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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
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13 ADAM RICHARDS, BRETT STEWART,) Case No.:2:09-CV-01235-MCE-DAD (Temp)
14 SECOND AMENDMENT FOUNDATION,)
15 INC., and THE CALGUNS FOUNDATION,) **DEFENDANTS YOLO COUNTY AND ED**
INC.,) **PRIETO’S STATEMENT OF**
16) **UNDISPUTED FACTS IN SUPPORT OF**
Plaintiffs,) **DEFENDANTS’ COUNTER-MOTION**
17) **FOR SUMMARY JUDGMENT**
18 vs.)
19 ED PRIETO and COUNTY OF YOLO) **Date: March 10, 2011**
20) **Time: 2:00 p.m.**
Defendants.) **Courtroom: 7, 14th Floor**
21) **Judge: Morrison C. England, Jr.**
22)
23) Trial Date: None

24 Defendants respond to Plaintiffs’ Statement of Undisputed Facts as follows:

25 **UNDISPUTED FACT:**

25 **SUPPORTING EVIDENCE:**

26 1. The Yolo County Sheriff’s Department
27 publishes the criteria it applies for the issuance
28 of concealed weapons permits.

1. See accompanying Declaration of
Undersheriff Thomas Lopez (“Lopez Decl.”) at
¶ 4 at Exh. 1 thereto. See also Plaintiffs’ Exh.
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UNDISPUTED FACT:

SUPPORTING EVIDENCE:

2. Yolo County’s published criteria for issuance of concealed weapons permits specify that an applicant must show good cause for the issuance of a concealed weapons permit. Examples of good cause include: victims of violent crime and/or documented threats of violence; business owners who carry large sums of cash or valuable items; and business owners who work all hours in remote areas and are likely to encounter dangerous people and situations.

3. Yolo County’s published criteria for issuance of concealed weapons permits also contain a list of what does not constitute good cause to carry a concealed firearm which includes: “self protection and protection of family (without credible threats of violence.)”

4. The purpose for the Yolo County Sheriff’s concealed weapon permit policy is to protect against gun violence as well as to protect officers conducting law enforcement operations.

5. In March 2009, Plaintiff Richards contacted the Yolo County Sheriff’s office to inquire about the process for obtaining a permit to carry a handgun. He asserts that he was advised that his desire to carry a concealed weapon for self-defense without more would not constitute “good cause” for the issuance of the permit.

6. Richards acknowledges that he has received no threats of violence and is unaware of any specific threat to him or his family.

7. On March 23, 2010, Plaintiff Stewart applied to the Yolo County Sheriff for a permit to carry a concealed weapon. On April 27, 2010, Stewart was informed that his application was denied, because “the reasons listed in your application do not meet the criteria in our policy.”

2. *Id.*

3. *Id.*

4. Lopez Decl. at ¶¶6-12.

5. See Richards Declaration in support of Plaintiffs’ Motion for Summary Judgment (“Richards Decl.”) at ¶4.

6. Richards Decl. at ¶3, SAC ¶¶ 19, 22.

7. See Stewart Declaration in support of Plaintiffs’ Motion for Summary Judgment (“Stewart Decl.”) at ¶6.

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UNDISPUTED FACT:

SUPPORTING EVIDENCE:

8. Stewart acknowledges that he has received no threats of violence and is unaware of any specific threat to him or his family.

8. Stewart Decl. at ¶3; SAC ¶¶ 19, 22.

9. Plaintiff, the Second Amendment Foundation, Inc. (“SAF”) is a non-profit membership organization with the purpose of researching, publishing and legal action focusing on the Constitutional right to privately own and possess firearms.

9. Versnel Declaration in support of Plaintiffs’ Motion for Summary Judgment at ¶ 2.

10. The Calguns Foundation, Inc., is a non-profit organization whose purpose includes supporting the California firearms community by providing education for all stakeholders about firearm laws, rights and privileges, and securing the civil rights of California gun owners, who are among its members and supporters.

10. See Hoffman Declaration in support of Plaintiffs’ Motion for Summary Judgment at ¶2.

Dated: February 10, 2011

ANGELO, KILDAY & KILDUFF, LLP

/s/ Serena M. Sander

By: _____
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Attorneys for Defendants YOLO
COUNTY and SHERIFF ED PRIETO

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