

1 JOHN J. SANSONE, County Counsel
2 Answering Defendant of San Diego
3 By JAMES M. CHAPIN, Senior Deputy (SBN 118530)
4 1600 Pacific Highway, Room 355
5 San Diego, CA 92101
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7 james.chapin@sdcounty.ca.gov

8 Attorneys for Defendants County of San Diego and William D. Gore

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

11 EDWARD PERUTA, MICHELLE
12 LAXSON, JAMES DODD, DR. LESLIE
13 BUNCHE'S MARK CLEARLY and
14 CALIFORNIA RIFLE AND PISTOL
15 ASSOCIATION FOUNDATION,

US SD No. **09-CV-2371 IEG (BLM)**

**WILLIAM D. GORE'S RESPONSE TO
REQUESTS FOR ADMISSION**

16 Plaintiffs,

17 v.

18 COUNTY OF SAN DIEGO, WILLIAM D.
19 GORE, INDIVIDUALLY AND IN HIS
20 CAPACITY AS SHERIFF,

21 Defendants._____)

22 PROPOUNDING PARTY: PLAINTIFF EDWARD PERUTA

23 RESPONDING PARTY: DEFENDANT WILLIAM GORE

24 SET NUMBER: ONE

25 REQUEST FOR ADMISSION NO.3:

26 Admit that YOU deemed PLAINTIFF to lack GOOD CAUSE because he did not
27 provide YOU with sufficient documentation of "circumstances which [made him] a
28 specific target in contrast to a random one.

RESPONSE TO REQUEST NO.3:

Admitted.

I/I

1 REQUEST FOR ADMISSION NO.8:

2 Admit that YOU have denied CCWs to APPLICANTS who cited self-defense as
3 their GOOD CAUSE because they did not provide "documentation e.g., restraining
4 orders, law enforcement referrals, documented victim case incidents or threats . . ." of
5 "circumstances which [made them] a specific target in contrast to a random one."

6 RESPONSE TO REQUEST NO. 8:

7 Objection. The request is vague and ambiguous. Without waiving the objection,
8 it is admitted that applicants have been denied who did not provide documentation.

9 REQUEST FOR ADMISSION NO. 11:

10 Admit that YOU have issued a CCW to every member of the San Diego
11 Honorary Deputy Sheriff's Association who has formally applied or reapplied for a
12 CCW from YOU between January 1, 2006 and the present.

13 RESPONSE TO REUEST NO. 11:

14 Without knowledge. Membership is not considered.

15 REQUEST FOR ADMISSION NO. 12:

16 Admit that YOU have issued a CCW to members of the San Diego Honorary
17 Deputy Sheriff's Association who did not provide "documentation e.g., restraining
18 orders, law enforcement referrals, documented victim case incidents or threats . . ." of
19 "circumstances which [made them] a specific target in contrast to a random one."

20 RESPONSE TO REQUEST NO. 12:

21 Objection. The request is vague and ambiguous because the type of application
22 may not require such documentation. Without waiving the objection, it is unknown
23 because membership is not considered.

24 REQUEST FOR ADMISSION NO. 20:

25 Admit that YOU do not consider an APPLICANT's desire for general self-
26 defense to necessarily constitute GOOD CAUSE.

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1 RESPONSE TO REQUEST NO. 20:

2 Objection. The request is vague and ambiguous as to "general self-defense."
3 Without waiving the objection, it is admitted that many types of applicants must
4 provide documentation of a high risk occupation or specific threats of harm.

5 REQUEST FOR ADMISSION NO. 21:

6 Admit that the document attached hereto as Exhibit 'A' accurately describes both
7 YOUR current policy statement for issuing a CCW and the application process therefor.

8 RESPONSE TO REQUEST NO. 21:

9 It is admitted that Exhibit A is a brief description of the policy statement and
10 application process.

11 REQUEST FOR ADMISSION NO. 22:

12 Admit that the document attached hereto as Exhibit 'B' accurately describes
13 YOUR current standard operating procedures for determining whether to issue a CCW
14 to an APPLICANT.

15 RESPONSE TO REQUEST NO. 22:

16 Admitted.

17 REQUEST FOR ADMISSION NO. 23:

18 Admit that the Document attached here to as Exhibit 'C' accurately describes
19 YOUR current guidelines for determining whether to issue a CCW.

