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VENTURA COUNTY SHERIFF'S OFFICE  
7 (*erroneously sued as Ventura County Sheriffs*  
8 *Department*)

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11  
12 SIGITAS RAULINAITIS,

13 Plaintiff,

14 v.

15 VENTURA COUNTY SHERIFFS  
16 DEPARTMENT,

17 Defendant.

CASE NO. CV13-02605-MAN

**DEFENDANT'S MEMORANDUM  
OF POINTS AND AUTHORITIES IN  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT; DECLARATIONS OF  
DANIEL GONZALES AND PLAIN-  
TIF IN SUPPORT THEREOF**

[Statement of Genuine Disputes filed  
concurrently herewith]

Date: September 2, 2014  
Time: 1:00 p.m.  
Ctmm: 580 Roybal Building

21 Defendant, VENTURA COUNTY SHERIFF'S OFFICE, hereby opposes  
22 plaintiff's summary judgment motion.

23 DATED: June 3, 2014

WISOTSKY, PROCTER & SHYER

24  
25 By: 

26 Jeffrey Held  
Attorneys for Defendant,  
27 VENTURA COUNTY SHERIFF'S OFFICE  
28

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1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   **I.**

3                   **PLAINTIFF’S SUMMARY JUDGMENT MOTION IS**  
4                   **PROCEDURALLY DEFECTIVE AND THEREFORE**  
5                   **INVALID**

6           The statement of uncontroverted facts and conclusions of law submitted  
7 in support of plaintiff’s summary judgment motion is flawed. Under the  
8 “uncotnroverrted” facts section (website docket entry 53-1, p. 1:20), there are three  
9 numbers. But the third number does not have any content – it is just a number  
10 without any information or typing. Therefore, it is fair to say that there really are  
11 only two facts submitted in support of the summary judgment motion.

12          Neither fact cites any source authority. There are no pinpoint evidentiary  
13 citations. Standard pleading practice requires that each material fact which is  
14 allegedly undisputed must contain a citation to supporting material in the record. The  
15 two facts listed in plaintiff’s statement of uncontroverted facts and conclusions of law  
16 (website docket entry 53-1, p. 1:20-24) are bereft of any record references.

17          The two facts themselves do not begin to carry the relief requested. The first  
18 fact is simply a statement that the defendant acted in a certain way, which defendant  
19 concedes – it did deny plaintiff’s application for a license to carry a concealed  
20 weapon on two occasions based upon plaintiff’s not being a resident of Ventura  
21 County. So there is only one remaining “fact” upon which plaintiff’s motion hinges –  
22 that plaintiff is a resident of “Ventura,” by which plaintiff must mean Ventura  
23 County. This fact is objected to as being so general as to be devoid of content – that  
24 is the ultimate issue, yes, but this is supposed to be a fact which leads to that  
25 conclusion. Facts are meant to be specific truths which culminate in a legal  
26 conclusion. Merely stating the ultimate legal conclusion is not a fact. Therefore,  
27 “Fact” No. 2 gets plaintiff and his motion nowhere.

28   ///

1 The motion does not even begin to comply with the strictures of Central  
2 District Local Rule 7-3. Rule 7-3 states, “This motion is made following the  
3 conference of counsel pursuant to Local Rule 7-3, which took place on (date).” There  
4 is no such statement of compliance with Rule 7-3 in the plaintiff’s summary  
5 judgment motion.

6 Rule 7-3 also establishes a seven-day waiting period following the prefiling  
7 conference for the filing of a disputed motion. But in this case, since no Rule 7-3  
8 prefiling conference occurred, it goes without saying that the plaintiff did not wait  
9 seven days following a nonexistent but required conference to file the summary  
10 judgment motion. The rule contemplates a meaningful sort of safe harbor for the  
11 opposing party where it can consider the precise arguments and evidence being  
12 advanced, or some fairly close summary description of them. The rule wisely  
13 contemplates that, in viewing the exact arguments and evidence and then having an  
14 opportunity to actually discuss the issues with opposing counsel, the need for the  
15 motion or certain issues may be eliminated. Here, none of that occurred – no  
16 prefiling conference and no seven-day waiting period.

17 The motion is also defective because no proposed order is submitted. Central  
18 District Local Rule 56-1 provides that a party seeking summary judgment “shall  
19 lodge a proposed judgment.” Yet no proposed order or judgment has been lodged  
20 either concurrently with the plaintiff’s summary judgment motion or before or after  
21 its filing.

22 Another problem with the motion is that it is really a thinly veiled motion to  
23 reconsider this Court’s previous denial of plaintiff’s summary judgment. Website  
24 docket entry 28 is the extensive (25-page) order of the Court denying plaintiff’s  
25 summary judgment motion on deeply substantive grounds. Having already received a  
26 ruling on the same arguments plaintiff is now advancing, the current motion is a  
27 thinly veiled motion to reconsider. Local Rule 7-18 provides that a motion for  
28 reconsideration of the decision on any motion may only be made upon certain

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1 grounds. These are specified in Local Rule 7-18. There must be a material  
2 difference in fact or law from that presented to the Court before the decision which,  
3 in the exercise of reasonable diligence, could not have been known to the party  
4 moving for reconsideration at the time of the decision. Alternatively, the emergence  
5 of new material facts or a change of law following the decision can be offered. A  
6 third ground is a manifest showing of a failure to consider material facts presented to  
7 the Court before such a decision. But no motion for reconsideration shall in any  
8 manner repeat any argument, oral or written, made in support of the original motion.  
9 Local Rule 7-18.

10 There is no attempt in this summary judgment motion by plaintiff to establish  
11 the grounds for a motion to reconsider. Since the Court denied the plaintiff's first  
12 summary judgment motion, there is nothing else that this summary judgment motion  
13 could actually be other than a motion to reconsider the ruling on the first summary  
14 judgment motion. But there is no foundational showing of the 7-18 elements.  
15 Therefore, the motion should be denied on that ground.

## 16 II.

17 **PLAINTIFF HAS NOT COME CLOSE TO CARRYING**  
18 **HIS BURDEN OF PROOF OF COUNTY RESIDENCY**  
19 **AS REQUIRED BY CALIFORNIA PENAL CODE**  
20 **SECTION 26150(a)(3); DEFENDANT'S EVIDENCE**  
21 **STRONGLY SUGGESTS THAT PLAINTIFF IS A**  
22 **RESIDENT OF LOS ANGELES COUNTY**

23 Defendant incorporates by reference the discussion contained in its summary  
24 judgment motion under point heading II. This discussion appears at page 3, line 10,  
25 and continues through page 13, line 3. It is reproduced verbatim here for the  
26 convenience of the Court and counsel.

