency name, date and reason for denial.)

State of California, Department of Justice
Standard Application for CCW License

Section 2 - Applicant Clearance Questions - (continued)

3. Have you ever held and subsequently renounced your United States citizenship?
No Yes _____ (If yes, explain):

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No Yes _____ (If yes, explain):

5. Are you now, or have you been, a party to a lawsuit in the last five years?
No Yes _____ (If yes, explain):

6. Are you now, or have you been, under a restraining order(s) from any court?
No Yes _____ (If yes, explain):

7. Are you on probation or parole from any state for conviction of any offense including traffic? No Yes _____ (If yes, explain):

SACRAMENTO COUNTY



SHERIFF'S DEPARTMENT

LOU BLANAS
Sheriff

CONCEALED WEAPONS PERMIT EVALUATION

APPLICANT'S NAME: JAMES ROTHERY

OCCUPATION: REAL ESTATE INVESTOR

DATE APPLICATION SUBMITTED: 02/03/05

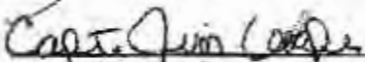
DATE OF EVALUATION:

APPROVED: _____ DENIED:

RENEWAL: _____ TRAINING DATE: _____

COMMENTS: NEED NOT ESTABLISHED


Chief Bill Kelly


Captain Jim Cooper


Captain Doug Lee

DATE OF APPEAL: 3/16/05


CHIEF C. SCOTT HARRIS

APPROVED: _____

DENIED: 6/14/05

COMMENTS: NO SPECIFIC THREAT TO HIM

State of California, Department of Justice
Standard Application for CCW License

Official Use Only - Type of Permit Requested
 Standard Judge
 Reserve Officer 90 Day

Public Disclosure Admonition

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

[Signature]
Applicant Signature

January 31, 2005
Date

Witness Signature / Badge Number

Date

Section 1 - Applicant Personal Information

Name: Rothery James Eugene
Last First Middle

If Applicable
Maiden Name or other Name(s) Used: _____

City and County of Residence: Sacramento Country of Citizenship: U.S.A.

Date of Birth: REMOVED BY DEFENDANT Place of Birth: REMOVED BY DEFENDANT City State

Height: 6 feet Weight: 180 pounds Color Eyes: blue Color Hair: brown

Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?
No Yes (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency _____ Issue Date _____ CCWs _____

2. Have you ever applied for and been denied a license to carry a concealed weapon?
No Yes (If yes, give agency name, date and reason for denial.)

Sacramento County Sheriff, October 2003, everyday course of living did not justify the need to carry a concealed weapon

State of California, Department of Justice
Standard Application for CCW License

Section 2 – Applicant Clearance Questions – (continued)

3. Have you ever held and subsequently renounced your United States citizenship?
No Yes (If yes, explain):

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No Yes (If yes, explain):

5. Are you now, or have you been a party to a lawsuit in the last five years?
No Yes (If yes, explain):

6. Are you now, or have you been, under a restraining order(s) from any court?
No Yes (If yes, explain):

7. Are you on probation or parole from any state for conviction of any offense including traffic? No Yes (If yes, explain):

State of California, Department of Justice
Standard Application for CCW License

Section 6 - Agreement to Restrictions and to Hold Harmless

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee will defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of my application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this Application and Agreement to Restrictions and to Hold Harmless.

I have read and understand the applicable Penal Code sections regarding False Statements on a CCW Application, Manslaughter, Killing in Defense of Self or Property, Limitation on Self-defense and Defense of Property, and Child Access and Firearm Storage, stated in this application.

I have read and understand Attachment 1 - California Prohibiting Categories for a CCW License, Attachment 2 - California Prohibiting Misdemeanors, and Attachment 3 - Federal Prohibiting Categories for Possessing Firearms. I further acknowledge that these Prohibiting Categories can be amended or expanded by state or federal legislative or regulatory bodies and that any such amendment or expansion may affect my eligibility to hold a CCW.