20 RESPONSE TO TEQUEST NO. 23:

21 Denied.

22 REQUEST FOR ADMISSION NO. 24:

23 Admit that the Document attached hereto as Exhibit 'D' is an accurate copy of
24 YOUR current questionnaire for people who attend the mandatory initial interview
25 portion of YOUR CCW application process.

26 RESPONSE TO REQUEST NO. 24:

27 Denied.

28 III

1 REQUEST FOR ADMISSION NO. 25:

2 Admit that the Document attached hereto as Exhibit 'E' accurately describes
3 YOUR current requirements for documentation to be produced by APPLICANTS in
4 order to receive a CCW.

5 RESPONSE TO REQUEST NO. 25:

6 It is admitted that Exhibit E describes the minimum requirements for applicants.

7 DATED: August 25, 2010

JOHN J. SANSONE, County Counsel

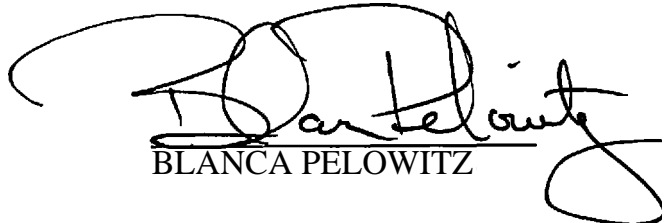
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9 JAMES M. CHAPIN, Senior Deputy
10 Attorneys for Defendants County of San Diego
and William D. Gore
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1 **VERIFICATION**

2 I, BLANCA PELOWITZ, declare under penalty of perjury that I am the
3 Licensing Manager for the License Division of the San Diego County Sheriff's
4 Department, that I am authorized to and do execute this Verification for and on
5 behalf of Sheriff William D. Gore. I have read the foregoing **WILLIAM D.**
6 **GORE'S RESPONSE TO REQUESTS FOR ADMISSION** and know the
7 contents thereof and am informed and believe that the responses given are correct
8 and complete, and based upon such information and belief I certify that I believe
9 them to be true.

10 I declare under penalty of perjury under the laws of the State of California
11 that the foregoing is true and correct.

12 Executed under penalty of perjury on August 11, 2010, at San Diego,
13 California

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15 BLANCA PELOWITZ
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21 _____Defendants._____)

22 PROPOUNDING PARTY: PLAINTIFF EDWARD PERUTA

23 RESPONDING PARTY: DEFENDANT WILLIAM GORE

24 SET NUMBER: ONE

25 **REQUEST FOR PRODUCTION NO. 5:**

26 True and accurate copies of ANY DOCUMENTS comprising, relating to,
27 analyzing, reflecting, referring to, or discussing correspondence between YOU and
28 ANY person currently issued a CCW by YOU.

29 **RESPONSE TO REQUEST NO. 5:**

30 Objection. The request seeks documents that contain confidential information
31 provided by applicants and obtained during the investigation by the department, the

1 disclosure would violate state and federal constitutional privacy rights of the applicant
2 and other persons. Without waiving the objection, such documents will be produced
3 subject to protective order and with confidential information redacted.

4 REQUEST FOR PRODUCTION NO. 6:

5 A true and accurate copy of ANY DOCUMENT listing the names of ALL
6 persons who attended the initial interview portion of YOUR CCW application process
7 from January 1, 2006 to the present.

8 RESPONSE TO REQUEST NO. 6:

9 Such documents as exist will be produced.

10 REQUEST FOR PRODUCTION NO.8:

11 True and accurate copies of ANY DOCUMENTS comprising, relating to,
12 analyzing, reflecting, referring to, or discussing ANY communication between YOU
13 and the San Diego Honorary Sheriff's Deputy Association or ANY of its members
14 relating to YOUR issuance of CCWs.

15 RESPONSE TO REQUEST NO. 8:

16 Objection. The request is overbroad and unduly burdensome because YOU is
17 defined as including all sheriff's employees and seeks all documents "relating" to
18 issuance to CCW permits. Without waiving the objections, the department is unaware
19 of any such documents.

