

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

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

14 EDWARD PERUTA, MICHELLE	}	CASE NO: 09-CV-2371 IEG (BGS)		
14 LAXSON, JAMES DODD, DR.				
15 LESLIE BUNCHER, MARK			NOTICE OF MOTION AND MOTION	
15 CLEARY, and CALIFORNIA RIFLE				FOR PARTIAL SUMMARY
16 AND PISTOL ASSOCIATION				
16 FOUNDATION	(ORAL ARGUMENT REQUESTED)			
17 Plaintiffs,				
18 v.	Date: November 1, 2010			
19 COUNTY OF SAN DIEGO,	Time: 10:30 a.m.			
20 WILLIAM D. GORE,	Location: Courtroom 1			
20 INDIVIDUALLY AND IN HIS	Judge: Hon. Irma E. Gonzalez			
21 CAPACITY AS SHERIFF,	Date Action Filed: October 23, 2009			
22 Defendants.				

23 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

24 PLEASE TAKE NOTICE THAT on November 1, 2010 at 10:30 a.m., or as
25 soon thereafter as counsel can be heard, in the above-listed Court, Plaintiffs
26 Edward Peruta, Michelle Laxson, James Dodd, Dr. Leslie Buncher, Mark Cleary,
27 and California Rifle and Pistol Association Foundation (collectively “Plaintiffs”)
28 will, and by simultaneous submission herewith of this motion hereby do, move this

1 Court for an Order granting Plaintiffs' Motion for Partial Summary Judgment
2 against Defendants pursuant to Federal Rule of Civil Procedure 56, on the grounds
3 that Defendants' policies and procedures challenged in this litigation violate the
4 Second and Fourteenth Amendments of the United States Constitution and
5 unlawfully infringe upon Plaintiffs' rights thereunder.

6 As Plaintiffs' case presents no genuine issue as to any material fact, with
7 regard to these claims for which Plaintiffs seek relief, summary judgment is
8 warranted as a matter of law.

9 This Motion is based on this Notice of Motion and Motion, the
10 accompanying Memorandum of Points and Authorities and Exhibits in support
11 thereof, the Declarations of Edward Peruta, Michelle Laxson, Mark Cleary, and
12 California Rifle and Pistol Association Foundation President Silvio Montanarella,
13 the pleadings and papers on file herein, the record to date in this matter, and upon
14 such other matters as may be presented to the Court at the time of the hearing.

15 Dated: September 3, 2010

MICHEL & ASSOCIATES, PC

17 /s/C.D. Michel
18 C. D. MICHEL
Attorney for Plaintiffs

20 Dated: September 3, 2010

PAUL NEUHARTH, JR., APC

22 /s/ Paul Neuharth, Jr. (as approved on 9/3/10)
23 Paul Neuharth, Jr.
Attorney for Plaintiff Edward Peruta

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