Applicant Signature

Date

January 31, 2005

Witness Signature / Badge Number

Date

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes

Applicant Name: Rothery James Eugene
Last First Middle

Date of Birth: _____ Age 53

Social Security No.: _____

California DL/ID No.: _____

Driver's License Restrictions: eye glasses

Residence Address:
3023 Paragon Way Carmichael, California 95608
Number Street Apt City State Zip

Mailing address (if different):
PO Box 601033 Sacramento, California 95860
Number Street Apt City State Zip

Home / Personal Phone Numbers: (916) 719-6733

Spouse's Name and Address: Sheryl Rothery, 3023 Paragon Way, Carmichael, California 95608

Applicant Occupation: real estate investor

Business / Employer Name: self employed

Business Phone Number: (916) 719-6733

Business Address:
2737 Woodberry Way #108 Rancho Cordova, CA 95670
Number Street Apt City State Zip

- I. List all previous home addresses for the past five years.
- _____
- _____
- _____

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes - (continued)

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity? No Yes (If yes, explain):

3. Are you now, or have you ever been, addicted to a controlled substance or alcohol, or have you ever utilized an illegal controlled substance, or have you ever reported to a detoxification or drug treatment program? No Yes (If yes, explain):

4. Have you ever been involved in an incident involving firearms? No Yes (If yes, explain):

5. Have you been involved in a domestic violence incident? No Yes (If yes, explain):

6. List any arrests or formal charges, with or without disposition, for any criminal offenses with the U.S. or any other country (civilian or military).

none

State of California, Department of Justice
Standard Application for CCW License

Section 7 – Investigator's Interview Notes – (continued)

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents, and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant desiring a CCW License (use additional sheets if needed).

I am in the business of buying real estate in foreclosure, renting, and selling, Almost all of my business is within the urban and suburban areas of the City and County of Sacramento.

When I buy real estate which is in foreclosure, I am working with people who, through no fault of mine, are in a very desperate situation. I must try to deal in a business like manner with people who are too emotional to make decisions, and this may create a risk of harm to me. Also, many people, especially in the lower class areas, pay their rent in cash, and even small sums of cash can create a risk of harm to me when people know that I have possession and have a criminal desire.

Within the past eight months, deaths have occurred to two people who work in my type of business. At a home invasion in Carmichael a dealer in foreclosure properties was killed; and in Greenhaven, a dealer in real estate was kidnapped from his home and killed a few blocks away. A co-worker has recently been victimized at my workplace. A known member of the "Hells Angels" motorcycle gang made a verbal threat over the telephone to a member of our staff. This was reported to the police of the City of Rancho Cordova, January 18, 2005, as incident number 05-003625. And a week later, a person entered our office and assaulted a co-worker. This caused a quick 911 telephone call. This was then reported to the police of the City of Rancho Cordova as report number 05-791-102.

Because of this exposure to a frequent to a risk of harm, and the recent history of victimization of co-workers, I request that I be granted a permit to carry a concealed weapon.

GORSKI

UNRECORDED

State of California, Department of Justice
Standard Application for CCW License

Section 8 - Certification and Release of Information

I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may aid to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.

[Signature]
Applicant Signature

January 31, 2005
Date

Witness Signature / Badge Number

Date

GORSKI - DOCUMENTARY

ACRAMENTO COUNTY



SHERIFF 'S DEPARTMENT

LOU BLANAS
Sheriff

CONCEALED WEAPONS PERMIT EVALUATION

APPLICANT'S NAME: JAMES ROTHERY

OCCUPATION: ATTORNEY

DATE APPLICATION SUBMITTED: 06/13/03

DATE OF EVALUATION:

APPROVED: _____

DENIED: _____

RENEWAL: _____

TRAINING DATE: _____

COMMENTS: _____

Chief David Lind

Captain Jim Cooper

Captain Bill Kelly



*MSU
000
0005*

DATE OF APPEAL: 11-20-03

CHIEF SCOTT HARRIS, JR.

