

In responding to the newly filed amended complaint in Peruta v. Gore, Defendant Sheriff William Gore by way of the County Attorney has stated as follows:

**“Defendant Gore lacks sufficient information and belief to admit or deny the allegations contained in those paragraphs, and on that basis, denies each and every allegation contained therein.”**

**The following are the numbered paragraphs from the amended complaint that Sheriff Gore claims not to have sufficient information to answer!!**

6. Plaintiff Edward PERUTA is a natural person, a citizen of the United States and of the State of California, and a resident of San Diego County, California.

7. PERUTA maintains a residence in San Diego County. Plaintiff maintains a permanent mailing address in San Diego, California, and PERUTA and his wife keep a room in San Diego in which they keep a wardrobe and other personal items.

8. PERUTA and his wife reside in San Diego in a motor home for extended periods of time. PERUTA reserved space at Campland on the Bay, in San Diego, California, from November 15, 2008 through April 15, 2009. PERUTA has also previously reserved space at the same place for months at a time.

9. PERUTA is the founder and sole stockholder of **American News and Information Services, Inc.**, a news and information company that operates throughout the United States, and which gathers and provides raw, breaking news video, photographs, and news tips to various mainstream media outlets.

10. As part of PERUTA's media duties and employment, he often enters high crime areas. This puts him at risk of criminal assault and in need of a firearm to defend himself. In pursuing his occupation, PERUTA and his wife travel extensively throughout the United States in their motor home, carrying large sums of cash, valuables and equipment, making them a target for violent crimes.

11. As part of PERUTA's travels, he and his wife often find it necessary to stay in remote rural areas of the United States, including California, where law enforcement personnel are frequently unavailable.

14. PERUT A is eligible to possess firearms.

19. Re-submission of an application would be futile.

20. Plaintiff **Michelle LAXSON** is a 26-year-old natural person, a citizen of the United States and of the State of California, and a resident of San Diego County, California.

21. Plaintiff LAXSON owns her own hairdressing business.

22. LAXSON wishes to have a CCW for self-defense because her work requires her to travel alone and to carry large amounts of cash, sometimes at night, and often through neighborhoods known to have a heightened level of crime.

23. LAXSON applied for a CCW on or about January 25, 2010, but was told that same day that a CCW license would not be issued for failure to establish "good cause" as determined and required by Defendants.

24. LAXSON is legally qualified to possess a firearm and, other than the supposed inadequacy of her "good cause," can satisfy the legal requirements for issuance of a CCW.

25. LAXSON is involved in the community through various charities to which she devotes time or money, including Mama's Kitchen, the YMCA, Child Help, Friends of Scott, Locks of Love, the Zoological Society, and various local school events and fundraisers. She is an active member in her local church.

26. But for her lack of a CCW, LAXSON would carry a concealed, loaded firearm in public for self-defense.

27. Plaintiff **James DODD** is a 67-year-old natural person, a citizen of the United States and of the State of California, and a resident of San Diego County, California.

28. Plaintiff DODD is a retired Navy Officer. He served in the Navy for years, and served two combat tours of duty in the Vietnam War.

29. Apart from his military career, Plaintiff DODD has received extensive firearms training from shooting schools such as Gunsite and Front Sight.

30. Plaintiff DODD also took a CCW class in San Diego on or about July 26, 2000, in anticipation of applying for a CCW from Defendant San Diego County.

32. But for the Defendants instructing him that he did not qualify for and would not be issued a CCW license, Plaintiff DODD would have formally applied for a CCW license.

33. Plaintiff **Doctor Leslie BUNCHE**R is a 71 year old natural person, a citizen of the United States and of the State of California, and a resident of San Diego County, California.

34. Plaintiff Dr. BUNCHER is retired after working as a medical physician for approximately thirty (30) years. Part of Dr. BUNCHER's medical practice involved him performing abortions.

35. Because of the socially controversial nature of Dr. BUNCHER's practice, he was the target of various threats to his well-being. Dr. BUNCHER has had anti-abortion protestors enter his office, and has received threatening electronic mails and letters calling him a murderer and telling him to repent.