20 DATED: August 25, 2010

JOHN J. SANSONE, County Counsel

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By  7it
y—JAMES M. CHAPIN, Senior Deputy
Attorneys for Defendants County of San Diego
and William D. Gore

1 **VERIFICATION**

2 I, BLANCA PELOWITZ, declare under penalty of perjury that I am the
3 Licensing Manager for the License Division of the San Diego County Sheriff's
4 Department, that I am authorized to and do execute this Verification for and on
5 behalf of Sheriff William D. Gore. I have read the foregoing **WILLIAM D.**
6 **GORE'S RESPONSE TO REQUEST FOR PRODUCTION OF**
7 **DOCUMENTS (SET ONE)** and know the contents thereof and am informed and
8 believe that the responses given are correct and complete, and based upon such
9 information and belief I certify that I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California
11 that the foregoing is true and correct.

12 Executed under penalty of perjury on August 3rd, 2010, at San Diego,
13 California

14
15 ca---.
BLANCA PELOWITZ

1 JOHN J. SANSONE, County Counsel
2 Answering Defendant of San Diego
3 By JAMES M. CHAPIN, Senior Deputy (SBN 118530)
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23 RESPONDING PARTY: DEFENDANT WILLIAM GORE

24 SET NUMBER: ONE

25 SPECIAL INTERROGATORY NO. 3:

26 Please describe ANY criterion by which YOU determine whether an
27 APPLICANT has GOOD CAUSE.

28 RESPONSE TO SPECIAL INTERROGATORY NO. 3:

Objection. The interrogatory is vague and ambiguous and overbroad. The general criteria are set forth in the policies (Plaintiff's Discovery Exhibit C) and are based on individual factors specific to each application.

1 SPECIAL INTERROGATORY NO. 4:

2 Please state whether YOUR POLICY for issuing CCW allows for YOU to deny
3 an APPLICANT a CCW for lack of GOOD CAUSE alone where the APPLICANT
4 provides self-defense as his OR her GOOD CAUSE.

5 RESPONSE TO SPECIAL INTERROGATORY NO. 4:

6 Objection. The interrogatory is vague and ambiguous. Without waiving the
7 objection, for certain types of applications, the policy allows denial where no specifics
8 are stated and no documentation is provided.

9 SPECIAL INTERROGATORY NO. 5:

10 Please describe ANY reason for which YOU would deny a CCW to a San Diego
11 County resident-APPLICANT with good "moral character" who provides self-defense
12 as that APPLICANT' s GOOD CAUSE.

13 RESPONSE TO SPECIAL INTERROGATORY NO. 5:

14 Objection. The interrogatory is vague and ambiguous. Without waiving the
15 objection, for certain types of applications, the policy allows denial where no specifics
16 are stated and no documentation is provided.

17 SPECIAL INTERROGATORY NO. 6:

18 Please state ANY reason why YOU deemed PLAINTIFF to lack GOOD CAUSE.

19 RESPONSE TO SPECIAL INTERROGATORY NO. 6:

20 Plaintiff failed to provide documentation supporting his claims. Plaintiff has his
21 entire file and the denial letter states the reason.

22 SPECIAL INTERROGATORY NO. 13:

23 Please IDENTIFY ANY person to whom YOU have issued a CCW who did not
24 provide "documentation e.g., restraining orders, law enforcement referrals, documented
25 victim case incidents or threats . . ." of "circumstances which [made them] a specific
26 target in contrast to a random one."

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1 RESPONSE TO SPECIAL INTERROGATORY NO. 13:

2 Objection. The interrogatory is vague and ambiguous, overbroad and unduly
3 burdensome. There are several types of applications, some of which do not require the
4 listed documentation for issuance.

5 SPECIAL INTERROGATORY NO. 14:

6 Please state ANY reason under YOUR POLICY that would allow for YOU to
7 deny a CCW for lack of GOOD CAUSE to a San Diego County resident-APPLICANT
8 who carries large sums of cash OR valuables.

9 RESPONSE TO SPECIAL INTERROGATORY NO. 14:

10 Objection. The interrogatory is vague and ambiguous and overbroad. There are
11 many possible reasons; without having a specific application and appropriate
12 documentation, it is impossible to respond.

13 SPECIAL INTERROGATORY NO. 15:

14 Please IDENTIFY ANY person to whom YOU have issued, OR for whom YOU
15 have renewed, a CCW between January 1, 2006 to the present who has contributed to
16 YOUR political campaign(s) from January 1, 2006 to the present.

17 RESPONSE TO SPECIAL INTERROGATORY NO. 15:

18 Objection. The interrogatory is vague and ambiguous and overbroad. Without
19 waiving the objections, the term YOUR includes in its definition all sheriffs
20 employees, more than one of whom have campaigned for public office. The department
21 keeps no records of campaign contributions and there is no connection between
22 campaign contributions and the CCW permit application.