APPROVED: _____

DENIED:

COMMENTS: _____

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes - (continued)

If the CCW license is desired for self-protection, the protection of others, or for the protection of large sums of money or valuable property, you are required to explain and provide good cause for issuance of the license. For example, has your life or property been threatened or jeopardized? Explain incidents and include dates, times, locations, and names of police agencies to which these incidents were reported.

Details of Reason for Applicant Desiring a CCW License (use additional sheets if needed).

I am a self-employed attorney. Practically all of my business is in the foreclosure and eviction field. I make contact with occupants and negotiate their surrender of the property. If I fail, court actions are started. My contact continues through this process from initial contact prior to the foreclosure, to the final surrender of the house to the mortgage company. The majority of my time is spent in the field, not in the office, negotiating with former owners and tenants, and when that fails, I start and give to them the court complaints. I work in Sacramento, and the surrounding counties of Yolo, Yuba, Sutter, Nevada, Placer, and Eldorado, in both rural and urban areas. And even though I am proficient in Taekwondo, I am frequently meeting desperate people with the ability to cause harm.

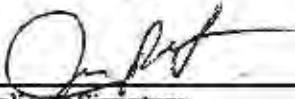
State of California, Department of Justice
Standard Application for CCW License

Section 8 - Certification and Release of Information

I hereby give permission to the agency to which this application is made to conduct a background investigation of me and to contact any person or agency who may add to or aid in this investigation. I further authorize persons, firms, agencies and institutions listed on this application to release or confirm information about me and statements I have made as contained in this application.

Notwithstanding any other provision of law and pursuant to the Public Records Act (Government Code section 6250 et seq.), I understand that information contained in this application may be a matter of public record and shall be made available upon request or court order.

I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.



Applicant Signature

June 13, 2003

Date

Witness Signature / Badge Number

Date

GORSKI

DOCUMENT FILE

State of California, Department of Justice
Standard Application for CCW License

| | | | |
|---|---------------------------------|--|--|
| Official Use Only - Type of Permit Requested | | | |
| <input checked="" type="checkbox"/> Standard | <input type="checkbox"/> Judge | | |
| <input checked="" type="checkbox"/> Reserve Officer | <input type="checkbox"/> 90 Day | | |

Public Disclosure Admission

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

| | |
|---|------------------------------|
| <u>James Rothery</u> Applicant Signature | <u>June 13, 2003</u> Date |
| _____ Witness Signature / Badge Number | _____ Date |

Section 1 - Applicant Personal Information

Name: Rothery James Eugene
Last First Middle

If Applicable,
Maiden Name or Other Name(s) Used: _____

City and County of Residence: Carmichael, Sacramento Country of Citizenship: U.S.A.

Date of Birth: REMOVED BY DEFENDANT Place of Birth: REMOVED BY DEFENDANT
City Country State

Height: 6 feet Weight: 180 pounds Color Eyes: blue Color Hair: brown

Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?
 No x Yes ____ (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency _____ Issue Date _____ CCW# _____

2. Have you ever applied for and been denied a license to carry a concealed weapon?
 No x Yes ____ (If yes, give agency name, date and reason for denial.)

State of California, Department of Justice
Standard Application for CCW License

Section 2 - Applicant Clearance Questions - (continued)

3. Have you ever held and subsequently renounced your United States citizenship?
No Yes _____ (If yes, explain):

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No Yes _____ (If yes, explain):

5. Are you now, or have you been, a party to a lawsuit in the last five years?
No Yes _____ (If yes, explain):

6. Are you now, or have you been, under a restraining order(s) from any court?
No Yes _____ (If yes, explain):

7. Are you on probation or parole from any state for conviction of any offense including traffic? No Yes _____ (If yes, explain):

State of California, Department of Justice
Standard Application for CCW License

Section 6 - Agreement to Restrictions and to Hold Harmless


I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of my application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this Application and Agreement to Restrictions and to Hold Harmless.