27 Penal Code Section 26150 governs applications for licenses to carry concealed  
28 weapons. Subdivision (a) provides that when a person applies for a license to carry a

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1 firearm capable of being concealed upon the person, the sheriff of a county “may  
2 issue” a license to such person upon proof of a number of items. These are listed as  
3 26150(a)(1)-(4). Subdivisions (1), (2), and (4) are not in play in this litigation.  
4 Subdivision (1) involves a requirement that the applicant is of good moral character;  
5 that is not in dispute here. The second subdivision involves the existence of good  
6 cause for the issuance, but that has been essentially erased by the *Peruta* decision.  
7 The fourth requirement is actually just a condition subsequent, not precedent, to the  
8 issuance of the permit and requires the successful applicant to then follow up with a  
9 completed course of training in firearms use and safety.

10 The only subdivision requirement at issue in this litigation is 26150(a)(3). It  
11 requires that the concealed weapons applicant either be a county resident or maintain  
12 a principal place of employment in the county while spending a substantial period of  
13 time in that place of employment.

14 There is no interpretive authority construing the meaning of the residency  
15 requirement in Penal Code Section 26150. It is therefore proper to turn to analogous  
16 sources of construction to answer the question of whether the plaintiff was a resident  
17 of Ventura County at the time he made the application. In the case of *In re Marriage*  
18 *of Thornton*, 135 Cal.App.3d 500 (1982), the subject of defining a resident for  
19 dissolution of marriage purposes had to be resolved. While the discussion in  
20 *Thornton* originates in the dissolution of marriage context, the observations of the  
21 court are not limited to that subject. The burden of proving residence is on the party  
22 alleging it. 135 Cal.App.3d at 510. “It is well settled in California that the term  
23 ‘residence’ ... is synonymous with ‘domicile.’” *Id.* at 507. The difference between  
24 “residence” and “domicile” has been summarized in the California Supreme Court  
25 decision of *Smith v. Smith*, 45 Cal.2d 235, 239 (1955), quoted in *Thornton*,  
26 135 Cal.App.3d at 507-508:

27 ///

28 ///



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“Courts and legal writers usually distinguish ‘domicile’ and ‘residence,’ so that ‘domicile’ is the one location with which for legal purposes a person is considered to have the most settled and permanent connection ... which the law may also assign to him constructively .... ‘Domicile’ normally is the more comprehensive term, in that it includes both the *act* of residence and an *intention* to remain; a person may have only one domicile at a given time, but he may have more than one physical residence separate from his domicile, and at the same time.... But statutes do not always make this distinction in the employment of those words. They frequently use ‘residence’ and ‘resident’ in the legal meaning of ‘domicile’ and ‘domiciliary,’ and at other times in the meaning of factual residence or in still other shades of meaning.... For example, in our codes ‘residence’ is used as synonymous with domicile in the following statutes: sections 243 and 244 of the Government Code, giving the basic rules generally regarded as applicable to domicile.”

*Thornton, id.*, quoting *Smith, supra* [emphasis in original].

The *Thornton* case also emphasized that there must be a union of act and intent: “The combination of actual presence and intention is required.” 135 Cal.App.3d at 509. The *Thornton* court concluded that, “In sum, an individual may become a resident (meaning domiciliary) of California.” *Id.* at 509, equating the two legal terms. While there is no litmus test for residency, a number of factors have been identified as relevant; however, it is a totality of the circumstances test with no one factor or group of factors wholly determinative. The *Thornton* court observed, at 509-510, that “merely purchasing a home ... is not sufficient to demonstrate intent to acquire a domicile if contradicted by other substantial evidence of intent.”

1 Government Code Section 244 is helpful in understanding what the term “residence”  
2 means in California statutory use.

3 Section 244 governs determination of place of residence. It is to be consulted  
4 in determining the place of residence. Subdivision (b) provides that “there can only  
5 be one residence.” Subdivision (a) largely equates “residence” with where a person  
6 spends his or her leisure time: “It is the place where one remains when not called  
7 elsewhere for labor or other special or temporary purpose, and to which he or she  
8 returns in seasons of repose.” “Repose” is a synonym for sleep. The leading statu-  
9 tory definition of the term is therefore where one sleeps and relaxes.

10 Subdivision (f) echoes the *Thornton* principle that residence can be changed  
11 only by the union of act and intent. Plaintiff, in this case, does not contend that he  
12 satisfies the statutory definition of “residence” under 26150(a) by having a principal  
13 place of employment in Ventura County and spending a substantial period of time  
14 there. Rather, he contends that he was a resident of Ventura County when he  
15 submitted the applications.

16 The California Supreme Court, in the *Smith* case, 45 Cal.2d at 239-240,  
17 quoting from a state appellate court decision, concluded that “Residence, as used in  
18 the law, is a most elusive and indefinite term” whose meaning in any particular  
19 statutory use must be determined by reference to the purpose of the statute. The  
20 *Smith* court listed four California statutes in which “residence” was used synony-  
21 mously with “domicile.” *Smith* at 239-240. The *Smith* court looked to the impor-  
22 tance of the legislative history of the statute it was construing to ascertain the purpose  
23 of the residency requirement.

24 California’s first concealed weapons permit statute was enacted in 1917. It  
25 contained the present “good moral character” and “good cause” requirements, but it  
26 did not have any residency requirement. Stats. 1917, c. 145, p. 222, §6. Subsequent  
27 amendments to the statute in 1923, 1947, and 1951 similarly omitted any residency

28 ///

1 requirement. Stats. 1923, c. 339, p. 698, §8; Stats. 1947, c. 1281, p. 2793, §1; Stats.  
2 1951, c. 1619, p. 3630, §1.

3 In 1953, the statute was enacted as Stats. 1953, c. 36, p. 656, §1. It was  
4 codified as Penal Code Section 12050. It still did not include any residency  
5 requirement.

6 The residency requirement appeared for the first time in 1969. Senate Bill  
7 1272 passed, amending Section 12050 to add to the “moral character” and “good  
8 cause” requirements for the issuance of a concealed weapons permit the requirement  
9 that the applicant be a resident of the county. Stats. 1969, c. 1188, p. 2318, §1. The  
10 bill was sponsored by the Attorney General and was “intended to stop shopping for  
11 permits throughout the state.” See Enrolled Bill Memorandum to Governor for  
12 SB1272, dated August 20, 1969, signed by the legislative secretary with a  
13 recommendation to approve. Before Senate Bill 1272 was signed by then-Governor  
14 Reagan on August 30, 1969, the Attorney General and Assistant Attorney General of  
15 the State of California sent the Governor a memorandum on August 11, 1969, urging  
16 him to sign the bill into law. They stated:

17 The purpose of this bill is to curtail the present practice of  
18 shopping for concealed weapons permits throughout the  
19 state. It is now common practice for citizens to obtain these  
20 permits from law enforcement agencies in jurisdictions  
21 hundreds of miles from their residence. ¶ Senate Bill 1272  
22 would require that an applicant obtain his permit from the  
23 sheriff or a chief of police within the county of his  
24 residence. It would also help to ensure that permits are not  
25 granted improvidently. Law enforcement agencies near the  
26 residence of the applicant are obviously in a much better  
27 position to evaluate the background, reputation, and need  
28 for a weapon, of an applicant.

