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10 E-Mail Address: cao.main@sanjoseca.gov

11 Attorneys for CITY OF SAN JOSE, CITY OF SAN
12 JOSE POLICE DEPARTMENT and OFFICER
13 STEVEN VALENTINE

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 LORI RODRIGUEZ, THE SECOND
18 AMENDMENT FOUNDATION, INC., THE
19 CAL GUNS FOUNDATION, INC.

20 Plaintiffs,

21 v.

22 CITY OF SAN JOSE, CITY OF SAN JOSE
23 POLICE DEPARTMENT, OFFICER STEVEN
24 VALENTINE, and DOES 1-20,

25 Defendants.

Case Number: 5:15-CV-03698 EJD

**DEFENDANTS' FRCP RULE 26(A)(1)
INITIAL DISCLOSURES**

26 Pursuant to Federal Rules of Civil Procedure 26(a)(1), Defendant hereby sets forth
27 the following disclosures:

28 **A. Persons Likely to Have Discoverable Information**

The persons likely to have discoverable information that Defendant may use to support the claims or defenses, unless the use would be solely for impeachment, are as follows:

- 1. Lori Rodriguez

1 2. Edward V. Rodriguez

2 3. Officer Steven Valentine, Badge No. 3985, c/o San Jose City Attorney's Office.

3 4. All persons named or referred to in the various documents identified in this
4 disclosure.

5 5. Various persons most knowledgeable about Police Department policies, practices,
6 training, personnel matters, and/or other topics relevant to this litigation.

7 **B. Documents and/or Materials that Defendant May Use to Support**
8 **Claims or Defenses**

9 1. All materials collected and generated by San Jose Police Department related to the
10 subject incident, including but not limited to, witness statements, Patrol officer records,
11 9-1-1 and police communications recordings, electronic dispatch information, and
12 communication with Plaintiffs' attorney.

13 **C. Computation of Damages**

14 This disclosure requirement does not apply to Defendant in this lawsuit.

15 **D. Insurance Agreements**

16 Defendants have no such insurance agreements.

17 **E. Copies of Documents, Video Recordings and Audio Recordings Included with**
18 **this Disclosure**

19 1. San Jose Police Department Report, January 24, 2013.

20 2. San Jose Police Department Report, January 24, 2013.

21 3. Declaration of Officer Steven Valentine In Support of Petition Re: Disposition of
22 Weapons, filed March 1, 2013.

23 4. State of California, Department of Justice, Bureau of Firearms Personal Firearms
24 Eligibility Check (PFEC) Notification for Lori A. Rodriguez, dated May 8, 2013.

25 5. Order Re: Disposition of Weapons, filed on September 16, 2013.

26 6. State of California Firearm Ownership Record for Winchester Ranger 120 (Serial #
27 L1813538), dated May 23, 2015.

28

- 1 7. State of California Receipt Confirmation for Firearm as Either Operation of Law or
2 Intrafamilial Transfer for Browning Citori (Serial # 3653PP753), dated May 23,
3 2015.
- 4 8. State of California Receipt Confirmation for Firearm as Either Operation of Law or
5 Intrafamilial Transfer for Ruger 1022 (Serial # 23260854), dated May 23, 2015.
- 6 9. State of California Receipt Confirmation for Firearm as Either Operation of Law or
7 Intrafamilial Transfer for Ruger Carbine (Serial # 1401182), dated May 23, 2015.
- 8 10. State of California Receipt Confirmation for Firearm as Either Operation of Law or
9 Intrafamilial Transfer for Browning Safari Bar (Serial # 107NW32146), dated May
10 23, 2015.
- 11 11. State of California Receipt Confirmation for Firearm as Either Operation of Law or
12 Intrafamilial Transfer for Browning Gold Hunter (Serial # F01NP05395), dated May
13 23, 2015.
- 14 12. State of California Receipt Confirmation for Firearm as Either Operation of Law or
15 Intrafamilial Transfer for Winchester 290 (Serial # 52189), dated May 23, 2015.
- 16 13. State of California Receipt Confirmation for Firearm as Either Operation of Law or
17 Intrafamilial Transfer for Remington Speedmaster (Serial # A1657555), dated May
18 23, 2015.
- 19 14. State of California Receipt Confirmation for Firearm as Either Operation of Law or
20 Intrafamilial Transfer for Smith and Wesson 629 6 Classic (Serial # CFJ8200),
21 dated May 23, 2015.
- 22 15. State of California Receipt Confirmation for Firearm as Either Operation of Law or
23 Intrafamilial Transfer for WEO 744 VH (Serial # SB013398), dated May 23, 2015.
- 24 16. State of California Firearm Ownership Record for MAR Glenfield 60 (Serial #
25 20626618), dated May 23, 2015.
- 26 17. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
27 for Smith and Wesson 586 3 (Serial # BFR2403), dated June 1, 2015.
- 28