I have read and understand the applicable Penal Code sections regarding False Statements on a CCW Application, Manslaughter, Killing in Defense of Self or Property, Limitation on Self-defense and Defense of Property, and Child Access and Firearm Storage, stated in this application.


I have read and understand Attachment 1 - California Prohibiting Categories for a CCW License, Attachment 2 - California Prohibiting Misdemeanors, and Attachment 3 - Federal Prohibiting Categories for Possessing Firearms. I further acknowledge that these Prohibiting Categories can be amended or expanded by state or federal legislative or regulatory bodies and that any such amendment or expansion may affect my eligibility to hold a CCW.



Applicant Signature

June 13, 2003

Date



Witness Signature / Badge Number

Date

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes

Applicant Name: Bothey James Eugene
Last First Middle

Date of Birth: _____ Age: 52

Social Security No.: _____

California DL/ID No.: _____

Driver's License Restrictions: corrective lenses

Residence Address:
3023 Paragon Way Carmichael, California 95608
Number Street Apt. City State Zip

Mailing Address (if different):
P.O. Box 601033 Sacramento, California 95860
Number Street Apt. City State Zip

Home / Personal Phone Numbers: (916) 719-6733

Spouse's Name and Address: Sheryl Bothery
3023 Paragon Way, Carmichael, California 95608

Applicant Occupation: attorney

Business / Employer Name: self-employed

Business Phone Number: (916) 719-6733

Business Address:
1025 Ninth Street #205 Sacramento, California
Number Street Apt. City State Zip

1. List all previous home addresses for the past five years.
3023 Paragon Way, Carmichael, California 95608

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes - (continued)

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity? No Yes _____ (If yes, explain):

3. Are you now, or have you ever been, addicted to a controlled substance or alcohol, or have you ever utilized an illegal controlled substance, or have you ever reported to a detoxification or drug treatment program? No Yes _____ (If yes, explain):

4. Have you ever been involved in an incident involving firearms?
No Yes _____ (If yes, explain):

5. Have you been involved in a domestic violence incident?
No Yes _____ (If yes, explain):

6. List any arrests or formal charges, with or without disposition, for any criminal offenses within the U.S. or any other country (civilian or military):

none



JOHN MCGINNESS
Sheriff

CONCEALED WEAPONS PERMIT EVALUATION

APPLICANT'S NAME: JAMES ROTHERY

OCCUPATION: ATTORNEY (APPLICATION AFTER DENIAL)

DATE APPLICATION SUBMITTED: 08/31/06

DATE OF EVALUATION:

APPROVED: _____ DENIED:

RENEWAL: _____ TRAINING DATE: _____

COMMENTS: _____

Christine Hess
CHIEF CHRISTINE HESS

Jim Cooper
CAPTAIN JIM COOPER

Doug Lee
CAPTAIN DOUG LEE

DATE OF APPEAL: _____

CHIEF DEPUTY BILL KELLY

APPROVED: _____ DENIED: _____

COMMENTS: _____

CCW BRIEFING SUMMARY:

NAME: ROTHERY, JAMES

DATE OF BIRTH: REMOVED BY
DEPENDANT

CRIMINAL HISTORY: None

RESIDENCE: 3023 Caragon way, Carmichael, CA. 95608

SACRAMENTO COUNTY YES NO

LENGTH OF TIME AT THIS RESIDENCE: 8 Years.

HAVE APPLIED FOR CCW WITH OTHER AGENCIES?
YES NO

OCCUPATION : Real Estate Investor.

EMPLOYED BY: Self.

IS EMPLOYER AWARE OF REQUEST FOR CCW?
YES NO

(IF YES, ATTACHED LETTER FROM EMPLOYER INCLOSED?)
YES NO

LIST ATTACHED DOCUMENTS:
Prior Denial Letter in 05.

EXPERIENCE/WORK HISTORY: Recreational firearms.