1 On August 8, 1969, the Alameda County District Attorney wrote to then-  
2 Governor Reagan on behalf of the California Peace Officers' Association and the  
3 District Attorneys' Association of California and urged the Governor to approve  
4 Senate Bill 1272, stating:

5 This requirement of residency will assist law enforcement  
6 in effectively ascertaining just who within their county does  
7 possess such a permit, and these are the officials who are  
8 most likely to know whether the applicant does in fact  
9 possess that good moral character which must be demon-  
10 strated in order to obtain such a license.

11 The addition of the residency requirement for the concealed weapons permit  
12 statute was motivated by a desire to ensure that such permits were issued only to  
13 persons who actually lived within the counties in which the permits were sought. The  
14 bill's proponents believed that an adequate assessment of the good moral character  
15 and good cause requirements was possible only if an applicant resided within the  
16 county of application. Considering the legislative goal motivating the importation of  
17 the residency requirement effectuated by the passage of Senate Bill 1272, it appears  
18 that the statute's newly added use of the term "resident" was intended to embody a  
19 concept akin to that of a domiciliary.

20 That conclusion is fortified by a subsequent amendment to Section 12050. In  
21 1997, Senate Bill 146 passed and was signed into law. Before that, a city police chief  
22 could issue a concealed weapons permit to county residents who did not reside within  
23 his jurisdiction. The amendment effected by Senate Bill 146 took away from city  
24 police chiefs the ability to issue concealed weapons permits to citizens who did not  
25 reside in their cities but resided in the county in which the city was located. The  
26 bill's sponsor noted his intent to keep "local control for issuing a [concealed weapons  
27 permit] where it belongs." The impetus, the sponsor noted, was "to prevent a  
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1 Northern California police chief from issuing permits to non-city residents who  
2 resided in the county.”

3 The Legislature amended the statute for the purpose, once again, of ensuring  
4 that the local officials who assess concealed weapons permit applications would be  
5 appropriately positioned to do so because the applicants actually resided within their  
6 jurisdictions. In 2008, Section 12050 was amended to include the alternate basis of  
7 residency, this being having one’s principal place of business or employment in the  
8 county while spending a substantial amount of time there. This amendment expanded  
9 the category of persons able to apply for such permits to include those who were not  
10 domiciled within a county but who spent a substantial portion of their time working  
11 within the county. The Legislature again evidenced a desire that such permits be  
12 issued only to persons who were actually physically present within a county to a  
13 significant degree.

14 Finally, in 2010, Penal Code Section 12050 was repealed but continued  
15 without substantive change into separate statutes which were renumbered. The core  
16 of old 12050 was continued without substantive change, renumbered as Penal Code  
17 Section 26150.

18 It is clear that whether or not to issue a concealed weapons permit pursuant to  
19 26150 rests within the discretion of the local issuing authority – here, the defendant.  
20 By its very terms, the statute makes such discretion explicit: “When a person applies  
21 for a license to carry a pistol, revolver, or other firearm capable of being concealed  
22 upon the person, the sheriff of a county *may* issue a license to that person ....”  
23 [Emphasis supplied.] The Ninth Circuit and California appellate courts which have  
24 considered this “may” language in Section 12050(a), the immediate predecessor to  
25 Section 26150(a), have drawn the same conclusion: The statute “explicitly grants  
26 discretion to the issuing officer to issue or not issue a license to applicants meeting  
27 the minimum statutory requirements.” *Erdelyi v. O’Brien*, 680 F.2d 61 (9th Cir.  
28 1982).

1 In *Association of Orange County Deputy Sheriffs v. Gates*, 716 F.2d 733 (9th  
2 Cir. 1983), former deputy sheriffs retired under medical disability brought a civil  
3 rights action alleging that they had been unconstitutionally deprived of permits  
4 allowing them to carry concealed, loaded weapons. The Central District granted  
5 summary judgment against the deputies, with the Ninth Circuit unanimously  
6 affirming. The holding was that the statute providing for issuance of certificates  
7 allowing retired peace officers to carry concealed, loaded weapons did not create an  
8 entitlement sufficient to warrant constitutional protection.

9 A reasonable expectation of an entitlement is determined mostly by the  
10 language of the statute and the extent to which the entitlement is couched in  
11 mandatory terms. *Gates*, 716 F.2d at 734. The Ninth Circuit held that the require-  
12 ment of good cause prior to the denial of a weapon certificate does not create a  
13 constitutionally protected liberty interest because it is not a significant substantive  
14 restriction on the basis for the agency's action. *Id.* The *Gates* court wrote, "The right  
15 of a retired deputy sheriff to carry concealed weapons is not so fundamental as to  
16 warrant constitutional protection apart from its status under state law." *Id.* at 735,  
17 n.4.

18 The California appellate court has analyzed the Ninth Circuit's holdings in this  
19 regard and agreed with them. The issue was taken up in *Gifford v. City of Los*  
20 *Angeles*, 88 Cal.App.4th 801 (2001). In that case, the plaintiff was an applicant for a  
21 concealed firearm license which the Los Angeles Police Department refused to issue.  
22 The applicant sought mandate from the superior court, which was granted. But the  
23 appellate court unanimously reversed, reinstating the agency's decision to deny the  
24 concealed weapons permit. The *Gifford* court explained:

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[Penal Code] Section 12050 gives “extremely broad discretion” to the sheriff concerning the issuance of concealed weapons licenses ... and explicitly grants discretion to the issuing officer to issue or not issue a license to applicants meeting the minimum statutory requirements....

*Gifford*, 88 Cal.App.4th at 805 [citing *Erdelyi*].

In the case of *Nichols v. County of Santa Clara*, 223 Cal.App.3d 1236, 1241 (1990), the court explained:

In light of this statute’s delegation of such broad discretion to the sheriff, it is well established that an *applicant* for a license to carry a concealed firearm has no legitimate claim of entitlement to it under state law, and therefore has no “property” interest to be protected by the due process clause of the United States Constitution.

*Nichols*, 223 Cal.App.3d at 1241 [citing both *Erdelyi* and *Gates* with approval].