39. Dr. BUNCHER served in the military as a Military Police officer and taught shooting courses at the Military Police Academy.

40. Dr. BUNCHER presently volunteers as a reserve officer for the Humane Society and a reserve officer for the Chula Vista Police Force, Mounted Division. As a reserve officer he is permitted access to areas deemed fire-dangers and closed to the public.

41. Dr. BUNCHER wishes to have a CCW to defend himself and his wife from violent crime in general, and specifically from individuals who have threatened him in the past because he performed pregnancy terminations.

42. But for his lack of a CCW, Dr. BUNCHER would carry a concealed, loaded firearm in public for self-defense on occasions he deemed appropriate.

43. Plaintiff **Mark CLEARY** is a 58-year-old natural person, a citizen of the United States and of the State of California, and a resident of San Diego County, California.

44. Plaintiff CLEARY is a registered nurse at a hospital in San Diego County. As part of his employment, Plaintiff CLEARY must tend to patients who are deemed legally insane pursuant to the California Welfare and Institutions Code, and who are often dangerous to themselves and others.

45. Plaintiff CLEARY has worked with mentally ill patients since 1994. He worked between 1999 and 2008 throughout Southern California, including San Diego County, conducting mental health evaluations of patients pursuant to California Welfare and Institutions Code section 5150. During his career, Plaintiff CLEARY was subjected to several death threats from patients. He has filed six police reports to Defendants documenting some of these threats.

46. Plaintiff CLEARY continues to work with mentally ill patients in a lock-down facility where he has worked since 2007.

47. Plaintiff CLEARY wishes to have a CCW for self-defense against his past and present patients, and the ones he will surely tend to in the future, who suffer from mental illness and many of whom have a history of being dangerous

to others.

51. Plaintiff CLEARY ceased being a member of the Honorary Deputy Sheriff's Association in December of 2009 after he stopped paying his membership dues.

52. In January 2010, Plaintiff CLEARY spoke with Jerry Quinlin of Defendant GORE's office, who requested additional documentation from Plaintiff CLEARY, including a letter from CLEARY's supervisor. When Plaintiff CLEARY explained that he feared losing his job by making such a request of his supervisor and that Defendants already had a letter from the same employer for his previous application, Mr. Quinlin told Plaintiff CLEARY that he could withdraw his CCW application.

53. Plaintiff CLEARY refused to withdraw his CCW application and reminded Defendants of the police reports he had filed involving threats from his past patients and that he still worked at the same hospital from which he already submitted a letter illustrating the type of patients he tends to. Plaintiff CLEARY presented his current hospital identification as evidence of his employment there, and offered to present paycheck stubs.

55. But for his lack of a CCW, Plaintiff CLEARY would carry a concealed, loaded firearm in public for self-defense on appropriate occasions.

56. Plaintiff **CALIFORNIA RIFLE AND PISTOL ASSOCIATION FOUNDATION** ("CRP A FOUNDATION") is a non-profit entity classified under section 501(c)(3) of the Internal Revenue Code and incorporated under California 14 law, with headquarters in Fullerton, California.

57. Contributions to the CRPA FOUNDATION are used for the direct benefit of Californians. Funds contributed to and granted by the Foundation benefit a wide variety of constituencies throughout California, including gun collectors, hunters, target shooters, law enforcement, and those who choose to own a firearm to defend themselves and their families. The CRPA FOUNDATION seeks to: raise awareness about unconstitutional laws, defend and expand the legal recognition of the rights protected by the Second Amendment, promote firearms and hunting safety, protect hunting rights, enhance marksmanship skills of those participating in shooting sports, and educate the general public about firearms. The CRPA FOUNDATION supports law enforcement and various charitable, educational, scientific, and other firearms-related public interest activities that support and defend the Second Amendment rights of all law-abiding Americans.

