

C.A. No. 10-56971

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

EDWARD PERUTA, et al.,

Plaintiffs/Appellants,

v.

COUNTY OF SAN DIEGO, et al.,

Defendants/Appellees.

On Appeal from the United States District Court
for the Southern District of California

Honorable Irma E. Gonzalez

**APPELLEE WILLIAM D. GORE'S BRIEF
IN SUPPORT OF REHEARING *EN BANC***

THOMAS E. MONTGOMERY, County Counsel
County of San Diego
JAMES M. CHAPIN, Senior Deputy (SBN 118530)
1600 Pacific Highway, Room 355
San Diego, California 92101-2469
Telephone: (619) 531-5244

Attorneys for Defendant/Appellee
William D. Gore

TOPICAL INDEX

TABLE OF AUTHORITIES	ii
I INTRODUCTION.....	1
II THE ATTORNEY GENERAL’S MOTION TO INTERVENE SHOULD BE GRANTED	1
CERTIFICATE OF COMPLIANCE.....	2

TABLE OF AUTHORITIES

Page

None.

I

INTRODUCTION

A split panel reversed the District Court deciding that the San Diego County Sheriff's implementation of the California statutory concealed carry licensing program violates the Second Amendment. The panel determined that the Sheriff's interpretation of the statutory "good cause" requirement in Penal Code sections 26150 and 26155 impermissibly burdens the right to bear arms after the enactment of California's recent legislation (primarily Penal Code sections 25850 and 26350) which regulates the carry of firearms in incorporated cities. Motions to Intervene are before the Court and the panel's decision is awaiting possible *en banc* review.

II

**THE ATTORNEY GENERAL'S MOTION
TO INTERVENE SHOULD BE GRANTED**

The Attorney General should be granted permission to intervene. The Sheriff defers to the Attorney General to defend the constitutional validity of the statutes at issue. The Sheriff's sole interest is to ensure the statutes are implemented in a constitutionally lawful manner. As such, the Attorney General is in the best position to defend the statutory scheme as the Sheriff has had no involvement in its development and does not take a position on the recent changes.

DATE: December 23, 2014 Respectfully submitted,

THOMAS E. MONTGOMERY, County Counsel

By: /s/JAMES M. CHAPIN, Senior Deputy
Attorneys for Attorneys for Defendant/Appellee
William D. Gore
E-mail: james.chapin@sdcounty.ca.gov

CERTIFICATE OF COMPLIANCE

Case No. 10-56971

Pursuant to Ninth Circuit Rules, I certify that the attached Appellees' Brief is typed in Times New Roman, proportionally spaced 14-point typeface, and the brief contains 183 words of text as counted by the Microsoft Word 2010 word-processing program used to generate the brief.

DATE: December 23, 2014 THOMAS E. MONTGOMERY, County Counsel

By: /s/JAMES M. CHAPIN, Senior Deputy
Attorneys for Attorneys for Defendant/Appellee
William D. Gore
E-mail: james.chapin@sdcounty.ca.gov