- 1 18. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 2 for Browning Gold Hunter (Serial # F01NPO5395), dated June 1, 2015.
- 3 19. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 4 for Browning Citori (Serial # 3653PP753), dated June 1, 2015.
- 5 20. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 6 for Ruger 10 22 (serial # 23260854), dated June 1, 2015.
- 7 21. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 8 for Browning Safari Bar II (Serial # 107NW32146), dated June 1, 2015.
- 9 22. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 10 for MAR Glenfield 60 (Serial # 20626618), dated June 1, 2015.
- 11 23. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 12 for Ruger Carbine (Serial # 1401182), dated June 1, 2015.
- 13 24. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 14 for Remington Speedmaster (Serial # A1657555), dated June 1, 2015.
- 15 25. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 16 for Winchester 290 (Serial #52189), dated June 1, 2015.
- 17 26. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 18 for Winchester Ranger 120 (Serial # L1813538), dated June 1, 2015.
- 19 27. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 20 for WEO 744 VH (Serial # SB013398), dated June 1, 2015.
- 21 28. State of California Law Enforcement Gun Release – Firearm(s) Eligibility Clearance
- 22 for Smith and Wesson 629 6 Classic (Serial # CFJ8200) , dated June 1, 2015.
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1 29. California Sixth Appellate District Court Opinion Filed on April 2, 2015.

2
3 To the best of my knowledge, information and belief formed after an inquiry that is
4 reasonable under the circumstances, this disclosure is complete and correct as of the time
5 it is made.

6
7 Respectfully submitted,

8 Dated: November 6, 2015

RICHARD DOYLE, City Attorney

9
10 By: Mark Vanni
11 Mark Vanni
12 Deputy City Attorney

13 Attorneys for Defendants
14 CITY OF SNA JOSE, CITY OF SAN JOSE
15 POLICE DEPARTMENT and OFFICER
16 STEVEN VALENTINE;
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28

KAMALA D. HARRIS
 Attorney General

State of California
 DEPARTMENT OF JUSTICE



BUREAU OF FIREARMS
 P.O. BOX 820200
 SACRAMENTO, CA 94203-0200
 Telephone: (916) 227-3752
 Facsimile: (916) 227-3744

June 1, 2015

Lori Anne Rodriguez
 4691 Mia Circle
 San Jose, CA 95136

Re: Law Enforcement Gun Release - Firearm(s) Eligibility Clearance

Dear Sir/Madam:

This letter acknowledges that the California Department of Justice (the Department), Bureau of Firearms (the Bureau) has received your Law Enforcement Gun Release (LEGR) Application (BOF 119) with the following firearm information:

<u>Make</u>	<u>Model</u>	<u>Serial Number</u>	<u>Caliber</u>
SW	586 3	BFR2403	357

State law requires the Department to conduct a firearms eligibility check on anyone who claims title to a firearm in the custody or control of a court, or law enforcement agency (LEA) and who wishes to have that firearm returned to him or her, in order to determine whether that person is eligible under state and federal law to possess firearms pursuant to Penal Code section 33850. The Department has processed your application and determined that, as of the date of this letter, you are eligible to possess a firearm.

This letter does not establish or constitute ownership of any firearm(s), which you are attempting to redeem from the custody of a court or LEA.

