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11
12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**
14

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

21 Plaintiffs,

22 v.

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

27 Defendants.
28

CASE NO: 09-CV-2371 IEG (BGS)
DECLARATION OF SEAN BRADY
IN SUPPORT OF 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

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DECLARATION OF SEAN BRADY

I, Sean Brady, am competent to state, and testify to the following based on my personal knowledge:

1. I am counsel for the Plaintiffs in the above-captioned matter.

2. The documents that Plaintiffs seek to file as Exhibits “F,” “K” through “L,” “O” through “S,” “U” through “PP,” and “VV” under seal in support of Plaintiffs’ Motion for Partial Summary Judgment were received by my office on Monday, August 30, 2010.

3. I attempted to contact Defendants’ counsel in order to determine whether the documents are “Confidential” or “Confidential – Attorney’s Eyes Only” and thus subject to the Protective Order. However, due to the fact that Defendants’ counsel is on vacation, I was unable to meet and confer with him to address this matter.

4. Defendants’ counsel was aware of Plaintiffs’ pending Motion for Partial Summary Judgment (filed with this Court on September 3, 2010), as he stipulated to the proposed briefing schedule in the Joint Motion of the Parties to Adopt Briefing Schedule (also filed with this court on September 3, 2010), and therefore knew or should have known that these documents would be used as exhibits and potentially be subject to disclosure.

5. Defendants’ counsel marked the disc containing the documents at issue with the word “Confidential,” but failed to include a Legend with any of the documents as required by Paragraph I.5 and Paragraph III of this Court’s Protective Order.

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6. Because it is unclear whether Defendants' counsel intended these documents to be designated as "Confidential," "Confidential – Attorney's Eyes Only," or neither, I am compelled to file them under seal in good faith.

I declare under penalty of perjury, under the laws of the state of California, that the foregoing is true and correct.

Executed in the United States on September 3, 2010.



Sean A. Brady
Attorney for Plaintiffs

1 **IN THE UNITED STATES DISTRICT COURT**
2 **SOUTHERN DISTRICT OF CALIFORNIA**

3 EDWARD PERUTA,
4 MICHELLE LAXSON, JAMES
5 DODD, DR. LESLIE
6 BUNCHER, MARK CLEARY,
7 and CALIFORNIA RIFLE
8 AND PISTOL ASSOCIATION
9 FOUNDATION

10 Plaintiff,

11 v.

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

16 Defendants.

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

CERTIFICATE OF SERVICE

17 IT IS HEREBY CERTIFIED THAT:

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

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

22 **DECLARATION OF SEAN BRADY IN SUPPORT OF PLAINTIFFS' EX**
23 **PARTE APPLICATION TO FILE DOCUMENTS IN SUPPORT OF**
24 **PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT UNDER**
25 **SEAL**

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

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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