“It is true that ‘domicile’ and ‘residence’ ... are usually in the same physical location.” *Milton H. Greene Archives, Inc. v. CMG Worldwide*, 568 F.Supp.2d 1152, 1179 (C.D. Cal. 2008). “As a result, in many statutes, ‘residence’ is frequently construed to mean domicile and the terms are often used synonymously.” *Id.* “The California Supreme Court has recognized that many statutes use ‘residence’ and ‘domicile’ synonymously” [citing *Smith*, 45 Cal.2d at 239]. 568 F.Supp.2d at 1179. The *Greene* court held at 1181, “These regulations demonstrate that under California’s Inheritance Tax Law, residence and domicile are synonymous.” These authorities evidence an intent that county sheriffs grant concealed weapons permits only to those persons who are physically present within their respective counties to an extent consistent with the concept of “domicile.”

Plaintiff’s two links to Ventura County are that he has purchased a home here and registered to vote here. We know from the *Thornton* decision that home

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ownership is not a terribly persuasive factor, because a wealthy person can own homes in many counties. The registration to vote is of fairly insignificant consequence as well, because it does not require any proof of county residence – not a driver’s license, not even a utility bill (see Gonzales Declaration 2, Exhibit B, ¶42).

The evolution of the residency requirement through several statutory amendments makes plain the intent of the state Legislature to ensure that a concealed weapons permit is issued by a county sheriff only to someone who actually lives within the county or spends most of his working time within that county.

Critically, plaintiff concedes that there is no county within California within which he spends the majority of his time and that the Oxnard home is just one of multiple residences in three counties which he considers to be his permanent home. Plaintiff admitted during his interview with Deputy Gonzales that during the prior four months, he had spent more time at the Santa Clarita home than in Ventura County.

The investigation performed by Deputy Gonzales on behalf of the defendant, in regard to the first application, is exhaustively described in the declaration relevant to that application, Gonzales Declaration 1 (Exhibit A). The declaration establishes the plaintiff’s concession that he had been living at his home in Santa Clarita for the previous four months before the application (Exhibit A, ¶8). The plaintiff’s driver’s license reflected that his address was in Burbank (¶9).

The California Department of Motor Vehicles registration checks revealed that two of the plaintiff’s vehicles were registered to his Santa Clarita residence address and the other two were registered to his Burbank work address (¶10). Further, the plaintiff’s concealed weapons permit application listed his business address as being in Burbank (¶11).

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1 The same application listed plaintiff's wife's residence as being in Santa  
2 Clarita. While not determinative in itself, the fact that an individual's spouse resides  
3 in another county suggests a significant connection with spending time in that other  
4 county (Exhibit A, ¶12).

5 Deputy Gonzales learned that Mr. Raulinaitis had sued Los Angeles County for  
6 denying him a concealed weapons permit about a year and a half earlier. He would  
7 have needed to have claimed Los Angeles County residency in order to qualify for a  
8 concealed weapons permit in that county (¶13).

9 Deputy Gonzales then conducted surveillance of the Santa Clarita address  
10 listed in the concealed weapons permit application. The details are described in his  
11 declaration and in the statement of uncontroverted facts and conclusions of law.  
12 These revealed that his silver Infiniti with customized California plates was parked in  
13 the driveway of the home he claimed was his wife's residence on different days in  
14 late January and early February of 2013. When Deputy Gonzales spoke with the  
15 property manager of the Oxnard condominium complex, he learned that plaintiff's  
16 wife had told the property manager that they were renting the condominium to their  
17 son. The son was therefore the occupant of that residence, not the plaintiff.

18 From this evidence, it is apparent that the plaintiff, whose burden it is to prove  
19 residence has not presented any evidence which would contradict the well-reasoned  
20 exercise of discretion by the Ventura County Sheriff's Office. The Oxnard  
21 condominium is but "one of my permanent homes" (Raulinaitis declaration, Exhibit  
22 D, ¶4, website docket entry 13-1). He owns homes in other counties, as well as  
23 Ventura County (¶5). He frequently travels for both business and pleasure (¶5). The  
24 plaintiff claims that, due to the variable nature of his personal and professional life,  
25 "it is impossible to pick a county within California" in which he spends the majority  
26 of his time (¶6). There is no evidence submitted by the plaintiff indicating any  
27 activity or permanence associated with Ventura County; rather, his associations here

28 ///

1 are transient, periodic, and sporadic. He is therefore not a resident of Ventura  
2 County.

### 3 III.

#### 4 THE ARGUMENTS MADE IN THE OPPOSITION 5 MEMORANDUM DO NOT SUPPORT THE CONCLU- 6 SION CONTENDED FOR

7 The moving papers cite the case of *District of Columbia v. Heller*, 554 U.S.  
8 570 (2008). *Heller* involved a statute banning handgun possession in the home and  
9 containing a prohibition against rendering any lawful firearm in the home operable  
10 for the purpose of immediate self-defense. These statutory provisions were declared  
11 unconstitutional in violation of the Second Amendment. The Court held that the  
12 existence of constitutional rights necessarily takes certain policy choices off the table,  
13 and these include the absolute prohibition of handguns held and used for self-defense  
14 in the home. 554 U.S. at 636.

15 But the *Heller* decision left ample room for reasonable regulation of the time,  
16 place, and manner of carrying handguns. The Court stated, “The Constitution leaves  
17 the District of Columbia a variety of tools for combating that problem [handgun  
18 violence in this country], including some measures regulating handguns.” 554 U.S. at  
19 636. Further, the *Heller* Court clarified that the individual right to keep and bear  
20 arms conferred by the Second Amendment was not unlimited. *Id.* at 595. The *Heller*  
21 Court stated, “Of course the right was not unlimited, just as the First Amendment’s  
22 right of free speech was not.” The *Heller* court concluded, “Thus, we do not read the  
23 Second Amendment to protect the right of citizens to carry arms for *any sort* of  
24 confrontation, just as we do not read the First Amendment to protect the right of  
25 citizens to speak for *any purpose*.” 554 U.S. at 595 [emphasis in original].

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1       Therefore, *Heller* did not preempt local governments' right to impose  
2 reasonable regulations of time, place, and manner of carrying deadly weapons  
3 concealed on one's person. The motion papers also cite the case of *McDonald v. City*  
4 *of Chicago*, 561 U.S. 742 (2010). *McDonald* addressed a situation in which two  
5 municipalities enacted laws effectively banning handgun possession by almost all  
6 private citizens. The handgun ban in *McDonald* was even more sweeping than the  
7 one invalidated in *Heller*; the municipalities in *McDonald* argued that their laws were  
8 constitutional because the Second Amendment had no application to the states. The  
9 Supreme Court held that the Second Amendment is fully applicable to the states and  
10 so the regulations which were as or more comprehensive than those invalidated in  
11 *Heller* were unconstitutional and therefore invalidated.