It is your responsibility to prove you own or have a right to possess any firearm in the custody of a court or LEA that you wish to have returned to you. A court or LEA with direct access to the Department's Automated Firearms System (AFS) is required to check AFS to determine whether the person seeking return of a firearm is listed as the owner/purchaser of the firearm(s) sought to be redeemed pursuant to Penal Code section 33855, subdivisions (a) and (b). At the time of this eligibility check, the Department reviewed AFS and determined the following:

- This firearm is recorded in AFS and the firearm is recorded in the name of the individual who is seeking its return.
- This firearm is recorded in AFS, but is not recorded as being owned by, or loaned to the individual who is seeking its return.
- There is no record of this firearm in AFS.

June 1, 2015
Page 2

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A court or LEA is not required to retain a firearm for more than 180 days after notifying the owner of the firearm that the firearm is available for return. Therefore, if no claim for a firearm is made by its owner within 180 days of notification, the court or LEA may dispose of the firearm.

This LEGR firearms eligibility clearance is valid for 30 days from the date of this letter. After 30 days, the approval expires and cannot be used to claim a firearm. Accordingly, you must attempt to redeem your firearm(s) within 30 days of the date of this letter, or submit a new LEGR application and required fee to the Department in order to obtain an updated LEGR approval.



Sincerely,

Julie Agcaoli

JULIE AGCAOILI, Manager
Bureau Of Firearms

For KAMALA D. HARRIS
Attorney General

KAMALA D. HARRIS
Attorney General

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BRO	GOLD HUNTER	F01NPO5395	12

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Julie Agcaoli

JULIE AGCAOLI, Manager
Bureau Of Firearms

For KAMALA D. HARRIS
Attorney General

KAMALA D. HARRIS
Attorney General

State of California
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BRO	CITORI	3653PP753	12

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For KAMALA D. HARRIS
Attorney General

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SR	10 22	23260854	22

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JULIE AGCAOLI, Manager
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For KAMALA D. HARRIS
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June 1, 2015

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BRO	SAFARI BAR II	107NW32146	7

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JULIE AGCAOILI, Manager
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MAR	GLENFIELD 60	20626618	22

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SR	CARBINE	1401182	30

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June 1, 2015

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Sincerely,

Julie Agcaoili

JULIE AGCAOILI, Manager
Bureau Of Firearms

For KAMALA D. HARRIS
Attorney General

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF FIREARMS
 P.O. BOX 820200
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 Telephone: (916) 227-3752
 Facsimile: (916) 227-3744

June 1, 2015

Lori Anne Rodriguez
 4691 Mia Circle
 San Jose, CA 95136

Re: Law Enforcement Gun Release - Firearm(s) Eligibility Clearance

Dear Sir/Madam:

This letter acknowledges that the California Department of Justice (the Department), Bureau of Firearms (the Bureau) has received your Law Enforcement Gun Release (LEGR) Application (BOF 119) with the following firearm information:

<u>Make</u>	<u>Model</u>	<u>Serial Number</u>	<u>Caliber</u>
REM	SPEEDMASTER	A1657555	22

State law requires the Department to conduct a firearms eligibility check on anyone who claims title to a firearm in the custody or control of a court, or law enforcement agency (LEA) and who wishes to have that firearm returned to him or her, in order to determine whether that person is eligible under state and federal law to possess firearms pursuant to Penal Code section 33850. The Department has processed your application and determined that, as of the date of this letter, you are **eligible** to possess a firearm.

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JULIE AGCAOILI, Manager
Bureau Of Firearms

For KAMALA D. HARRIS
Attorney General

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



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June 1, 2015

Lori Anne Rodriguez
 4691 Mia Circle
 San Jose, CA 95136

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<u>Make</u>	<u>Model</u>	<u>Serial Number</u>	<u>Caliber</u>
WIN	290	52189	22

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Julie Agcaoli

JULIE AGCAOLI, Manager
Bureau Of Firearms

For KAMALA D. HARRIS
Attorney General

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June 1, 2015

Lori Anne Rodriguez
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<u>Make</u>	<u>Model</u>	<u>Serial Number</u>	<u>Caliber</u>
WIN	RANGER 120	L1813538	12

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June 1, 2015

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<u>Make</u>	<u>Model</u>	<u>Serial Number</u>	<u>Caliber</u>
WEO	744 VH	SB013398	44

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SW	629 6 CLASSIC	CFJ8200	44

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