

1 C.D. Michel – SBN 144257
Clint B. Monfort – SBN 255609
2 Sean A. Brady – SBN 262007
cmichel@michellawyers.com
3 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
4 Long Beach, CA 90802
Telephone: (562) 216-4444
5 Facsimile: (562) 216-4445
Attorneys for Plaintiffs / Petitioners

6
7 Paul Neuharth, Jr. – SBN 147073
pneuharth@sbcglobal.net
PAUL NEUHARTH, JR., APC
8 1140 Union Street, Suite 102
San Diego, CA 92101
9 Telephone: (619) 231-0401
Facsimile: (619) 231-8759
10 Attorney for Plaintiffs / Petitioners

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 EDWARD PERUTA, MICHELLE
15 LAXSON, JAMES DODD, DR.
LESLIE BUNCHER, MARK
16 CLEARY, and CALIFORNIA RIFLE
AND PISTOL ASSOCIATION
17 FOUNDATION

18 Plaintiff,

19 v.

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

22 Defendants.
23

CASE NO. 09-CV-2371 IEG (BGS)

**PLAINTIFFS’ EX PARTE
APPLICATION TO FILE
DOCUMENTS IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
PARTIAL SUMMARY JUDGMENT
UNDER SEAL**

Hon. Irma E. Gonzalez

Date Action Filed: October 23, 2009

24 Plaintiffs Edward Peruta, Michelle Laxson, James Dodd, Dr. Leslie Buncher,
25 Mark Cleary, and California Rifle and Pistol Association Foundation (collectively
26 “Plaintiffs”) hereby apply to the Court and respectfully request, pursuant to Local
27 Civil Rule 79.2.c, that this Court issue an Order allowing Plaintiffs to file the
28 following documents under seal as attachments in support of their Motion for

1 Partial Summary Judgment as provided for and allowed in the Court’s Protective
2 Order dated July 14, 2010: Exhibits “F,” “K” through “L,” “O” through “S,” “U”
3 through “PP,” and “VV.”

4 The documents that the Plaintiffs seek to file under seal were received by
5 Plaintiffs’ counsel on Monday, August 30, 2010. Plaintiffs’ counsel was unable to
6 meet and confer with Defendants’ counsel regarding whether the documents are
7 “Confidential” or “Confidential – Attorney’s Eyes Only” and thus subject to the
8 Protective Order because Defendants’ counsel is on vacation.

9 However, Defendants’ counsel was aware of Plaintiffs’ pending Motion for
10 Partial Summary Judgment (filed with this Court on September 3, 2010), as he
11 stipulated to the proposed briefing schedule (*see* Joint Motion of the Parties to
12 Adopt Briefing Schedule, also filed with this court on September 3, 2010), and
13 therefore knew or should have known that these documents would be used as
14 exhibits and potentially be subject to disclosure. Despite this, Defendants’ counsel
15 marked the disc containing the documents at issue with the word “Confidential,”
16 but failed to include a Legend with any of the documents as required by Paragraphs
17 I.5 and III of this Court’s Protective Order. As such, Plaintiffs’ counsel were not
18 provided with clear information regarding whether or not Defendants’ counsel
19 intended these documents to be “Confidential,” “Confidential – Attorney’s Eyes
20 Only,” or neither.

21 ///

22 ///

23 //

24

25

26

27

28

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD PERUTA,
MICHELLE LAXSON, JAMES
DODD, DR. LESLIE
BUNCHER, MARK CLEARY,
and CALIFORNIA RIFLE AND
PISTOL ASSOCIATION
FOUNDATION

Plaintiff,

v.

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

Defendants.

CASE NO. 09-CV-2371 IEG (BGS)

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

PLAINTIFFS' EX PARTE APPLICATION TO FILE DOCUMENTS IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT UNDER SEAL

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

James M. Chapin
County of San Diego
Office of County Counsel
1600 Pacific Highway
Room 355
San Diego, CA 92101-2469
(619) 531-5244
Fax: (619-531-6005
james.chapin@sdcounty.ca.gov

Paul Neuharth, Jr. (State Bar #147073)
PAUL NEUHARTH, JR., APC
1440 Union Street, Suite 102
San Diego, CA 92101
Telephone: (619) 231-0401
Facsimile: (619) 231-8759
pneuharth@sbcglobal.net

I declare under penalty of perjury that the foregoing is true and correct.
Executed on September 3, 2010.

/s/ C.D. Michel
C. D. Michel
Attorney for Plaintiffs