12       *Heller* and *McDonald* are therefore completely inapplicable to the present case,  
13 which in no way, shape, or form involves a flat or outright ban on the possession of  
14 firearms in general or concealed handguns in particular. What we have here is a  
15 reasonable limitation on the time, place, and manner of carrying guns. The state  
16 statute makes residency a valid prerequisite for issuance of concealed weapons. As  
17 the Supreme Court observed in *Heller*, "Of course the right was not unlimited," and  
18 "[W]e do not read the Second Amendment to protect the right of citizens to carry  
19 arms for *any sort* of confrontation." 554 U.S. at 595. The *Heller* Court ended the  
20 opinion with an imprimatur upon government regulation of handgun use, stating,  
21 "The Constitution leaves the District of Columbia a variety of tools for combating  
22 that problem, including some measures regulating handguns ...." *Id.* at 636. The  
23 absolute prohibition of handguns invalidated in *Heller* and *McDonald* is not even  
24 remotely at issue in this litigation, where the issue is a local sheriff's statutory right to  
25 require residency in the county as a condition precedent for the issuance of a  
26 concealed weapons permit.

27       County residency in a state as large and diverse as California is significant for  
28 several reasons in determining issuance of a license to conceal a deadly weapon.

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1 County sheriffs have more resources to vet the moral character of applicants, such as  
2 field identification cards. Law enforcement officers on patrol routinely encounter  
3 persons who, while not committing any criminal offense, seem suspicious or out of  
4 place. It is not unusual to complete field identification cards which are stored in  
5 databases to utilize as a future factor in law enforcement decisions. The local sheriff  
6 has unique and unfettered access to these field identification cards which are not  
7 readily possessed by other jurisdictions.

8 Additionally, local sheriffs have the resources to conduct surveillance of a  
9 limited number of local residents. Their activities can be monitored to determine  
10 whether they are safe risks for issuance of such a powerful privilege.

11 Beyond the moral character criterion, a person's choice of county residence  
12 says something about the lifestyle they wish to pursue. An individual who chooses to  
13 reside in a highly urbanized Southern California county generally chooses to rely  
14 upon the ready accessibility of law enforcement resources to combat criminal  
15 activity. The presence of a highly developed road system and multi-jurisdictional  
16 response in a highly urbanized environment make law enforcement response rapid.  
17 There is a corresponding lesser need for self-defense, as persons who reside in these  
18 types of urban environments generally do not prefer to be armed or have access to or  
19 use of weapons.

20 In contrast, in rural counties, such as northern and eastern California,  
21 individuals choose a lifestyle compatible with a greater need for and reliance upon  
22 self-defense and weapons use. Hunting, camping, and fishing in remote areas where  
23 there are no roads and very slow law enforcement response indicate an implicit  
24 consent to a lifestyle involving heavy reliance upon oneself for protection during  
25 recreational activities, as well as the mere remoteness of residences.

26 These are legitimate considerations in making county residency a factor to  
27 carry a concealed deadly firearm on one's person. The residency requirement is a  
28 limiting factor on issuance of concealed weapons, but it does not even approach the

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1 complete prohibition of any use of weapons, even in the home for self-defense, as  
2 was struck down as constitutionally violative in *Heller* and *McDonald*. California  
3 statutes retain a variety of available uses of firearms, including handguns in the home,  
4 for hunting in game preserves, and use at target ranges. With the ever-escalating  
5 deadly gun violence plaguing the nation, a county residence restriction on carrying  
6 concealed weapons is both a wise verification of safety for those who live within a  
7 local jurisdiction and a reasonable lifestyle statement for choice of county residence.  
8 *Heller* and *McDonald* have nothing whatsoever to say about a county residence  
9 requirement.

10 Plaintiff's summary judgment motion also relies upon the case of *United States*  
11 *v. Chovan*, 735 F.3d 1127 (9th Cir. 2013). *Chovan* had nothing at all to do with the  
12 residency requirement of Penal Code Section 26150(a)(3). The holding of *Chovan*  
13 was more draconian than the county residency requirement at issue in this litigation.

14 *Chovan* involved a federal statute prohibiting domestic violence mis-  
15 demeanants from possessing firearms; it was contended that such an outright ban  
16 violated the Second Amendment. Holding that intermediate scrutiny, rather than  
17 strict scrutiny, was the proper standard, the *Chovan* court held that prohibiting  
18 domestic violence misdemeanants from possessing firearms did not violate rights  
19 protected by the Second Amendment under the intermediate scrutiny standard. To  
20 the contrary, application of the provision prohibiting domestic violence mis-  
21 demeanants from possessing firearms to the criminal defendant in that action who had  
22 not committed domestic violence for 15 years was substantially related to the  
23 government's important interest of preventing domestic gun violence.

24 The moving memorandum also cites *Cantwell v. Connecticut*, 310 U.S. 296  
25 (1940), and unspecified "progeny." The moving memorandum does not give a page  
26 citation or a quote, so it is difficult to locate the proposition of law for which  
27 *Cantwell* is cited in the moving memorandum.

28 ///

1        *Cantwell* supports defendant's position that the residency requirement is  
2 constitutional and validly enforced. The *Cantwell* court held that a state may protect  
3 its citizens from fraudulent solicitation by requiring a stranger in the community to  
4 establish his identity and his authority to act for the cause which he purports to  
5 represent before permitting him to publicly solicit funds for any purpose. 310 U.S. at  
6 306. The *Cantwell* court stated, "The state is likewise free to regulate the time and  
7 manner of solicitation generally, in the interest of public safety, peace, comfort or  
8 convenience." *Id.* at 306-307. *Cantwell* prohibited the government from determining  
9 what constituted religion but did not prohibit, and in fact endorsed, the right of the  
10 government to protect its citizens by requiring "a stranger in the community" to  
11 establish his identity and authority.

12        The residence requirement in the concealed weapons permit statute similarly  
13 requires an applicant for a license to establish his or her connection with the  
14 community before being issued the license. In summary, plaintiff's arguments have  
15 nothing to do with the subject matter at issue in this litigation, which remains a close  
16 connection with the license-issuing community. The evidence submitted by the  
17 defendant, both in support of its own summary judgment motion herein and in  
18 opposition to plaintiff's summary judgment motion, contradicts the closeness of any  
19 connection of the plaintiff to Ventura County and labels him a Los Angeles County  
20 resident.

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1 IV.  
2 CONCLUSION

3 It is therefore respectfully requested that the Court deny the plaintiff's  
4 summary judgment motion.

5  
6 DATED: June 3, 2014

WISOTSKY, PROCTER & SHYER

7  
8 By: 

9 Jeffrey Held  
10 Attorneys for Defendant,  
11 VENTURA COUNTY SHERIFF'S OFFICE  
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Re: *Raulinaitis v. Ventura County Sheriffs Department*  
USDC Case No. CV13-02605-MAN

**DECLARATION OF DANIEL GONZALES**  
**IN SUPPORT OF DEFENDANT'S SUMMARY JUDGMENT MOTION**  
**AS TO INITIAL CONCEALED WEAPONS PERMIT APPLICATION**

I, Daniel Gonzales, declare as follows:

1. I make this declaration of facts based upon information which is personally known to me. If called to testify as a witness to the facts contained in this declaration, I would competently and accurately do so under penalty of perjury of the laws of the United States of America.

