

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	17-17144		
District Court/Agency Case Number(s):	5:15-cv-03698		
District Court/Agency Location:	USDC-NDCA - San Jose		
Case Name:	Rodriguez, et al.	v.	City of San Jose, et al.
If District Court, docket entry number(s) of order(s) appealed from:	Documents: 55, 56		
Name of party/parties submitting this form:	Plaintiff/Appellants: Rodriguez, et al.		

Please briefly describe the dispute that gave rise to this lawsuit.

City of San Jose refuses to release firearms to law-abiding gun owner after approval of release by the California Department of Justice. Plaintiffs sought injunctive and declaratory relief.

Briefly describe the result below and the main issues on appeal.

The parties filed cross-motions for summary judgment. The District Court granted Defendants' motion, denied Plaintiffs' motion and entered judgment for the Defendants.

Describe any proceedings remaining below or any related proceedings in other tribunals.

None. Prior to the California Department of Justice approving the transfer and release of firearms to plaintiff Rodriguez, she sought their return through the state court system in a Welfare and Institutions Code s 8102 hearing. She was denied relief and sought appellate review in the Sixth District Court of Appeal. Reported at: City of San Jose v. Rodriguez, 2015 Cal.App.Unpub. LEXIS 2315.

Provide any other thoughts you would like to bring to the attention of the mediator.

None.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses
 is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and
 service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

9th Circuit Case Number(s) 17-17144

NOTE: To secure your input, you should print the filled-in form to PDF (File > Print > PDF Printer/Creator).

CERTIFICATE OF SERVICE

When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system

on (date) .

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format)

CERTIFICATE OF SERVICE

When Not All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system

on (date) .

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format)