23 SPECIAL INTERROGATORY NO. 16:

24 Please describe the GOOD CAUSE of ANY person to whom YOU have issued,
25 OR for whom YOU have renewed, a CCW between January 1, 2006 AND the present
26 who has contributed to YOUR political campaign(s).

27 ///

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1 RESPONSE TO INTERROGATORY NO. 16:

2 Objection. The interrogatory is vague and ambiguous and overbroad. Without
3 waiving the objections, the term YOUR includes in its definition all sheriff's
4 employees, more than one of whom have campaigned for public office. The department
5 keeps no records of campaign contributions and there is no connection between
6 campaign contributions and the CCW permit application.

7 SPECIAL INTERROGATORY NO. 22:

8 Do YOU contend that an APPLICANT who collects rental payments must collect
9 those payments in cash AND in person in order to have GOOD CAUSE based on rent-
10 collecting activities?

11 RESPONSE TO SPECIAL INTERROGATORY NO. 22:

12 Objection. The interrogatory is vague and ambiguous and overbroad. Without
13 waiving the objections: not necessarily, there are many other factors that could be
14 involved in such an application.

15 SPECIAL INTERROGATORY NO. 23:

16 How do YOU verify that persons to whom YOU issued a CCW because they
17 collect rental payments are collecting those payments in cash?

18 RESPONSE TO SPECIAL INTERROGATORY NO. 23:

19 Objection. The interrogatory is vague and ambiguous and overbroad. Without
20 waiving the objections: documentation may be presented by the applicant; contact
21 information may be provided; there are many possible verification methods; and the
22 application is always signed under penalty of perjury.

23 SPECIAL INTERROGATORY NO. 24:

24 Please state whether YOUR POLICY for renewing a CCW requires that a person
25 requesting a renewal provide documentation of the person's GOOD CAUSE for each
26 time the person seeks renewal of a CCW.

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RESPONSE TO SPECIAL INTERROGATORY NO. 24:

The Sheriff does not always require documentation of an applicant's good cause for each time the person seeks renewal of a CCW. The Sheriff requires that the applicant either affirm that the facts previously affirmed by the applicant in his prior CCW application are still correct, or affirm new facts supporting good cause and provide supporting documentation.

DATED: August 25, 2010

JOHN J. SANSONE, County Counsel

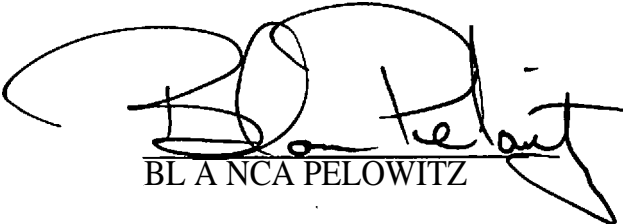
AMES M. CHAPIN, Senior Deputy
Attorneys for Defendants County of San Diego
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2 I, BLANCA PELOWITZ, declare under penalty of perjury that I am the
3 Licensing Manager for the License Division of the San Diego County Sheriff's
4 Department, that I am authorized to and do execute this Verification for and on
5 behalf of Sheriff William D. Gore. I have read the foregoing **WILLIAM D.**
6 **GORE'S RESPONSE TO SPECIAL INTERROGATORIES (SET ONE)** and
7 know the contents thereof and am informed and believe that the responses given
8 are correct and complete, and based upon such information and belief I certify that
9 I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California
11 that the foregoing is true and correct.

12 Executed under penalty of perjury on August .25., 2010, at San Diego,
13 California

14 
15 BLANCA PELOWITZ

Declaration of Service

I, the undersigned, declare:

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On August 25, 2010, I served the following documents: **WILLIAM D. GORE'S RESPONSE TO SPECIAL INTERROGATORIES** in the following manner:

1X1 By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.

By electronic filing, I served each of the above referenced documents by E filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

Paul H. Neuharth, Jr., Esq.
Law Offices of Paul H Neuharth
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San Diego, CA 92101
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F: (619) 231-8759
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C. D. Michael, Esq.
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F: (562) 216-4445
[E-mail: cmichael@michaellawyers.com](mailto:cmichael@michaellawyers.com)
(co-counsel for Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.
Executed on August 25, 2010, at San Diego, California.

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By: _____
Rosanna Lonero