2. I am a deputy sheriff employed by the Ventura County Sheriff's Office. I was employed by the Ventura County Sheriff's Office from January of 2000 through May of 2008 and again from December of 2008 through the present.

3. My current assignment is concealed weapons investigation. I am a full-time sworn law enforcement officer for the Ventura County Sheriff's Office in that assignment. I have held that position since June of 2012.

4. On January 15, 2013, the Ventura County Sheriff's Office received an application to carry a concealed weapon from plaintiff, Sigita Raulinaitis. It was my job responsibility to investigate the application.

5. California Penal Code Section 26150(a)(3) establishes a residency requirement that the concealed weapons applicant must be a resident of the county or of a city within the county or have a principal place of business in one of the two.

6. The Ventura County Sheriff's Office's policy, page 1, section 2A, also makes it mandatory that the applicant must be a resident of Ventura County.

7. For many reasons, my investigation revealed that Mr. Raulinaitis was not a Ventura County resident.

8. Mr. Raulinaitis frankly conceded in my February 20, 2013, interview with him that he had been living at his home in Santa Clarita for the past four months.

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1 "...I will be frank with you. Some of the things that we've learned at this stage in the  
2 investigation suggest that you spend more time in Santa Clarita than you do here.  
3 Well, I would say over the last 4 months that's true ... probably literally four months  
4 almost all the time." Santa Clarita is a city in Los Angeles County.

5 9. At the time of my investigation, Mr. Raulinaitis's driver's license  
6 reflected that his address was in Burbank. Burbank is a city in Los Angeles County.  
7 This turned out to be his place of business. Mr. Raulinaitis submitted his California  
8 driver's license along with his application for a concealed weapons permit, which  
9 showed that his address was in Burbank.

10 10. The California Department of Motor Vehicles registration checks which  
11 I requested that Ventura County Sheriff's Office's records technicians perform  
12 revealed that two of Mr. Raulinaitis's vehicles were registered to his residence  
13 address in Santa Clarita (Los Angeles County) and that the other two were registered  
14 to his work address in Burbank (also in Los Angeles County). I can provide these  
15 printouts to the Court in chambers or under seal, if requested.

16 11. Mr. Raulinaitis's concealed weapons permit application listed his  
17 business address as 142 W. Verdugo Avenue in Burbank (Los Angeles County).

18 12. Mr. Raulinaitis's concealed weapons application listed his wife's resi-  
19 dence address as being in Santa Clarita (Los Angeles County). While not determina-  
20 tive of the applicant's residence address in itself, the fact that the individual's spouse  
21 resided in another county suggested a connection with spending time in that other  
22 county.

23 13. During my investigation, I learned that Mr. Raulinaitis had sued Los  
24 Angeles County for denying him a concealed weapons permit about a year and a half  
25 earlier. He would have needed to have claimed Los Angeles County residency in  
26 order to qualify for a concealed weapons permit in that county.

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1           14. In order to further ascertain Mr. Raulinaitis's residency, I conducted  
2 surveillance of the Santa Clarita address he listed in his concealed weapons permit  
3 application.

4           15. On January 28, 2013, I parked my unmarked police vehicle at the end of  
5 the cul-de-sac near the Santa Clarita address listed by Mr. Raulinaitis in his concealed  
6 weapons permit application as belonging to his wife. From the end of the cul-de-sac,  
7 I had a clear, unobstructed view of the home listed by Mr. Raulinaitis as his wife's  
8 residence.

9           16. I arrived at 6:15 a.m. At 6:43 a.m., I saw Mr. Raulinaitis leave from that  
10 house. I recognized him from his DMV photograph which I obtained from a state-  
11 wide database called Cal Photo.

12           17. I saw Mr. Raulinaitis enter his silver Infiniti (with customized California  
13 plates reading "SIG ESQ") This vehicle was parked backed into the driveway.

14           18. The vehicle was parked next to his wife's Toyota SUV, also in the  
15 driveway.

16           19. Mr. Raulinaitis loaded a blue cooler onto the passenger seat of his car.

17           20. Mr. Raulinaitis then entered the driver's seat and drove away.

18           21. I, along with my partners, Ed Jones and Kevin Donoghue, followed  
19 Mr. Raulinaitis in his silver Infiniti to 142 W. Verdugo Avenue in Burbank (which he  
20 had listed in his concealed weapons permit application as his business address and  
21 which his driver's license, a copy of which he submitted pursuant to the concealed  
22 weapons permit application's requirement, listed as his address).

23           22. At my instruction, my fellow investigator, Ed Jones, conducted a follow-  
24 up surveillance and reported the results to me. Reserve Deputy Jones reported to me  
25 that he saw Mr. Raulinaitis leave the home in Santa Clarita (the same address which  
26 his application listed as his wife's residence).

27           23. Detective Jones told me that he saw Mr. Raulinaitis walk to a silver  
28 Infiniti, license plate SIG ESQ.

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24. Detective Jones further reported to me that he recognized Mr. Raulinaitis from his DMV photograph and from our prior surveillance.

25. Detective Jones's observations about Mr. Raulinaitis were made on February 1, 2013, at 6:42 a.m.

26. My personal surveillance of the address given by Mr. Raulinaitis as his wife's, combined with the report of my partner, Detective Jones, confirmed that Mr. Raulinaitis stayed at the Santa Clarita residence from which he departed for work on the two mornings we conducted surveillance of him at that residence.

27. Mr. Raulinaitis's only claim to Ventura County residency was that he owned a condominium in Oxnard.

28. But when I spoke with the property manager, she told me that she had spoken with Mr. Raulinaitis's wife, Rima, who said that they were renting the condominium to their son, Justin.

29. On the same day as the interview I conducted with Mr. Raulinaitis, February 20, 2013, he registered to vote in Ventura County. Before that date, including at the time of his concealed weapons permit application, Mr. Raulinaitis was not registered to vote in Ventura County. I learned this information by interviewing an employee at Voter Registration in the Hall of Administration of the Ventura County Government Center.

30. From this investigation it was not reasonable to conclude that Mr. Raulinaitis was a Ventura County resident. On that basis his concealed weapons permit application was denied. It was not necessary for me to investigate the moral character and good cause issues.

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

Executed this 19 day of May, 2014, at Ventura, California.

