

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

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

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

18 Plaintiffs,  
19

20 v.

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

23 Defendants.  
24  
25  
26  
27  
28

**CASE NO: 09-CV-2371 IEG (BGS)**  
**DECLARATION OF SILVIO**  
**MONTANARELLA ON BEHALF OF**  
**CALIFORNIA RIFLE AND PISTOL**  
**ASSOCIATION FOUNDATION IN**  
**SUPPORT OF PLAINTIFFS’**  
**MOTION FOR PARTIAL SUMMARY**  
**JUDGMENT**

Date: November 1, 2010  
Time: 10:30 a.m.  
Location: Courtroom 1  
Judge: Hon. Irma E. Gonzalez  
Date Action Filed: October 23, 2009

1                   **DECLARATION OF SILVIO MONTANARELLA ON BEHALF OF**  
2                   **CALIFORNIA RIFLE AND PISTOL ASSOCIATION FOUNDATION**

3 I, Silvio Montanarella, declare as follows:

4           1. I am the President of the California Rifle & Pistol Association Foundation  
5 (“CRPA Foundation”).

6           2. CRPA Foundation is a nonprofit entity classified under section 501(c)(3)  
7 of the Internal Revenue Code and incorporated under California law, with  
8 headquarters in Fullerton, California.

9           3. CRPA Foundation seeks to: raise awareness about unconstitutional laws,  
10 defend and expand the legal recognition of the rights protected by the Second  
11 Amendment via litigation and other means, promote firearms and hunting safety,  
12 protect hunting rights, enhance marksmanship skills of those participating in  
13 shooting sports, and educate the general public about firearms.

14           4. The CRPA Foundation expends its resources in assisting its supporters in  
15 trying to shape or overturn laws, policies, and practices that it considers an  
16 infringement on the right to keep and bear arms, including those relating to the  
17 issuance (or non-issuance) of permits to carry concealed handguns.

18           5. The San Diego County Sheriff’s Department’s policies and practices for  
19 issuing permits to carry concealed handguns are of great interest to the supporters  
20 of the CRPA Foundation and the members of its related association, the California  
21 Rifle & Pistol Association (“CRPA”), as they see those policies and practices as an  
22 infringement on rights protected under the Second Amendment.

23           6. The San Diego County Sheriff’s Department’s policies and practices for  
24 issuing permits to carry concealed handguns bar some CRPA Foundation  
25 supporters, including Plaintiffs, from obtaining a permit.

26 ///

27 ///

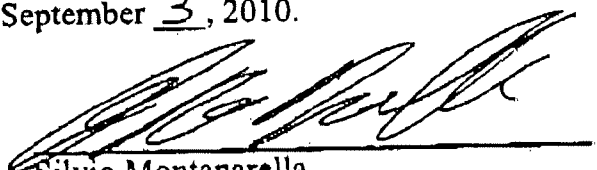
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7. In this suit, the CRPA Foundation represents the interests of its many citizen and taxpayer supporters and members of the CRPA who reside in San Diego and who wish to obtain a permit to carry concealed handgun, but who have been denied such a permit for supposed lack of "good cause," or who have refrained from doing so because they do not meet the San Diego County Sheriff's Department's "good cause" requirements. These individuals are too numerous to conveniently bring this action individually.

8. The CRPA Foundation and the individuals whose interests are represented by the CRPA Foundation are and will continue to be harmed by the San Diego County Sheriff's Department's failure to issue CCW licenses in accordance with constitutional mandates.

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



Silvio Montanarella  
President, CRPA Foundation

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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:

**DECLARATION OF SILVIO MONTANARELLA ON BEHALF OF  
CALIFORNIA RIFLE AND PISTOL ASSOCIATION FOUNDATION  
IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

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  
1140 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