58. In this suit, the CRPA FOUNDATION represents the interests of its many citizen and taxpayer members and members of its related association the California Rifle and Pistol Association who reside in San Diego

and who wish to obtain CCWs, but who have been denied CCWs for supposed lack of residence, or supposed lack of "good cause," or who have been told by the Sheriff's Office not to bother applying for a CCW because of the aforesaid reasons. These members are too numerous to conveniently bring this action individually. The CRPA FOUNDATION and the individuals whose interests are represented by the CRPA FOUNDATION are and will be affected by Defendants' failure to issue CCW licenses according to law.

68. Because Issuing Authorities have discretion to determine whether an applicant is of good moral character, and whether an applicant has "good cause" for a CCW, there is little consistency among jurisdictions in establishing the criteria for issuing CCWs. That lack of consistency leads to disparate treatment of similarly situated applicants by a particular Issuing Authority, or by the various Issuing Authorities from jurisdiction to jurisdiction.

75. Almost all states effectively recognize the Second Amendment right to carry a handgun for self-defense by either not regulating the carrying of handguns by law-abiding citizens (*i.e.*, they do not require a license to carry a firearm in public), or by regulating only to the extent that individuals who pass a background check and complete a gun-safety program are, as a matter of course, issued a license to carry a handgun in public.

76. In some of those states, a person needs a license to legally carry a handgun only if the person carries the handgun concealed.

89. But for the lack of a CCW, Plaintiffs would carry concealed weapons for self defense.

96. Plaintiff PERUTA is a resident of San Diego County by virtue of the fact that he maintains a permanent mailing address in San Diego, keeps personal belongings there, and resides in San Diego County for extended periods of time.

101. A state may not impose a penalty upon those who exercise a right guaranteed by the Constitution.

108. Article IV, section 2 of the United States Constitution provides: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." This clause bars discrimination against citizens of other States where no substantial reason for the discrimination exists beyond the mere fact that they are citizens of other states.

138. Plaintiffs desire a Decree from this Court directing Defendants to consider self-defense to be "good cause" for an otherwise qualified applicant to be issued a CCW.

**141. Plaintiffs desire a Decree from this Court directing Defendants to adopt a constitutional application process for issuing CCW licenses.**

143. There is an actual and present controversy between the parties in that Plaintiffs contend that Defendants' are illegally and unconstitutionally interpreting, administering, and applying the California CCW licensing statutes arbitrarily, capriciously, and holding applicants to unconstitutional and illegal standards. Defendants deny and dispute this contention. **Plaintiffs desire a judicial declaration of their rights and Defendants' duties in this matter.**

144. There is an actual and present controversy between the parties hereto in that Plaintiffs contend that Defendants' policies as to "good cause" are an abuse of discretion and are unauthorized by law, and contrary to the Second Amendment. Defendants deny and dispute this contention. **Plaintiffs desire a judicial declaration of their rights and Defendants' duties, and that Defendants' policies are contrary to law.**

145. There is an actual and present controversy between the parties hereto in that Plaintiffs contend Defendants' practice is to deny CCW licensure unless an applicant is a personal friend of the sheriff or of someone with influence over the sheriff, a contributor of money to the Sheriff or his campaigns or to others who have influence over the Sheriff; is wealthy or otherwise politically influential, or is a public official. Defendants deny and dispute this contention. **Plaintiffs desire a judicial declaration of their rights and Defendants' duties, and that Defendants' policies are contrary to law.**

146. There is an actual and present controversy between the parties hereto in that Plaintiffs contend that Defendants' policies as to residency requirements are unauthorized by law and contrary to the Second Amendment, the Equal Protection Clause, the right to travel guaranteed by the Fourteenth Amendment, and the Privileges and Immunities Clause of Article IV, Section 2 of the U.S. Constitution. Defendants deny and dispute this contention. **Plaintiffs desire a judicial declaration of their rights and Defendants' duties, to wit that Defendants' policies are contrary to law.**

147. There is an actual and present controversy between the parties hereto in that Plaintiffs contend that Defendants' "good cause" and residency policies are unauthorized by and violate California Penal Code section 12050. Defendants deny and dispute this contention. **Plaintiffs desire a judicial declaration of their rights and Defendants' duties.**