D. Gonzalez  
DANIEL GONZALES

1 Re: *Raulinaitis v. Ventura County Sheriffs Department*  
2 USDC Case No. CV13-02605-MAN

3 **DECLARATION OF DANIEL GONZALES**  
4 **IN SUPPORT OF DEFENDANT'S SUMMARY JUDGMENT MOTION**  
5 **AS TO PLAINTIFF'S SECOND CONCEALED WEAPONS PERMIT**  
6 **APPLICATION AND IN OPPOSITION TO PLAINTIFF'S**  
7 **SUMMARY JUDGMENT MOTION**

8 I, Daniel Gonzales, declare as follows:

9 1. I base this declaration upon information which is personally known to  
10 me. If called to testify to the facts contained in this document, I would competently  
11 and accurately do so under penalty of perjury of the laws of the United States.

12 2. I am a deputy sheriff employed by the Ventura County Sheriff's Office.  
13 I was employed by the Ventura County Sheriff's Office from January of 2000  
14 through May of 2008, and again from December of 2008 through the present.

15 3. My current assignment is to investigate applications for concealed  
16 weapons permits. I am a full-time sworn law enforcement officer for the Ventura  
17 County Sheriff's Office in that assignment. I have held this position continuously  
18 and full time since June of 2012.

19 4. On March 26, 2014, I received a new concealed weapons permit  
20 application from Sigitas Raulinaitis.

21 5. It was my responsibility to investigate Mr. Raulinaitis's March 26, 2014,  
22 concealed weapons permit application.

23 6. After the *Peruta* decision, there are two aspects of a concealed weapons  
24 permit application, these being good moral character and Ventura County residency.  
25 The third requirement, successful completion of a firearms training course, is a  
26 condition subsequent following issuance of the permit.

27 7. On April 16, 2014, I began surveillance at Mr. Raulinaitis's address  
28 which he gave in his application, in the city of Oxnard.

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1           8.     At 5:30 a.m., I went to the condominium complex in Oxnard, a city in  
2     Ventura County, which Mr. Raulinaitis provided in his concealed weapons permit  
3     application as being his home. I drove through the outer parking lot but did not see  
4     his vehicle parked in it.

5           9.     I then began my surveillance, which lasted continuously from 5:30 a.m.  
6     to 7:30 a.m. I did not see Mr. Raulinaitis or any of the vehicles registered to him or  
7     to his wife.

8           10.    On April 17, 2014, I arrived at that condominium complex in Oxnard at  
9     5:24 a.m.

10          11.    I drove through the parking lot, as I had on the previous occasion.  
11     Again, I did not see any of the vehicles registered to him parked in the lot or on the  
12     adjacent street.

13          12.    I parked and began surveillance at 5:25 a.m., which I continuously  
14     maintained from 5:25 a.m. to 7:30 a.m.

15          13.    During that time, I did not see Mr. Raulinaitis or any of the vehicles  
16     registered to him.

17          14.    On April 18, 2014, at 5:27 a.m., I arrived at the Oxnard address listed in  
18     Mr. Raulinaitis's concealed weapons permit application. I drove through the parking  
19     lot and again did not see any of the vehicles registered to Mr. Raulinaitis.

20          15.    At 5:37 a.m., I gained access to the secured parking structure beneath the  
21     Oxnard condominium complex which Mr. Raulinaitis listed as his residence in the  
22     concealed weapons permit application. I searched that parking structure, including  
23     the numbered space assigned to him, for any vehicles registered to Mr. Raulinaitis.  
24     None of the vehicles registered to Mr. Raulinaitis were present either in his assigned  
25     space or in the entire parking garage.

26          16.    I continued surveillance until 7:00 a.m. I did not see Mr. Raulinaitis or  
27     any of the vehicles registered to him or to his wife.

28     ///

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1           17. On April 21, 2014, Detective Jones and I began surveillance of the Santa  
2 Clarita address which Mr. Raulinaitis listed for his wife's residence in his concealed  
3 weapons permit application.

4           18. We arrived at 5:40 a.m. and saw two vehicles parked in the driveway of  
5 the house in Santa Clarita. One was a Toyota Sequoia belonging to Mr. Raulinaitis's  
6 wife. The other was a silver Infiniti with the license plate of "SIG ESQ." I knew that  
7 he drove that vehicle from my previous investigation of his initial concealed weapons  
8 permit application.

9           19. At 7:15 a.m., Detective Jones and I saw the silver Infiniti leave the  
10 cul-de-sac containing the residence where his concealed weapons permit application  
11 claimed his wife lived, in Santa Clarita (in Los Angeles County).

12           20. Detective Jones and I followed the silver Infiniti until we were able to  
13 positively identify the driver as Mr. Raulinaitis.

14           21. On April 22, 2014, Detective Jones and I conducted surveillance at the  
15 Santa Clarita address. There were, again, two vehicles parked in the driveway. One  
16 was the Toyota Sequoia belonging to his wife. The other was Mr. Raulinaitis's silver  
17 Infiniti, license plate "SIG ESQ."

18           22. We began our surveillance at 6:51 a.m. I saw Mr. Raulinaitis driving his  
19 silver Infiniti. I recognized Mr. Raulinaitis from my interview of him in connection  
20 with his initial concealed weapons permit application and from his DMV photograph.

21           23. On April 23, 2014, Detective Jones and I went to the Santa Clarita  
22 address. We saw the same two vehicles parked in the driveway as we had seen the  
23 previous two days.

24           24. At 6:51 a.m., I saw Mr. Raulinaitis driving his silver Infiniti. I  
25 recognized him from my previous interview of him and from his DMV photograph.

26           25. On April 23, 2014, Mr. Raulinaitis drove at a very slow rate of speed,  
27 which was not typical of his driving behavior. He was looking at Detective Jones and  
28

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1 me. I believe he then became aware of our surveillance. The next day, when we  
2 conducted surveillance, he was not there at the Santa Clarita address.

3 26. On May 15, 2014, Detective Jones and I knocked on doors at the Oxnard  
4 condominium complex, hoping to interview neighbors, but no one answered.

5 27. While there, at about 4:00 p.m. that day, we checked the parking  
6 structure, and none of Mr. Raulinaitis's vehicles nor his wife's vehicle were present.

7 28. On May 15, 2014, Detective Jones and I drove to Santa Clarita to contact  
8 neighbors. When we arrived, we saw the silver Infiniti, license plate "SIG ESQ,"  
9 parked in the driveway of the house he listed as belonging to his wife.

10 29. Detective Jones placed his hand next to the front engine grille and felt  
11 heat emanating from the engine at 6:33 p.m.

12 30. Attached to my declaration as Exhibit C is a photograph I took on  
13 May 15, 2014, at approximately 6:33 p.m., showing Mr. Raulinaitis's silver Infiniti  
14 with the personalized plates backed into the driveway of the Santa Clarita residence.

