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9 ATTORNEYS FOR AMICI CURIAE  
INDEPENDENCE INSTITUTE,  
10 CENTER FOR CONSTITUTIONAL JURISPRUDENCE,  
DOCTORS FOR RESPONSIBLE GUN OWNERSHIP,  
11 AND LAW ENFORCEMENT ALLIANCE OF AMERICA

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 SOUTHERN DISTRICT OF CALIFORNIA

15 EDWARD PERUTA, MICHELLE LAXSON, ) CASE NO: 09-CV-2371 IEG (BGS)  
16 JAMES DODD, DR. LESLIE BUNCHER, )  
MARK CLEARY, and CALIFORNIA RIFLE ) **APPLICATION FOR LEAVE TO FILE**  
17 AND PISTOL ASSOCIATION ) **AMICUS BRIEF IN SUPPORT OF**  
FOUNDATION ) **PLAINTIFFS' MOTION FOR**  
18 ) **SUMMARY JUDGMENT**  
Plaintiffs, )  
19 v. ) Date: November 15, 2010  
Time: 10:30 a.m.  
20 COUNTY OF SAN DIEGO, WILLIAM D. ) Location: Courtroom 1  
GORE, INDIVIDUALLY AND IN HIS ) Judge: Hon. Irma E. Gonzalez  
21 CAPACITY AS SHERIFF, ) Date Action Filed: October 23, 2009  
22 Defendants. )  
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1 Through the undersigned counsel, the Independence Institute, the Center for Constitutional  
2 Jurisprudence, Doctors for Responsible Gun Ownership, and the Law Enforcement Alliance of  
3 America apply to this Court for leave to file a brief *amicus curiae* in this case. The brief is  
4 attached to this motion.

5 The brief complies will rules of this Court, including page limit. Plaintiffs have consented  
6 to the filing of this brief. As of the time of filing this application we had been unable to reach  
7 counsel for the County to request consent to file this brief. So defendants have not consented to  
8 the filing of this brief.

9 The Independence Institute is one of the oldest of our nation's state level think tanks. The  
10 Institute has filed many *amicus curiae* briefs in federal and state cases. The Institute's briefs were  
11 cited in the U.S. Supreme Court opinions in *District of Columbia v. Heller* and *McDonald v.*  
12 *Chicago* (under the name of lead amicus the International Law Enforcement Educators & Trainers  
13 Association, ILEETA).

14 The Institute's scholarship has been cited by the Ninth Circuit and by California state  
15 courts. *Silveira v. Lockyer*, 328 F.3d 567, 585 n. 92 (9th Cir. 2003) (Kleinfeld, J., dissenting from  
16 denial of petition for rehearing en banc); *Kasler v. Lockyer*, 23 Cal.4th 472, 510, 97 Cal.Rptr.2d  
17 334, 360 (Cal. 2000) (Brown, J., concurring); *Kasler v. Lungren*, 72 Cal.Rptr.2d 260, 265 (Cal.  
18 App. 1998).

19 The Center for Constitutional Jurisprudence, headed by Professor John Eastman, has also  
20 participated as *amicus curiae* briefs in many federal and state cases.

21 The instant brief seeks to provide this Court with a broader perspective on the relevant  
22 constitutional issues. In particular, while the parties have squabbled over standard of review, the  
23 *amicus* brief explains how the case can be easily resolved without need to pick a standard of  
24 review.

25 Further, the brief explains how defendants have misunderstood and misapplied the  
26 "reasonableness" standard which they seek to have applied.

27 The brief also carefully analyzes the implications from *Heller* of the state law cases which  
28 the *Heller* Court described as providing the correct interpretation of the right to bear arms, and the

1 implications from *McDonald* of the Court's examination of the anti-constitutional abuses in the  
2 South which the Fourteenth Amendment was intended to remedy.

3           The Law Enforcement Alliance of America is a civic organization consisting law  
4 enforcement officers, crime victims, and concerned citizens. Doctors for Responsible Gun  
5 Ownership (which like the Center for Constitutional Justice is a project of the Claremont Institute,  
6 a think tank in the neighboring Central District) is a nationwide network of physicians, allied  
7 health professionals, and others who support the safe and lawful use of firearms.

8           The Law Enforcement Alliance of America and Doctors for Responsible Gun Ownership  
9 seek to briefly provide this Court, via their brief, with concise information refuting the  
10 fear-mongering and misleading information which has been presented about the supposed dangers  
11 of lawful firearms carrying by citizens who have been granted permits after passing thorough  
12 background checks and safety training.

13           In conclusion, the aforesaid *amici* respectfully request this Court with leave to file their  
14 brief *amici curiae*.

15 Respectfully submitted,

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17           /s/ John C. Eastman  
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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD PERUTA, MICHELLE LAXSON,	)	CASE NO: 09-CV-2371 IEG (BGS)
JAMES DODD, DR. LESLIE BUNCHER,	)	
MARK CLEARY, and CALIFORNIA RIFLE	)	<b>CERTIFICATE OF SERVICE</b>
AND PISTOL ASSOCIATION	)	
FOUNDATION	)	
Plaintiffs,	)	
v.	)	
COUNTY OF SAN DIEGO, WILLIAM D.	)	
GORE, INDIVIDUALLY AND IN HIS	)	
CAPACITY AS SHERIFF,	)	
Defendants.	)	
_____	)	

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 One University Drive, Orange, California, 92866.

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

**MOTION FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF  
PLAINTIFFS' MOTION FOR 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.

**SEE SERVICE LIST ATTACHED**

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 18, 2010.

\_\_\_\_\_  
/s/ John C. Eastman  
John C. Eastman, Declarant

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