JUSTIFICATION FOR CCW PERMIT: Real Estate Investor that deals in foreclosures and also collects rent in cash at times. This is the applicants second attempt at securing a CCW. He was denied in 05 for no just cause.

State of California, Department of Justice
Standard Application for CCW License

Official Use Only - Type of Permit Requested
 Standard Judge
 Reserve Officer 90 Day

Public Disclosure Admission

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

[Signature]
Applicant Signature

8-31-06
Date

[Signature]
Witness Signature / Badge Number

8/31/06
Date

Section 1 - Applicant Personal Information

Name: Rothery James Eugene
Last First Middle

If Applicable, Maiden Name or Other Name(s) Used: _____

City and County of Residence: Sacramento Country of Citizenship: U.S.A.

Date of Birth: REMOVED BY DEFENDANT Place of Birth: REMOVED BY DEFENDANT
City County State

Height: 6 feet Weight: 180 pounds Color Eyes: blue Color Hair: brown

Section 2 - Applicant Clearance Questions

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?
No Yes _____ (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency _____ Issue Date _____ CCW# _____

2. Have you ever applied for and been denied a license to carry a concealed weapon?
No _____ Yes (If yes, give agency name, date and reason for denial.)

Sacramento County Sheriff, January 2003 and October 2005.

Everyday course of living and working did not justify the need for a weapon

State of California, Department of Justice
Standard Application for CCW License

Section 2 - Applicant Clearance Questions - (continued)

3. Have you ever held and subsequently renounced your United States citizenship?
No Yes _____ (If yes, explain):

4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No Yes _____ (If yes, explain):

5. Are you now, or have you been, a party to a lawsuit in the last five years?
No _____ Yes (If yes, explain):

lawsuit regarding ownership of real estate in Sacramento County

lawsuit regarding repayment of money loaned in Sacramento County

6. Are you now, or have you been, under a restraining order(s) from any court?
No Yes _____ (If yes, explain):

7. Are you on probation or parole from any state for conviction of any offense including traffic? No Yes _____ (If yes, explain):

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of my application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this Application and Agreement to Restrictions and to Hold Harmless.

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Applicant Signature

Date

Witness Signature / Badge Number

Date

State of California, Department of Justice
Standard Application for CCW License

Section 7 - Investigator's Interview Notes

Applicant Name: Rothney James Eugene
Last First Middle

Date of Birth: _____ Age: 55

Social Security No.: _____

California DL/ID No.: _____

Driver's License Restrictions: Corp. Lens only.

Residence Address: 3023 Paragon Way Carmichael CA 95608
Number Street Apt. City State Zip

Mailing Address (if different): PO Box 60133 JAC CA 95660
Number Street Apt. City State Zip

Home / Personal Phone Numbers: (916) 719-6733 ^{cell} (916) 359-4508

Spouse's Name and Address: Sheryl Rothney

Applicant Occupation: lawyer

Business / Employer Name: Self employed

Business Phone Number: () _____

Business Address: 1025 Ninth St, #205 JAC CA 95814
Number Street Apt. City State Zip

1. List all previous home addresses for the past five years.
- _____

State of California, Department of Justice
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Section 7 - Investigator's Interview Notes - (continued)

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No Yes _____ (If yes, explain):

5. Have you been involved in a domestic violence incident?
No Yes _____ (If yes, explain):

6. List any arrests or formal charges, with or without disposition, for any criminal offenses within the U.S. or any other country (civilian or military).

none

State of California, Department of Justice
Standard Application for CCW License

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State of California, Department of Justice
Standard Application for CCW License

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I hereby certify under penalties of perjury and Penal Code section 12051(b) and (c), that the answers I have given are true and correct to the best of my knowledge and belief, and that I understand and agree to the provisions, conditions, and restrictions herein or otherwise imposed.

Applicant Signature

Date

8-31-06

Witness Signature / Badge Number

Date

8/31/06

GORSKI

CONFIDENTIAL