15 31. I showed the first neighbor we contacted the DMV photograph of  
16 Mr. Raulinaitis. The neighbor immediately recognized Mr. Raulinaitis as being his  
17 neighbor. He said that they had been neighbors for 14 years. The neighbor said he  
18 saw Mr. Raulinaitis on a regular basis. I asked him whether he knew what type of  
19 vehicle Mr. Raulinaitis drives. He said it was a silver Infiniti with a custom license  
20 plate, "SIG" something.

21 32. We contacted another neighbor and showed her the DMV photograph.  
22 She didn't know him but recognized his photograph. I asked her if she knew where  
23 he lived. She stepped into her front yard and pointed at his house. She then called  
24 her son to the front door to see if he recognized the photograph. I showed her son  
25 Mr. Raulinaitis's DMV photograph. He identified it as being their neighbor. I asked  
26 her son if he knew where Mr. Raulinaitis lived; he too stepped into the front yard and  
27 pointed at Mr. Raulinaitis's home.

28 ///

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1        33. We then spoke with a third neighbor, to whom I showed the DMV  
2 photograph of Mr. Raulinaitis. He identified him as "Sig." I asked him when he last  
3 saw Sig. He told me he saw Sig two days earlier coming home from work. I asked if  
4 he saw Sig on a regular basis. He said he saw Sig about every other day and waved  
5 to him in greeting. This neighbor said that he was good friends with Sig's son and  
6 that they grew up together.

7        34. As we were walking away, this neighbor's mother drove into the  
8 driveway. Detective Jones and I spoke with her. We showed her Mr. Raulinaitis's  
9 DMV photograph. She positively identified the man shown in the photograph as  
10 being "Sig." She said she often saw Sig and last socialized with him in March or  
11 April of 2014 at a neighborhood function. I asked her if the silver Infiniti parked in  
12 the driveway belonged to Sig. She answered, "Yes."

13        35. Detective Jones and I then spoke with a wife and husband who lived in a  
14 home in the same neighborhood who didn't recognize Mr. Raulinaitis's DMV photo-  
15 graph. They added that they don't socialize with any of their neighbors. While I was  
16 speaking with the wife and husband, I noticed a vehicle moving in my peripheral  
17 vision. Turning around, I saw the silver Infiniti, license plate "SIG ESQ," pulling out  
18 of the driveway of the home claimed in Mr. Raulinaitis's application for a concealed  
19 weapon permit to belong to his wife. Looking in the driver's compartment of the  
20 silver Infiniti, I recognized the driver as Sigitas Raulinaitis. I noticed that he was  
21 focusing his gaze in my direction.

22        36. The next interview was also with a wife and husband. They explained  
23 that they moved into the neighborhood a couple of years earlier but had not met any  
24 of their neighbors.

25        37. The next neighbor interview involved showing her the DMV photograph  
26 of Mr. Raulinaitis. She identified him as "Sig." She said she sees Sig once or twice a  
27 week. I asked her if she knew the type of car he drove. She said he drives a silver

28 ///



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1 Infiniti. I asked her how often she saw the silver Infiniti parked in the driveway. She  
2 said, "Every day."

3 38. The final neighbor we interviewed was a Los Angeles County sheriff's  
4 deputy. We showed him Mr. Raulinaitis's DMV photograph, which he identified as  
5 being "Sig." As he was saying, "Oh, that's Sig," he pointed at the home which  
6 Mr. Raulinaitis's concealed weapons permit application identified as belonging to his  
7 wife. He said he saw Sig on a regular basis.

8 39. If the Court thinks it significant, I can identify each of the interviewed  
9 neighbors by name; I haven't provided them in my declaration because it didn't seem  
10 crucial and I didn't want to violate their privacy.

11 40. The Thousand Oaks special enforcement unit of the Ventura County  
12 Sheriff's Office located Mr. Raulinaitis's Twitter page, which was e-mailed to me.  
13 His Twitter page was identified by his name, Sig Raulinaitis, at the top. He wrote  
14 "Contractor, Attorney, Broker and gun toting libertarian!" On the next line, he wrote  
15 "Santa Clarita • mtibuilders.com."

16 41. Based upon the entirety of my investigation, I concluded that  
17 Mr. Raulinaitis's residence, or, at a minimum, his primary residence, was in Santa  
18 Clarita in Los Angeles County, contradicting his concealed weapon permit  
19 application, in which he claimed to reside in Oxnard.

20 42. Although Mr. Raulinaitis is registered to vote in Ventura County, this is  
21 of extremely minimal significance. The Clerk-Recorder/Registrar of Voters does not  
22 require any residency proof; the individual is simply requested to provide a residence  
23 address. The person does not need to show identification, a utility bill, or any other  
24 evidence that he or she actually resides in Ventura County. I recently needed to

25 ///

26 ///

27 ///

28 ///

1 change my address with the Registrar's Office, and I was not asked to provide any  
2 proof of residency.

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

5 Executed this 19 day of May, 2014, at Ventura, California.

6  
7 D. Gonzales  
8 DANIEL GONZALES  
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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 SIGITAS RAULINAITIS,

11 Plaintiff,

12 vs.

13 VENTURA COUNTY SHERIFFS  
14 DEPARTMENT,

15 Defendants.

) **CASE NO. CV 13-2605MAN**

)  
) **DECLARATION OF SIGITAS**  
) **RAULINAITIS**

16  
17  
18  
19 **DECLARATION OF SIGITAS RAULINAITIS**

20 1. I hereby declare under penalty of Perjury that the facts set forth herein are true  
21 and correct under the laws of the State of California.

22  
23 2. In June of 2012, I purchased a home in Oxnard, Ventura County, and  
24 immediately thereafter moved my personal effects in and later updated my  
25 voter registration to Ventura County. Other than my family members, nobody  
26 else rents or uses our home, other than invited guests, and I maintain and pay  
27 for all of the utilities at this address.  
28

- 1 3. I fully intend to cast my vote in the next election for the Ventura County
- 2 Sheriff and any other open office/referendum/proposition, and am legally
- 3 entitled to do so.
- 4
- 5 4. I consider this residence to be one of my permanent homes and place I always
- 6 intend to return, and frequently do.
- 7
- 8 5. I do own other homes in two other counties, and frequently travel for business
- 9 and pleasure.
- 10
- 11 6. Due to the variable nature of my personal and professional life, it is impossible
- 12 to pick a County within California where I spend the majority of my time.
- 13
- 14 7. Moreover, I believe any inquiry beyond the Statutory language above, my own
- 15 personal declaration, coupled with the physical acts of moving and the legal act
- 16 of registering to vote are sufficient, and any further inquiry by the Government
- 17 as to what bed I choose to sleep in on a particular night would be an invasion
- 18 of my Right of Privacy specifically protected by the California Constitution.
- 19
- 20
- 21

22 June 3, 2013

Original to be lodged\_  
Sigitas Raulinaitis